

**OHIO**

**SENATE**

**JOURNAL**

**CORRECTED VERSION**  
**THURSDAY, FEBRUARY 3, 2005**

THIRTEENTH DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, February 3, 2005, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

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

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Wachtmann submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. B. No. 18**-Senator Wachtmann, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 10:    ROBERT F. HAGAN, LARRY A. MUMPER, JEFFRY J. ARMBRUSTER, KEVIN J. COUGHLIN, JIM JORDAN, PATRICIA M. CLANCY, CHARLES A. WILSON, LYNN R. WACHTMANN, ERIC D. FINGERHUT, JEFF JACOBSON.

NO - 0.

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

The report of the committee was accepted.

**INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bills were introduced and considered the first time:

**S. B. No. 42**-Senators Zurz, Prentiss, Mallory, Fedor, Hagan, Brady, Dann, Fingerhut, Miller, Roberts, Wilson.

To enact section 126.051 of the Revised Code to exempt a state university from reductions in per pupil funding if the university does not increase instructional and general fees for Ohio residents by more than the rate of inflation.

**S. B. No. 43**-Senators Miller, Brady, Dann, Fedor, Fingerhut, Hagan, Mallory, Prentiss, Roberts, Wilson, Zurz.

To amend section 5747.054 of the Revised Code to increase the child and dependent care credit for some taxpayers and to increase the income eligibility limit for the credit.

**S. B. No. 44**-Senators Fedor, Roberts, Armbruster, Gardner, Miller, Austria, Hagan, Brady, Prentiss, Spada, Zurz, Fingerhut.

To amend section 3301.0718 of the Revised Code to require the State Board of Education to adopt the National Association for Sport and Physical Education standards for physical education in grades kindergarten through twelve and to remove the requirement that standards and model curricula for physical education are subject to approval by concurrent resolution of the General Assembly.

**S. B. No. 45**-Senators Brady, Miller, Roberts, Hagan, Fingerhut, Dann, Zurz.

To enact section 3501.052 of the Revised Code to prohibit the Secretary of State from serving in specified capacities for committees of candidates for federal, state, or local office and committees for ballot issues and questions.

**S. B. No. 46**-Senator Mallory.

To amend section 3311.71 of the Revised Code to require that management and control of any school district that has an average daily membership exceeding forty thousand students, has a relatively high poverty index, and has been in academic emergency at least one of the four previous school years be assumed by a nine-member board of education appointed by the mayor of the municipal corporation containing the greatest portion of the district's territory.

**S. B. No. 47**-Senators Grendell, Padgett, Fingerhut, Brady, Dann, Fedor, Jordan, Mumper, Schuring, Wilson.

To amend section 1541.03 of the Revised Code to prohibit the Division of Parks and Recreation in the Department of Natural Resources from adopting rules establishing a fee for parking a motor vehicle in a state park or for admission to a state park and to declare an emergency.

**S. B. No. 48**-Senators Coughlin, Clancy.

To enact section 3345.02 of the Revised Code to establish a limit on the annual increase in undergraduate in-state instructional and general fees that a state university board of trustees may charge.

#### **OFFERING OF RESOLUTIONS**

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

**S. R. No. 18**-Senator Schuring.

Honoring Hendrickson Trailer Suspension Systems as one of IndustryWeek's Top 25 Best Plants for 2004.

**S. R. No. 19**-Senator Spada.

Honoring Michele Hulse on her retirement from the Ohio Senate.

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

So the resolutions were adopted.

**COMMUNICATIONS FROM THE ATTORNEY GENERAL**

The President handed down the following message from the Attorney General which was read by the Clerk:

The Honorable Bill Harris  
President  
Ohio Senate  
Columbus, Ohio 43215

Dear Senate President Harris:

In accordance with Ohio Revised Code Section 4911.17, I have the honor to present to you for the advice and consent of the Ohio Senate the appointment of Ms. Nancy Dix for the current vacancy on the Ohio Consumers' Counsel Governing Board.

Pursuant to statute, the Governing Board is comprised of nine members consisting of three representatives from each of the following groups: organized labor, residential consumers and family farmers. Additionally, Ohio law requires that no more than five Governing Board members may be from the same political party. The current Governing Board vacancy would therefore require a candidate who represents residential consumers and whose party affiliation is not Democrat. In my opinion, Ms. Dix, a Republican, would be an excellent addition to the Governing Board. I believe that her prior public service as a member of the Ohio General Assembly demonstrates her commitment to the safety and wellbeing of all Ohioans. Her dedication to this state is highlighted through her various leadership roles as well as by the numerous responsibilities she has taken throughout Ohio. I have enclosed a copy of her resume for your review.

The request for the appointment of Ms. Dix is respectfully submitted to both you and the Ohio Senate for your advice and consent. If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,  
/s/ Jim Petro  
JIM PETRO  
ATTORNEY GENERAL

Said appointment was referred to the Committee on Rules.

### MESSAGES FROM THE PRESIDENT

Pursuant to Section 991.02 of the Ohio Revised Code, the President of the Senate appoints Senator Mumper (as Chair of the Senate Agriculture Committee) to serve on the Ohio Expositions Commission.

Pursuant to Section 3745.21 (A) of the Ohio Revised Code, the President of the Senate appoints Senator Niehaus (as Chair of the Senate Environment and Natural Resources Committee) to serve on the Environmental Education Council.

Pursuant to Section 3750.02 of the Ohio Revised Code, the President of the Senate appoints Senator Niehaus (as Chair of the Senate Environment and Natural Resources Committee) to serve on the Emergency Response Commission.

Pursuant to Section 3301.48 of the Ohio Revised Code, the President of the Senate appoints Senator Padgett (as Chair of the Senate Education Committee) to serve on the Education Commission of the States (Interstate Education Compact Committee).

Pursuant to Section 121.40 (A) of the Ohio Revised Code, the President of the Senate appoints Senator Padgett (as Chair of the Senate Education Committee) to serve on the Ohio Community Service Council.

Pursuant to Section 6161.02 of the Ohio Revised Code, the President of the Senate appoints Senator Spada to serve on the Great Lakes Commission.

Pursuant to Section 122.40 (B) of the Ohio Revised Code, the President of the Senate appoints Senator Cates to serve on the Development Financing Advisory Council.

Pursuant to Section 3702.92 (B) of the Ohio Revised Code, the President of the Senate appoints Senator Goodman to serve on the Dentist Loan Repayment Advisory Board.

Pursuant to Section 3302.021 (a) of the Ohio Revised Code, the President of the Senate appoints the following members to serve on the Ohio Accountability Task Force:

Senator Padgett (as Chair of the Senate Education Committee)  
Senator Fedor (as Ranking Minority member of the Senate Education Committee)

Pursuant to Section 3302.021 (e)(g)(i) of the Ohio Revised Code, the President of the Senate appoints the following public members to serve on the Ohio Accountability Task Force:

Susan Rinehart, PhD (representing school district boards of education)  
Logan, Ohio 43138  
(term beginning January 1, 2005 and ending January 1, 2007)

Ty Pine (representing business)  
Columbus, Ohio 43215  
(term beginning January 1, 2005 and ending January 1, 2007)

David DeLong (school building principal)  
Madison, Ohio 44057  
(term beginning January 1, 2005 and ending January 1, 2007)

Pursuant to Section 5149.22 of the Ohio Revised Code, the President of the Senate appoints Senator Grendell to serve on the Ohio Council of the Interstate Compact for Adult Offender Supervision.

Pursuant to Section 5139.44 (A) (1) (d) of the Ohio Revised Code, the President of the Senate appoints Senator Goodman to serve on the RECLAIM Advisory Committee.

Pursuant to Section 122.29 (B) of the Ohio Revised Code, the President of the Senate appoints Senator Amstutz to serve on the Industrial Technology Enterprise Advisory Council.

Pursuant to Section 3109.15 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Ohio Children's Trust Fund Board:

Senator Schuring  
Senator Fedor

Pursuant to Section 181.21 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the State Criminal Sentencing Commission:

Senator Grendell  
Senator Mallory

Pursuant to Section 4906.02 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Power Siting Board:

Senator Schuler  
Senator Jacobson (alternate)

Senator Hagan  
Senator Mallory (alternate)

Pursuant to Section 103.71 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Correctional Institution

## Inspection Committee:

Senator Austria  
Senator Jordan  
Senator Hagan  
Senator Mallory

Pursuant to Section 3 (A) of H.B. No. 474 of the 124th General Assembly, the President of the Senate appoints the following members to serve on the Compassionate Care Task Force:

Senator Coughlin  
Senator Schuring

Pursuant to Section 3 (A) of H.B. No. 474 of the 124th General Assembly, the Minority Leader of the Senate appoints the following members to serve on the Compassionate Care Task Force:

Senator Hagan  
Senator Brady

Pursuant to Section 122.651 (A) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Clean Ohio Council:

Senator Niehaus  
Senator Zurz

Pursuant to Section 4112.12 (A) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Commission on African-American Males:

Senator Goodman  
Senator Hottinger  
Senator Miller

Pursuant to Section 122.98 (A) (4) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve as non-voting members on the Ohio Aerospace and Defense Advisory Council:

Senator Austria  
Senator Fingerhut

Pursuant to Section 1551.35 (A) of the Ohio Revised Code, the President of the Senate appoints the following senator to serve on the Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office:

Senator Padgett

Pursuant to Section 1551.35 (A) of the Ohio Revised Code, the Minority Leader of the Senate appoints the following senator to serve on the Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office:

Senator Wilson

Pursuant to Section 3379.02 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Ohio Arts Council:

Senator Goodman  
Senator Hagan

Pursuant to Section 149.303 of the Ohio Revised Code, the President of the Senate appoints Senator Miller to serve as a nonvoting member on the National Museum of Afro-American History and Culture Planning Committee.

Pursuant to Section 3334.03 (B) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Ohio Tuition Trust Authority:

Senator Cates  
Senator Dann

Pursuant to Section 133.021(A) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Joint Select Committee on Volume Cap:

Senator Goodman  
Senator Mallory

Pursuant to Section 173.03 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Ohio Advisory Council for the Aging:

Senator Wachtmann  
Senator Fingerhut

Pursuant to Section 101.37 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Joint Council on Mental Retardation and Developmental Disabilities:

Senator Wachtmann  
Senator Spada  
Senator Fingerhut

Pursuant to Section 3301.80 (B) (1) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve as non-voting members on the Ohio School Net Commission:

Senator Cates  
Senator Dann

Pursuant to Section 3301.80 (B) (1) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the Ohio School Net Commission:

Bruce Hawkins, CEO  
Management Council of the Ohio Education Computer Network  
Mount Vernon, Ohio 43050



Pursuant to Section 3505.061 of the Ohio Revised Code, the President of the Senate reappoints the following senator to serve on the Ohio Ballot Board:

Senator Gardner (term commencing February 8, 2005)

Pursuant to Section 3505.061 of the Ohio Revised Code, as Minority Leader of the Senate, I appoint the following senator to serve on the Ohio Ballot Board:

Senator Fedor (term commencing February 8, 2005)

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. 3** - Representatives Husted, Redfern

Authorizing a joint convention of the Ohio General Assembly for the purpose of receiving a message from the Governor.

Attest:

Laura P. Clemens,  
Clerk.

WHEREAS, The members of the 126th General Assembly of Ohio, by adoption of this Resolution, call for a joint session of the legislature, to be held in the House Chambers of the Ohio Statehouse, February 8, 2005 at 12:00 o'clock p.m.; and

WHEREAS, The Ohio General Assembly annually convenes a joint session of the House and Senate for the purpose of receiving a message from the Governor as to the State of the State; therefore be it

RESOLVED, That we, the members of the 126th General Assembly of Ohio, in adopting this Resolution, authorize a joint convention of the legislature to be held in the House Chambers of the Ohio Statehouse, Columbus, February 8, 2005 at 12:00 o'clock p.m., for the purpose of welcoming the Governor, the Honorable Bob Taft, and receiving his message on the State of the State; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to Governor Bob Taft and to the news media of Ohio.

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

So the concurrent resolution was adopted.

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

Senator Grendell 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. 4 - Representatives Husted, Redfern**

Calling for a committee to wait upon the Governor in anticipation of his State of the State Address.

Attest:

Laura P. Clemens,  
Clerk.

WHEREAS, The members of the 126th General Assembly of Ohio, by adoption of the Resolution, call for a committee of nine on the part of the House of Representatives and nine on the part of the Senate to be appointed to wait upon the Governor in anticipation of his State of the State Address, February 8, 2005 at 12:00 o'clock p.m.; and

WHEREAS, The Ohio General Assembly periodically convenes a joint session of the House and Senate for the purpose of receiving a message from the Governor as to the State of the State; and

WHEREAS, That address will be held in the House Chambers of the Ohio Statehouse, February 8, 2004 at 12:00 o'clock p.m.; and

WHEREAS, It is a tradition of courtesy for the Ohio General Assembly to appoint a committee to wait upon the Governor; therefore be it

RESOLVED, That we, the members of the 126th General Assembly of Ohio, in adopting this Resolution, call for a committee of nine on the part of the House of Representatives and nine on the part of the Senate to be appointed to wait upon the Governor; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to Governor Bob Taft and to the news

media of Ohio.

The question being, "Shall the concurrent resolution, **H. C. R. No. 4**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Grendell 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 Speaker of the House of Representatives has signed the following bill:

**Am. Sub. H. B. No. 16** - Representative Calvert - et al.

Attest:

Laura P. Clemens,  
Clerk.

The President signed said bill.

On the motion of Senator Grendell, the Senate adjourned until Tuesday, February 8, 2005 at 11:30 a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.