

OHIO

SENATE

JOURNAL

CORRECTED VERSION
MONDAY, JANUARY 24, 2005

EIGHTH DAY

Senate Chamber, Columbus, Ohio

Monday, January 24, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

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

Senator Schuler was selected to preside according to the rule.

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

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 2-Senator Grendell.

To amend section 5747.026 of the Revised Code to grant to all members of the National Guard and reserve components of the United States armed forces who have been called to active duty an extension of time in which to file income tax returns and pay income taxes and to increase the number of authorized participants in the Ohio National Guard Scholarship Program for the 2005 summer term.

S. B. No. 3-Senator Coughlin.

To amend sections 3501.05, 3505.18, 3506.01, 3515.03, 3515.06, and 3515.07 and to enact sections 3505.181 and 3506.21 of the Revised Code to require the Secretary of State to establish a computerized statewide voter registration database in compliance with the Help America Vote Act of 2002; to require electors who register to vote by mail and have not previously voted in an election to provide identification before being permitted to cast a ballot; to permit certain electors to vote by provisional ballot in federal, state, and local elections; to specify counting standards for optical scan ballots; and to require that the applicant for a non-automatic recount pay the entire cost of the recount if its results do not change the result of the election.

S. B. No. 4-Senators Stivers, Gardner, Jacobson, Coughlin, Goodman, Clancy.

To amend sections 181.52 and 5502.22 of the Revised Code to create the Ohio Incident-Based Reporting System in the Office of Criminal Justice Services and to require that law enforcement agencies that receive certain types of funding participate in the system or in the Uniform Crime Reporting Program of the F.B.I.

S. B. No. 5-Senator Hottinger.

To amend sections 1731.03, 1751.12, 3924.01, 3924.02, 3924.06, 3924.08, 3924.09, 3924.10, 3924.11, 3924.14, and 3924.73 and to enact sections 3923.81 and 3924.15 of the Revised Code to permit small employers to offer health care plans without benefits otherwise required by statute, to provide for the operation of health savings accounts consistent with federal laws, and to limit the amount of copayments and deductibles paid by persons insured by health benefit plans.

S. B. No. 6-Senator Padgett.

To enact sections 3301.41 and 3301.42 of the Revised Code to establish the Partnership for Continued Learning to make recommendations for facilitating collaboration among providers of preschool through postsecondary education and for maintaining a high-quality workforce in Ohio.

S. B. No. 7-Senator Cates.

To direct the General Assembly in its deliberations regarding the enactment of reforms of the state's workers' compensation law.

S. B. No. 8-Senators Austria, Jacobson, Gardner, Coughlin, Zurz, Mumper, Padgett, Clancy.

To amend sections 1547.11, 1547.111, 1547.99, 1905.01, 1905.03, 1905.05, 1905.201, 2317.02, 2317.022, 2317.422, 2743.51, 2919.22, 2923.16, 2937.46, 2951.02, 3701.143, 3937.41, 4506.17, 4510.01, 4510.032, 4510.036, 4510.17, 4510.54, 4511.181, 4511.19, 4511.191, 4511.192, 4511.194, and 4766.15 of the Revised Code to prohibit the operation of a vehicle or vessel if a statutorily specified concentration of amphetamine, cocaine, cocaine metabolite, heroin, heroin metabolite (morphine), heroin metabolite (6-monoacetyl morphine), L.S.D., marihuana, marihuana metabolite, methamphetamine, or phencyclidine is present in the operator's blood or urine, subject to certain exceptions and to extend the time within which a chemical test of an arrested person's whole blood, blood serum or plasma, breath, or urine must be taken in order for the results of the test to be admissible as evidence.

S. B. No. 9-Senator Jacobson.

To formally state the General Assembly's intentions in its upcoming deliberations on revising Ohio's terrorism laws.

S. B. No. 10-Senators Jordan, Wachtmann, Mumper, Hottinger, Jacobson, Austria, Goodman, Carey, Cates, Stivers.

To amend sections 5126.01, 5126.02, 5126.021, 5126.022, 5126.023, 5126.03, 5126.031, 5126.033, 5126.034, 5126.056, 5126.058, 5126.081, 5126.30, 5705.191, and 5705.222, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5126.02 (5126.0212), 5126.021 (5126.029), 5126.022 (5126.0215), 5126.023 (5126.0225), and 5126.024 (5126.0226), and to enact new sections 5126.02, 5126.021, 5126.022, 5126.023, and 5126.024 and sections 5126.025, 5126.026, 5126.027, 5126.028, 5126.0210, 5126.0211, 5126.0213, 5126.0214, 5126.0216, 5126.0217, 5126.0218, 5126.0219, 5126.0220, 5126.0221, 5126.0222, 5126.0223, 5126.0224, 5126.0227, 5126.0228, 5126.037, and 5126.038 of the Revised Code to revise the law governing county boards of mental retardation and developmental disabilities.

OFFERING OF RESOLUTIONS

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

S. R. No. 10-Senator Hottinger.

Honoring the Watkins Memorial High School boys soccer team as the 2004 Division II State Champion.

S. R. No. 11-Senator Hottinger.

Honoring the Newark Catholic High School girls volleyball team as the Division III State Champion.

S. R. No. 12-Senator Gardner.

Honoring Dr. Gregory Hicks as the 2004 Ohio Optometrist of the Year.

S. R. No. 13-Senator Wachtmann.

Honoring the Hardin Northern High School football team as the 2004 Division VI State Champion.

S. R. No. 14-Senators Miller, Gardner, Dann, Coughlin, Spada, Harris, Carey, Wachtmann, Fedor, Wilson, Jr., Hagan, Fingerhut, Mallory, Amstutz, Mumper, Hottinger, Brady, Zurz, Jordan, Goodman, Armbruster, Schuler, Prentiss, Padgett, Clancy.

Honoring Mark E. Seifarh for exemplary service to the State of Ohio.

S. R. No. 15-Senator Miller.

Honoring IMPACT on receiving a 2004 Innovation in Prevention Award.

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 G. Ault, Democrat, from Perrysburg, Wood County, Ohio, as a Member of the Owens State Community College Board of Trustees for a new term beginning December 3, 2004 and ending at the close of business October 22, 2010.

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 6th day of December 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, James N. Doyle, Republican, from South Charleston, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a new term beginning December 3, 2004 and ending at the close of business November 30, 2010.

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 6th day of December 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, Daniel L. Ellington, Democrat, from East Canton, Stark County, Ohio, as a Member of the Labor-Management Government Advisory Committee for a term beginning December 3, 2004, and ending at the close of business August 22, 2010, replacing Jack M. Fernandez, 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 6th day of December 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, Faye M. Flack, Republican, from Springfield, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a new term beginning December 3, 2004 and ending at the close of business November 30, 2010.

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 6th day of December 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, Thomas J. Hayes, from Bay Village, Cuyahoga County, Ohio, as the Director of the Ohio Lottery Commission for a term beginning January 1, 2005 and continuing at

the pleasure of the Governor.

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 20th day of December 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, John C. Moore, Republican, from Holland, Lucas County, Ohio, as a Member of the Owens State Community College Board of Trustees for a new term beginning December 3, 2004 and ending at the close of business October 22, 2010.

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 6th day of December 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, Lynn T. Nichols, Republican, from Dublin, Franklin County, Ohio, as a Member of the Labor-Management Government Advisory Committee for a term beginning December 3, 2004 and ending at the close of business August 22, 2010.

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 6th day of December 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, H. Richard Rowe Jr., Republican, from Findlay, Hancock County, Ohio, as a Member of the Owens State Community College Board of Trustees for a new term beginning December 3, 2004 and ending at the close of business October 22, 2010.

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 6th day of December 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, O. Lester Smithers Jr., Republican, from Enon, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a new term beginning December 3, 2004 and ending at the close of business November 30, 2010.

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 6th day of December 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, Thomas J. Stickrath, from Westerville, Delaware County, Ohio, as the Interim Director of the Ohio Department of Youth Services for a term beginning January 1, 2005 and continuing at the pleasure of the Governor.

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 29th day of December 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, Doug White, from Manchester, Adams County, Ohio, as the Director of the Ohio Department of Commerce for a term beginning January 3, 2005 and continuing at the pleasure of the Governor.

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 3rd day of January in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

Said appointments were referred to the Committee on Rules.

MESSAGES FROM THE PRESIDENT

Pursuant to Section 5540.02 (C)(2)(c) of the Ohio Revised Code, the President of the Senate appoints Senator Cates to serve as an ex-officio member on the Butler County Transportation Improvement District.

Pursuant to Section 5540.02 (C)(2)(c) of the Ohio Revised Code, the President of the Senate appoints Senator Hottinger to serve as an ex-officio member on the Licking County Transportation Improvement District Board of Trustees.

Pursuant to Section 5540.02 (C)(2)(c) of the Ohio Revised Code, the President of the Senate appoints Senator Armbruster to serve as an ex officio member of the Lorain County Transportation Improvement District Board of Trustees.

Pursuant to Section 5540.02 (C)(2)(c) of the Ohio Revised Code, the President of the Senate appoints Senator Jacobson to serve as an ex-officio member of the Montgomery County Transportation Improvement District Board of Trustees.

Pursuant to Section 5540.02 (C)(2)(c) of the Ohio Revised Code, the President of the Senate appoints Senator Gardner to serve as an ex-officio member of

the City of Rossford Transportation Improvement District Board of Trustees.

Pursuant to Section 5540.02 (C)(2)(c) of the Ohio Revised Code, the President of the Senate appoints Senator Schuring to serve as an ex-officio member on the Stark County Transportation Improvement District.

Pursuant to Section 122.17 (J) of the Ohio Revised Code, the President of the Senate reappoints the following public member to serve on the Ohio Tax Credit Authority:

Ken Fightmaster
Cincinnati, Ohio 45202
(term beginning January 13, 2005 and ending January 13, 2009)

Pursuant to Section 105.41 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Capitol Square Review and Advisory Board:

Senator Harris
Senator Prentiss

Pursuant to Section 105.41 of the Ohio Revised Code, the President of the Senate appoints the following former President of the Senate to serve on the Capitol Square Review and Advisory Board:

Richard H. Finan

Pursuant to Section 4901.021 (A) of the Ohio Revised Code, the President of the Senate reappoints Tom Green as the Senate's public member of the Public Utilities Commission Nominating Council effective immediately and serving at the pleasure of the President.

Pursuant to rules developed by the Legislative Service Commission, the President of the Senate appoints Senator Amstutz to serve as Vice Chairman on the Legislative Information Systems Committee.

On the motion of Senator Hottinger, the Senate adjourned until Tuesday, January 25, 2005 at 1:30 p.m.

Attest:

MATTHEW T. SCHULER,
Clerk.