OHIO

SENATE

JOURNAL

THURSDAY, MARCH 18, 2004

ONE HUNDRED FIFTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Thursday, March 18, 2004, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Cary Kozberg, Director of Spiritual Care at the Wexner Heritage Village, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION

Senator Jordan reports for the Standing Committee on Reference, recommending that the following bill, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 206-Senator Austria.

To amend sections 5709.62, 5709.63, and 5709.631 of the Revised Code and to amend Sections 38 and 38.20 of Am. Sub. H.B. 95 of the 125th General Assembly to increase from 10 to 15 the number of years enterprise zones or urban jobs and enterprise zone agreements may exempt property from taxation, subject to school board approval; to create the Job Development Initiatives Fund and transfer up to $25.8 million of unclaimed funds to it; and to make appropriations.

To the Committee on Finance and Financial Institutions.

JIM JORDAN
DOUG WHITE
BILL HARRIS
MARK MALLORY
GREGORY L. DIDONATO

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

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development,

to which was referred **S. B. No. 116**-Senator Spada, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 10: RON AMSTUTZ, ROBERT F. SPADA, STEPHEN C. AUSTRIA, LOUIS W. BLESSING, ROBERT A. GARDNER, DAVID GOODMAN, JIM JORDAN, ROBERT L. SCHULER, TOM ROBERTS, ERIC D. FINGERHUT.

NO - 2: MARC DANN, KIMBERLY A. ZURZ.

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

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **Sub. H. B. No. 148**-Representative Grendell, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: ROBERT A. GARDNER, DAVID GOODMAN, TOM ROBERTS, KIMBERLY A. ZURZ, LARRY A. MUMPER, J. KIRK SCHURING, ROBERT L. SCHULER, KEVIN J. COUGHLIN, DANIEL R. BRADY.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

Pursuant to Senate Rule No. 37 the Standing Committee on Rules, recommends that **Sub. H.B. No. 350** - Representative Gibbs, et al., having been referred to the Standing Committee on Judiciary, be re-referred to the Standing Committee on Agriculture.

YES - 11: DOUG WHITE, RANDY GARDNER, GREGORY L. DIDONATO, TERESA FEDOR, BILL HARRIS, JAY HOTTINGER, JEFF JACOBSON, JIM JORDAN, MARK MALLORY, SCOTT R. NEIN, C. J. PRENTISS.

NO - 0.

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

The report of the committee was accepted.

Senator Wachtmann submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **H. B. No. 67**-Representative Faber, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 11: DANIEL R. BRADY, MARC DANN, RANDY GARDNER, LYNN R. WACHTMANN, LOUIS W. BLESSING, JEFFRY J. ARMBRUSTER, KEVIN J. COUGHLIN, JIM JORDAN, JEFF JACOBSON, SCOTT R. NEIN, C. J. PRENTISS.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

Donna Faith Baker , Republican, from Hamilton, Butler County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a new term beginning November 17, 2003 and ending at the close of business August 27, 2006.

Martha S. Cameron , Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a new term beginning November 17, 2003 and ending at the close of business August 27, 2006.

Robert M. Frampton , Independent, from Findlay, Hancock County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning November 17, 2003 and ending at the close of business August 27, 2006, replacing Anna Goldblatt, whose term expired.

Angela Henderson , Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the State Board of Sanitarian Registration for a new term beginning August 29, 2003 and ending at the close of business August 15, 2006.

Edwin C. Jeffers , Republican, from Canal Winchester, Franklin County, Ohio, as a Member of the Barber Board for a new term beginning September

27, 2003 and ending at the close of business September 26, 2006.

Sally O. Oberbeck , Independent, from Fairborn, Montgomery County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a new term beginning November 17, 2003 and ending at the close of business August 27, 2006.

Valerie Studer , Republican, from Willard, Huron County, Ohio, as a Member of the State Board of Cosmetology for new term beginning November 7, 2003 and ending at the close of business October 31, 2008.

David W. Winfough , Independent, from Hamilton, Butler County, Ohio, as a Member of the State Board of Sanitarian Registration for a new term beginning August 29, 2003 and ending at the close of business August 15, 2006.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 11: JAY HOTTINGER, JIM JORDAN, DOUG WHITE, BILL HARRIS, SCOTT R. NEIN, C. J. PRENTISS, MARK MALLORY, GREGORY L. DIDONATO, JEFF JACOBSON, RANDY GARDNER, TERESA FEDOR.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Dann	DiDonato
Fedor	Fingerhut	Gardner, Randy	Gardner, Robert
Goodman	Harris	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

So the Senate advised and consented to said appointments.

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 22-Senator Wachtmann.

To approve the Public Health Council's proposed revision of Chapter 3701-36 of the Ohio Administrative Code establishing standards to be met by

boards of health and local health departments and procedures for payment of state subsidies for meeting those standards.

WHEREAS, In 1981, the 114th General Assembly enacted Am. Sub. H.B. 694, a general appropriations act that included a provision requiring the Public Health Council of the Department of Health to adopt rules establishing minimum standards and optimum achievable standards for boards of health and local health departments and a formula for distribution of state subsidy funds according to the level at which those standards are met; and

WHEREAS, The rules have been adopted as required by section 3701.342 of the Revised Code and are included in Chapter 3701-36 of the Administrative Code; and

WHEREAS, On August 29, 2003, the Public Health Council filed with the Legislative Service Commission a proposal to revise Chapter 3701-36 of the Administrative Code by amending existing rules 3701-36-01 and 3701-36-02, rescinding existing rules 3701-36-03 to 3701-36-23 and 3701-36-27 to 3701-36-30, and adopting new rules 3701-36-03 to 3701-36-13; and

WHEREAS, The Public Health Council's proposed revision of Chapter 3701-36 of the Administrative Code includes standards for protecting people from disease and injury, monitoring health status, assuring a safe and healthy environment, promoting healthy lifestyles, and addressing the need for personal health services, as well as procedures for payment of state subsidies for meeting those standards; and

WHEREAS, On October 2, 2003, the Public Health Council conducted a public hearing on its proposed revision of Chapter 3701-36 of the Administrative Code and has not been required to remove all or any part of its proposed revision from the rule-making process; and

WHEREAS, Section 3701.342 of the Revised Code provides that rules adopted by the Public Health Council pursuant to that section cannot take effect unless approved by concurrent resolution of the General Assembly; now therefore be it

RESOLVED, That the General Assembly, in adopting this concurrent resolution, approves the Public Health Council's revision of Chapter 3701-36 of the Administrative Code, as filed with the Legislative Service Commission on August 29, 2003, and considered in public hearings on October 2, 2003; and be it further

RESOLVED, That the Clerk of the Senate shall send a certified copy of this concurrent resolution to the Public Health Council, the Director of Health, the Director of the Joint Committee on Agency Rule Review, and the Director of the Legislative Service Commission.

The question being, "Shall the concurrent resolution, **S. C. R. No. 22**, be adopted?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Dann	DiDonato
Fedor	Fingerhut	Gardner, Randy	Gardner, Robert
Goodman	Harris	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

So the concurrent resolution was adopted.

The question being, "Shall the title be agreed to?"

The title was agreed to.

BILLS FOR THIRD CONSIDERATION

S. B. No. 139-Senators Mumper, Carey, Harris.

To amend sections 4981.09, 4981.091, and 4981.14 of the Revised Code to authorize the Ohio Rail Development Commission to pledge specified moneys to secure Department of Development obligations issued for qualifying rail service projects and to pledge other moneys to guarantee certain loans made or guaranteed by the federal government, was considered the third time.

The question being, "Shall the bill, **S. B. No. 139**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Dann	DiDonato
Fedor	Fingerhut	Gardner, Randy	Gardner, Robert
Goodman	Harris	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

So the bill passed.

The question being, "Shall the title be agreed to?"

The title was agreed to.

Sub. H. B. No. 189-Representatives Blasdel, Schneider, S. Smith, Olman, Harwood, Martin, Fessler, Reidelbach, G. Smith, Hoops, Allen, Barrett, Beatty, Boccieri, Book, Brown, Calvert, Carano, Carmichael, Cirelli, Daniels, DeBose, Distel, Domenick, Driehaus, C. Evans, Flowers, Hartnett, Hollister, Hughes, Jolivette, Kearns, Key, Latta, Miller, Oelslager, S. Patton, T. Patton, Perry, Peterson, Price, Schaffer, Schlichter, Schmidt, Setzer, Sferra, D. Stewart, J. Stewart, Walcher, Widener, Wilson, Woodard.

To amend section 3727.06 of the Revised Code to allow podiatrists to make independent hospital admissions, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 189**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Dann	DiDonato
Fedor	Fingerhut	Gardner, Randy	Gardner, Robert
Goodman	Harris	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Wachtmann moved to amend the title as follows:

Add the names : "Wachtmann, Carey, Robert Gardner, Schuler, Dann, Mumper."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

Am. H. B. No. 301-Representatives Core, Seitz, Hoops, Gilb, Willamowski, McGregor, Collier, Gibbs, White, Hughes, Setzer, T. Patton, Wolpert, Daniels, Sferra, Martin, G. Smith, Aslanides, Book, Buehrer, Calvert, Carano, Clancy, DeGeeter, Domenick, Flowers, Grendell, Harwood, Reidelbach, Schmidt, Skindell, S. Smith, J. Stewart, Taylor, Woodard.

To amend section 3929.18 of the Revised Code to limit the duration of a mutual insurance company's lien on property it insures to five years from the date of filing a certificate or extension certificate with the county recorder, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 301**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Dann	DiDonato
Fedor	Fingerhut	Gardner, Randy	Gardner, Robert
Goodman	Harris	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Mumper moved to amend the title as follows:

Add the names : "Carey, Mumper, Schuler."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, March 14, 2004, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 209-Senator Mumper.

To amend sections 505.94, 2925.01, 4707.01, 4707.02, 4707.021, 4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 4707.072, 4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 4707.14, 4707.15, 4707.151, 4707.16, 4707.171, 4707.18 to 4707.22, 4707.26, and 4707.99 and to enact sections 4707.022, 4707.023, 4707.024, 4707.073, 4707.074, 4707.091, and 4707.32 of the Revised Code to revise the Auctioneers Law.

S. B. No. 210-Senators Stivers, Schuler.

To amend sections 3318.023, 3318.032, 3318.05, 3318.06, 3318.062, and 3318.08 and to enact section 3318.043 of the Revised Code to permit certain school districts experiencing high growth in student enrollment to receive assistance under the Classroom Facilities Assistance Program earlier than they otherwise would be eligible, to eliminate the requirement that such high-growth school districts levy a tax for maintenance of classroom facilities acquired with state assistance, and to reduce the maximum school district share of the cost of any project under the Classroom Facilities Assistance Program to ninety per cent.

OFFERING OF RESOLUTIONS

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

S. R. No. 1637-Senator Dann.

Honoring Jack and Cyril McCroskey on their Sixtieth Wedding Anniversary.

S. R. No. 1638-Senator Dann.

Honoring John and Rosemary Vendetti on their Golden Wedding Anniversary.

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

So the resolutions were adopted.

On the motion of Senator Randy Gardner, the Senate adjourned until Tuesday, March 23, 2004 at 11:00 o'clock a.m.

Attest: MATTHEW T. SCHULER,
Clerk.