

**OHIO**

**SENATE**

**JOURNAL**

**THURSDAY, MARCH 11, 2004**

ONE HUNDRED FIFTY-FIFTH DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, March 11, 2004, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Fedor was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Austria submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 146**-Senator Austria, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Stivers.

YES - 9: STEVE STIVERS, DAVID GOODMAN, LOUIS W. BLESSING, JIM JORDAN, STEPHEN C. AUSTRIA, MARC DANN, KIMBERLY A ZURZ, J. KIRK SCHURING, TERESA FEDOR.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

**OFFERING OF RESOLUTIONS**

Pursuant to Senate Rule No. 54, the following resolutions were offered:

**S. R. No. 1599**-Senator Harris.

Honoring Lindsey Brenkus as a 2004 Prudential Spirit of Community Award State Honoree.

**S. R. No. 1600**-Senator Hottinger.

Honoring Joseph and Janet Hageman on their Golden Wedding Anniversary.

**S. R. No. 1601**-Senator Hottinger.

Honoring Russ and Sarah Cline on their Golden Wedding Anniversary.

**S. R. No. 1602**-Senator Hottinger.

Honoring William and Ada Wagner on their Golden Wedding Anniversary.

**S. R. No. 1603**-Senator Hottinger.

Honoring Charles and Anne Sines on their Golden Wedding Anniversary.

**S. R. No. 1604**-Senator Harris.

Honoring George and Janet Daley on their Golden Wedding Anniversary.

**S. R. No. 1605**-Senator Harris.

Honoring Gene and Margaret Ross on their Golden Wedding Anniversary.

**S. R. No. 1606**-Senator Harris.

Honoring Carl and Zondra McDonald on their Golden Wedding Anniversary.

**S. R. No. 1607**-Senator Harris.

Honoring Gene and Margaret Ross on their Golden Wedding Anniversary.

The question being, "Shall the resolutions listed under the President ' s prerogative be adopted?"

So the resolutions were adopted.

#### **COMMUNICATIONS FROM THE GOVERNOR**

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, John O. Huston, Independent, from New Albany, Franklin County, Ohio, as a Member of the Ohio Venture Capital Authority for a new term beginning January 31,

2004 and ending at the close of business January 31, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 31st day of January in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Tiney M. McComb, Republican, from Gahanna, Franklin County, Ohio, as a Member of the Banking Commission for a term beginning February 13, 2004, and ending at the close of business January 31, 2007, replacing Calvin Gebhart whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of February in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Susan G. O'Brien, from Columbus, Franklin County, Ohio, as a Member of the Board of Speech Language Pathology and Audiology for a term beginning February 13, 2004, and ending at the close of business September 26, 2004, replacing Judy Harvey who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of February in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Davida L. Parsons, Independent, from Athens, Athens County, Ohio, as a Member of the Board of Speech Language Pathology and Audiology for a term beginning January 23, 2004, and ending at the close of business September 26, 2006, replacing Ann J. Glaser whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of February in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Susan V. Plaisted, Republican, from Columbus, Franklin County, Ohio, as a Member of the Board of Building Appeals for a term beginning February 13, 2004, and ending at the close of business October 13, 2007, replacing Nina Bombelles whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of February in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Todd N. Ritterbusch, Independent, from Columbus, Franklin County, Ohio, as a Member of the Development Financing Advisory Council for a term beginning February 13, 2004, and ending at the close of business December 31, 2009, replacing Tom Washbush whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of February in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Amy Salerno, Republican, from Columbus, Franklin County, Ohio, as a Member of the Accountancy Board for a term beginning February 13, 2004, and ending at the close of business October 20, 2010, replacing Edward E. Butler whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of February in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Lee M. Smith, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Expositions Commission for a term beginning February 13, 2004, and ending at the close of business December 1, 2004, replacing Daniel J. Schroer who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of February in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Ann Marie Tracey, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the Ethics Commission for a term beginning February 13, 2004, and ending at the close of business January 1, 2010, replacing Herbert Asher whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of February in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Patricia M. Zurlinden, Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the Board of Speech Language Pathology and Audiology for a term beginning January 23, 2004, and ending at the close of business September 26, 2006, replacing Cindy L. Satterfield whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of February in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

Said appointments were referred to the Committee on Rules.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

**Am. H. B. No. 219** - Representatives Schlichter, DeWine, C. Evans, Hollister, Husted, McGregor, Reinhard, Schmidt, Setzer, Jerse, Otterman, S. Patton, Price, Redfern, Aslanides, Flowers, Hoops, Sferra, Widowfield, Allen, Beatty, Carmichael, Chandler, Cirelli, Daniels, DeBose, DeGeeter, Gilb, Hartnett, Hughes, Latta, Niehaus, Perry, Reidelbach, Skindell, G. Smith, S. Smith, Taylor, Walcher.

To enact section 4549.20 of the Revised Code to prohibit any person from installing in any motor vehicle any air bag other than one designed in accordance with and meeting federal law standards for the make, model, and model year of the vehicle.

Attest:

Laura P. Clemens,  
Clerk.

Said bill was considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

**Sub. H. B. No. 350** - Representatives Gibbs, Wagner, Setzer, Seitz, Husted, Williams, Hollister, Young, C. Evans, Webster, Hagan, Martin, Aslanides, McGregor, Collier, Allen, Raussen, Faber, Schaffer, Seaver, Widener, Latta, Core, Willamowski, Book, Buehrer, Calvert, Carmichael, Cates, Clancy, Daniels, Distel, Domenick, D. Evans, Flowers, Gilb, Harwood, Hoops, Hughes, Niehaus, T. Patton, Peterson, Raga, Reidelbach, Reinhard, Schlichter, Schneider, Sferra, G. Smith, J. Stewart, Taylor, Trakas, Walcher, White, Wilson, Wolpert.

To amend sections 1533.18 and 2323.51 and to enact sections 901.52, 1519.07, and 2305.36 of the Revised Code to provide qualified immunity from civil damages for food manufacturers, sellers, and trade associations for claims resulting from a person's cumulative consumption, obesity, or weight gain or any health condition related to cumulative consumption, obesity, or weight gain; to prohibit imputing any assurances or assumption of liability regarding public access to premises used for growing agricultural produce; to preclude assumption of liability regarding the use of recreational trails; and to modify the provisions on frivolous conduct in filing civil actions.



Attest:

Laura P. Clemens,  
Clerk.

Said bill was considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

**H. B. No. 366** - Representatives D. Evans, C. Evans, Flowers, Hughes, Latta, T. Patton, Schaffer, Schlichter, Walcher, Willamowski.

To amend sections 2301.02 and 2301.03 of the Revised Code to add a judge to the Domestic Relations Division of the Licking County Court of Common Pleas and to declare an emergency.

Attest:

Laura P. Clemens,  
Clerk.

Said bill was considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

**Sub. H. B. No. 275** - Representative Key - et al.

**Sub. H. B. No. 282** - Representative Flowers - et al.

Attest:

Laura P. Clemens,  
Clerk.

The President signed said bills.

On the motion of Senator Robert Gardner, the Senate adjourned until Tuesday, March 16, 2004 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.