

OHIO

SENATE

JOURNAL

TUESDAY, JANUARY 4, 2005

SECOND DAY
Senate Chamber, Columbus, Ohio
Tuesday, January 4, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Senator Ron Amstutz, Twenty-Second District, followed by the Pledge of Allegiance to the Flag.

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

Senator Jacobson moved that the Rules of the One Hundred Twenty-Fifth General Assembly be used by the Senate until such time as Rules for the One Hundred Twenty-Sixth General Assembly be adopted.

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

The motion was agreed to.

On motion of Senator Jacobson, the Senate recessed until 2:00 o'clock p.m.

The Senate met pursuant to recess.

Senator Hottinger moved that Senators absent the week of Sunday, January 2, 2005, 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.

OFFERING OF RESOLUTIONS

S. R. No. 1-Senator Jacobson.

Relative to the salaries of the officials and employees of the Senate.

BE IT RESOLVED, That the employees of the Senate be assigned titles as determined by the Chief of Staff;

NOW BE IT FURTHER RESOLVED, That employees be compensated as determined by the Chief of Staff; and be it further

RESOLVED, That pay increases shall be made only upon the determination of the Chief of Staff; and be it further

RESOLVED, That all such employees, property, premises, and

expenditures of the Senate shall be under the direct supervision of the Chief of Staff and the Clerk, and these officials are hereby authorized to make such changes and such assignments of duties of said employees as will result in the highest efficiency and best serve the interests of the State. The Chief of Staff and the Clerk are also authorized to discharge and replace said appointees and are authorized to appoint any additional staff as may be necessary to facilitate the work of the Senate; and be it further

RESOLVED, That all of the foregoing salaries be paid from the appropriate funds of the Senate.

The question being, "Shall the resolution, **S. R. No. 1**, be adopted?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|-----------|------------|-----------|------------|
| Amstutz | Armbruster | Austria | Brady |
| Carey | Cates | Clancy | Coughlin |
| Dann | Fedor | Fingerhut | Gardner |
| Goodman | Grendell | Hagan | Hottinger |
| Jacobson | Jordan | Mallory | Miller |
| Mumper | Niehaus | Padgett | Prentiss |
| Roberts | Schuler | Schuring | Spada |
| Wachtmann | Wilson | Zurz | Harris-32. |

So the resolution was adopted.

S. R. No. 2 -Senator Jacobson.

Relative to mileage reimbursement.

RESOLVED, That the Clerk of the Senate is hereby authorized to pay the following named persons mileage reimbursement for mileage as provided by section 101.27 of the Revised Code.

| NAME | COUNTY | MILEAGE ROUND TRIP |
|-----------------------|----------|--------------------|
| Ron Amstutz | Wayne | 202 |
| Jeffrey J. Armbruster | Lorain | 272 |
| Steve Austria | Greene | 133 |
| Dan Brady | Cuyahoga | 280 |
| John A. Carey, Jr. | Jackson | 150 |
| Gary Cates | Butler | 196 |
| Patricia Clancy | Hamilton | 218 |
| Kevin J. Coughlin | Summit | 270 |
| Marc Dann | Trumbull | 352 |
| Teresa Fedor | Lucas | 270 |
| Eric D. Fingerhut | Cuyahoga | 288 |
| Randy Gardner | Wood | 244 |

| | | |
|------------------------|------------|-----|
| Timothy J. Grendell | Geauga | 308 |
| Robert F. Hagan | Mahoning | 350 |
| Bill Harris | Ashland | 154 |
| Jay Hottinger | Licking | 82 |
| Jeff Jacobson | Montgomery | 138 |
| Jim Jordan | Champaign | 101 |
| Mark Mallory | Hamilton | 220 |
| Larry A. Mumper | Marion | 108 |
| Tom Niehaus | Clermont | 220 |
| Joy Padgett | Coshocton | 152 |
| C.J. Prentiss | Cuyahoga | 308 |
| Tom Roberts | Montgomery | 170 |
| Robert L. Schuler | Hamilton | 196 |
| Kirk Schuring | Stark | 252 |
| Robert F. Spada | Cuyahoga | 258 |
| Lynn Wachtmann | Henry | 294 |
| Charles A. Wilson, Jr. | Belmont | 250 |
| Kimberly A. Zurz | Summit | 260 |

The question being, "Shall the resolution, **S. R. No. 2**, be adopted?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|-----------|------------|-----------|------------|
| Amstutz | Armbruster | Austria | Brady |
| Carey | Cates | Clancy | Coughlin |
| Dann | Fedor | Fingerhut | Gardner |
| Goodman | Grendell | Hagan | Hottinger |
| Jacobson | Jordan | Mallory | Miller |
| Mumper | Niehaus | Padgett | Prentiss |
| Roberts | Schuler | Schuring | Spada |
| Wachtmann | Wilson | Zurz | Harris-32. |

So the resolution was adopted.

Senator Hottinger offered the following resolution:

S. R. No. 3-Senator Hottinger.

Honoring Christy Sayatovich for outstanding service to the State of Ohio.

The question being, "Shall the resolution, **S. R. No. 3**, be adopted?"

So the resolution was adopted.

Message from the House of Representatives

Mr. President:

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

H. J. R. No. 1 - Representative Blasdel

To confirm the appointment of Bruce Johnson as Lieutenant Governor of Ohio in accordance with Section 17a of Article III of the Constitution of the State of Ohio.

Attest:

Laura P. Clemens,
Clerk.

WHEREAS, Section 17a of Article III of the Constitution of the State of Ohio provides that whenever a vacancy occurs in the office of Lieutenant Governor, the Governor shall nominate a Lieutenant Governor, who shall take office upon confirmation by a vote of a majority of the members elected to each house of the General Assembly; and

WHEREAS, The office of Lieutenant Governor currently is vacant due to the resignation of former Lieutenant Governor Jeannette Bradley; and

WHEREAS, The Governor has nominated Bruce Johnson to fill this vacancy in the office of Lieutenant Governor; now therefore be it

RESOLVED, That the House of Representatives and Senate hereby confirm the nomination of Bruce Johnson by the adoption of this resolution by a majority vote of the members elected to each house in accordance with Section 17a of Article III of the Constitution of the State of Ohio; and be it further

RESOLVED, That the Clerk of the House of Representatives and the Clerk of the Senate shall spread upon the pages of the Journal of each house this resolution and the vote of the members of that house voting on confirmation of that nomination.

The question being, "Shall the joint resolution, **H. J. R. No. 1**, be adopted?"

Senator Dann moved that **H. J. R. No. 1** be referred to the Committee on Reference, pursuant to Senate Rule No. 54.

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

Senator Jacobson demanded the previous question, and the demand was

duly supported by a second and a third.

The question being, "Shall the debate now be closed?"

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 11, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------|------------|-----------|------------|
| Amstutz | Armbruster | Austria | Carey |
| Cates | Clancy | Coughlin | Gardner |
| Goodman | Grendell | Hottinger | Jacobson |
| Jordan | Mumper | Niehaus | Padgett |
| Schuler | Schuring | Spada | Wachtmann |
| | | | Harris-21. |

Those who voted in the negative were: Senators

| | | | |
|---------|---------|--------|-----------|
| Brady | Dann | Fedor | Fingerhut |
| Hagan | Mallory | Miller | Prentiss |
| Roberts | Wilson | | Zurz-11. |

The motion was agreed to.

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

The yeas and nays were taken and resulted - yeas 11, nays 21, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------|---------|--------|-----------|
| Brady | Dann | Fedor | Fingerhut |
| Hagan | Mallory | Miller | Prentiss |
| Roberts | Wilson | | Zurz-11. |

Those who voted in the negative were: Senators

| | | | |
|---------|------------|-----------|------------|
| Amstutz | Armbruster | Austria | Carey |
| Cates | Clancy | Coughlin | Gardner |
| Goodman | Grendell | Hottinger | Jacobson |
| Jordan | Mumper | Niehaus | Padgett |
| Schuler | Schuring | Spada | Wachtmann |
| | | | Harris-21. |

The motion was not agreed to.

The question recurred, "Shall the joint resolution, **H. J. R. No. 1**, be adopted?"

The yeas and nays were taken and resulted - yeas 21, nays 11, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------|------------|-----------|----------|
| Amstutz | Armbruster | Austria | Carey |
| Cates | Clancy | Coughlin | Gardner |
| Goodman | Grendell | Hottinger | Jacobson |
| Jordan | Mumper | Niehaus | Padgett |

| | | | |
|---------|----------|-------|-------------------------|
| Schuler | Schuring | Spada | Wachtmann Harris-21. |
|---------|----------|-------|-------------------------|

Those who voted in the negative were: Senators

| | | | |
|---------|---------|--------|-----------|
| Brady | Dann | Fedor | Fingerhut |
| Hagan | Mallory | Miller | Prentiss |
| Roberts | Wilson | | Zurz-11. |

So the joint resolution was adopted.

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

Senator Jacobson moved to amend the title as follows:

Add the names: "Jacobson, Amstutz, Armbruster, Austria, Carey, Cates, Clancy, Coughlin, Gardner, Goodman, Grendell, Harris, Hottinger, Jordan, Mumper, Niehaus, Padgett, Schuler, Schuring, Spada, Wachtmann."

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

The motion was agreed to and the title so amended.

Message from the House of Representatives

Mr. President:

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

H. C. R. No. 1 - Representatives Husted, Redfern

Relative to a committee to wait upon the Governor to let him know the 126th General Assembly is in session.

Attest:

Laura P. Clemens,
Clerk.

BE IT RESOLVED, By the House (the Senate concurring), that a committee of eight on the part of the House of Representatives and eight on the part of the Senate be appointed to wait upon and inform the Governor that the two houses of the 126th General Assembly have organized and are ready to receive any communication he may desire to transmit.

The question being, "Shall the concurrent resolution, **H. C. R. No. 1**, be

adopted?"

So the concurrent resolution was adopted.

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

Senator Jacobson moved to amend the title as follows:

Add the names: "Harris, Prentiss."

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

The motion was agreed to and the title so amended.

Message from the House of Representatives

Mr. President:

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

H. C. R. No. 2 - Speaker Husted Representative Redfern

Relative to the appointment of a joint committee to attend the inauguration of The Honorable George W. Bush.

Attest:

Laura P. Clemens,
Clerk.

WHEREAS, On the Twentieth Day of January, 2005, The Honorable George W. Bush will be inaugurated as President of the United States, in the City of Washington, District of Columbia; and

WHEREAS, It is fitting that the State of Ohio be represented in its official capacity at said inauguration of The Honorable George W. Bush as President of the United States, on the Twentieth Day of January, 2005, in the City of Washington, District of Columbia; therefore be it

RESOLVED, By the members of the 126th General Assembly of Ohio, that a committee not to exceed eight members of each house, be selected by the Speaker of the House and the President of the Senate to attend and represent the State of Ohio at said inauguration of The Honorable George W. Bush as President of the United States.

The question being, "Shall the concurrent resolution, **H. C. R. No. 2**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Jacobson moved to amend the title as follows:

Add the names: "Harris, Prentiss."

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

The motion was agreed to and the title so amended.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 103.11 of the Ohio Revised Code, the President of the Senate appoints the following members to serve on the **Legislative Service Commission**:

Senator Harris (Chair)

Senator Austria

Senator Gardner

Senator Jacobson

Senator Spada

Senator Prentiss

Senator Mallory

On the motion of Senator Jacobson, the Senate adjourned until Thursday, January 6, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.