

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MARCH 2, 2005

TWENTY-FOURTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, March 2, 2005, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Richard Burnett, Trinity Episcopal Church, 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 Schuring reports for the Standing Committee on Reference, recommending that the following bills and resolution, standing in order for second consideration, be referred to committee as recommended:

**S. B. No. 80**-Senators Dann, Fingerhut, Zurz, Wilson, Hagan.

To amend sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 and to enact sections 9.27, 9.271, 9.272, 9.273, 9.274, 9.275, 9.276, 9.277, 9.278, and 9.279 of the Revised Code, and to repeal section 139 of Am. Sub. H. B. 95 of the 125th General Assembly to provide financial incentives to encourage counties, townships, and municipal corporations to save money through expenditure reductions and consolidation of services.

To the Committee on Finance and Financial Institutions.

**S. B. No. 81**-Senator Armbruster.

To amend sections 4141.01, 4141.11, 4141.131, 4141.24, 4141.242, 4141.25, 4141.26, 4141.28, 4141.282, 4141.283, 4141.29, 4141.301, 4141.31, 4141.312, and 4141.99, to enact sections 4141.292 and 4141.48, and to repeal section 4141.311 of the Revised Code to conform state law to federal requirements in the establishment of civil and criminal penalties for manipulating payroll and business transfer information to obtain lower contribution rates and in the treatment of Indian tribes as employers, to establish a state disaster unemployment benefit payment to pay the first week of an individual's unemployment caused by a major disaster, to make changes involving the appeal process for claims under the unemployment compensation law, and to make various changes in the administration of the unemployment compensation law.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 82**-Senators Grendell, Jacobson, Brady.

To enact section 9.481 of the Revised Code to generally prohibit political subdivisions from imposing residency requirements on certain employees.

To the Committee on State and Local Government and Veterans' Affairs.

**S. B. No. 83**-Senators Grendell, Clancy, Jacobson, Schuring.

To amend sections 319.302, 321.24, 323.156, 4503.06, 5733.06, 5733.33, 5747.02, and 5747.31 and to enact sections 319.312 and 5705.031 of the Revised Code to create a property tax credit for the purchase of new manufacturing machinery and equipment and to reimburse local governments for tax revenues foregone by them as a result of the credit.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 84**-Senators Mallory, Brady, Dann, Fedor, Miller.

To create the Hybrid Vehicle Acquisition Study Committee for the purpose of studying the feasibility of replacing the existing state motor vehicle fleet over time with hybrid vehicles.

To the Committee on State and Local Government and Veterans' Affairs.

**S. R. No. 35**-Senators Mallory, Brady, Dann, Fedor, Miller.

To memorialize Congress to amend the Energy Policy Act of 1992 to specify that an electric-hybrid vehicle must receive credit as being an alternative fueled vehicle for purposes of the requirement that 75% of new light duty motor vehicles acquired annually for state government fleets be alternative fueled vehicles.

To the Committee on State and Local Government and Veterans' Affairs.

YES - 5: MARK MALLORY, J. KIRK SCHURING, JEFF JACOBSON, BILL HARRIS, C. J. PRENTISS.

NO - 0.

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

The report of the committee was accepted.

Said bills and resolution were considered a second time and referred to committee as recommended.

### REPORTS OF STANDING AND SELECT COMMITTEES

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **S. B. No. 56**-Senator Mumper, having had the same under consideration, reports it back and recommends its passage.

YES - 9: JOHN A. CAREY, STEPHEN C. AUSTRIA, PATRICIA M. CLANCY, TOM NIEHAUS, JOY PADGETT, GARY W. CATES, RON AMSTUTZ, RANDY GARDNER, DAVID GOODMAN.

NO - 4: TOM ROBERTS, DANIEL R. BRADY, CHARLES A. WILSON, RAY MILLER.

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

The report of the committee was accepted.

Senator Padgett submitted the following report:

The standing committee on Education, to which was referred **S. B. No. 6**-Senator Padgett, having had the same under consideration, reports it back and recommends its passage.

YES - 8: RAY MILLER, TERESA FEDOR, JOY PADGETT, LARRY A. MUMPER, RANDY GARDNER, GARY W. CATES, ERIC D. FINGERHUT, JOHN A. CAREY.

NO - 0.

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

The report of the committee was accepted.

Senator Schuring submitted the following report:

The standing committee on Rules to which were referred the appointments by the Governor of:

**Bradley K. Baker**, Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 7, 2005 and ending at the close of business January 14,

2008.

**Virginia O. Benson**, Independent, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 7, 2005 and ending at the close of business January 14, 2008.

**Clyde E. Henry**, Democrat, from Orient, Pickaway County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 7, 2005 and ending at the close of business January 14, 2008.

**Darryl D. Mehaffie**, Republican, from Greenville, Darke County, Ohio, as a Member of the Edison State Community College Board of Trustees for a new term beginning February 7, 2005 and ending at the close of business January 18, 2011.

**Thomas P. Milligan**, Independent, from Sidney, Shelby County, Ohio, as a Member of the Edison State Community College Board of Trustees for a new term beginning February 7, 2005 and ending at the close of business January 18, 2011.

**David J. Robinson**, Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Education Telecommunications Network Commission for a new term beginning February 7, 2005 and ending at the close of business November 8, 2008.

**Frank Samuel**, Republican, from Burton, Geauga County, Ohio, as a Member of the Ohio Education Telecommunications Network Commission for a term beginning February 7, 2005 and ending at the close of business November 8, 2008, replacing Lee Esprit, whose term expired.

**Mark F. Seeman**, Democrat, from Kent, Portage County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 7, 2005 and ending at the close of business January 14, 2008.

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

YES - 11: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JAY HOTTINGER, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, MARK MALLORY, C. J. PRENTISS.

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 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Fedor
Fingerhut	Gardner	Goodman	Grendell
Hagan	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Wachtmann	Wilson
Zurz			Harris-30.

So the Senate advised and consented to said appointments.

### BILLS FOR THIRD CONSIDERATION

**S. B. No. 56**-Senator Mumper.

To amend section 3318.31 of the Revised Code to enact as a separate act the provision of law exempting employees of the Ohio School Facilities Commission from the collective bargaining law, was considered the third time.

The question being, "Shall the bill, **S. B. No. 56**, pass?"

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 bill passed.

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

Senator Mumper moved to amend the title as follows:

Add the names: "Wachtmann, Harris, Cates, Jacobson."

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

The motion was agreed to and the title so amended.

### MOTIONS

Senator Hottinger moved that Senators absent the week of Sunday, February 27, 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.

### INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

**S. B. No. 85**-Senators Dann, Fingerhut, Miller, Hagan, Brady, Roberts, Wilson.

To repeal section 2329.662 of the Revised Code to permit debtors domiciled in Ohio to exempt the same property from a bankruptcy judgment that is exempted under the federal Bankruptcy Law.

**S. B. No. 86**-Senators Gardner, Mallory, Clancy, Spada, Goodman, Schuler, Mumper, Hagan, Miller.

To amend sections 124.56, 124.57, and 124.60 of the Revised Code to authorize classified employees to engage in political activities during nonworking hours, to broaden the prohibition against coercion or harassment of classified employees for political purposes, and to authorize the State Personnel Board of Review and local civil service commissions to remedy such coercion or harassment.

**S. B. No. 87**-Senator Wachtmann.

To amend sections 3721.011 and 3721.04 of the Revised Code regarding the provision of hospice care in residential care facilities.

**S. B. No. 88**-Senators Coughlin, Goodman.

To amend section 2305.113 and to enact sections 2339.01 to 2339.17 of the Revised Code to establish a pilot program mandating arbitration for claims of medical negligence prior to the filing of a complaint and to terminate the provisions of this act ten years after the effective date of this act by repealing sections 2339.01, 2339.02, 2339.03, 2339.04, 2339.05, 2339.06, 2339.07, 2339.08, 2339.09, 2339.10, 2339.11, 2339.12, 2339.13, 2339.14, 2339.15, 2339.16, and 2339.17 of the Revised Code on that date.

**OFFERING OF RESOLUTIONS**

Senator Goodman offered the following resolution:

**S. R. No. 36**-Senators Goodman, Stivers, Miller, Spada, Padgett, Carey, Harris, Jordan, Armbruster, Coughlin, Grendell, Mumper.

To join the team of municipal corporations, businesses, organizations, and state and local leaders to protect the Defense Supply Center Columbus (DSCC) from the Base Realignment and Closure process.

WHEREAS, The DSCC is the twelfth largest employer in central Ohio, employing more than six thousand Ohioans; and

WHEREAS, The DSCC is known throughout the world by more than twenty-four thousand military and civilian customers as one of the largest suppliers of weapons systems parts; and

WHEREAS, The proud men and women of our armed forces rely on the proven competence, efficiency, and effectiveness of the DSCC; and

WHEREAS, The DSCC is economically vital to central Ohio, managing almost two million items and accounting for more than two billion dollars in annual sales; and

WHEREAS, The employees of the DSCC, along with the employees' family members, are active members of central Ohio's communities, schools, and neighborhoods; and

WHEREAS, State and local leaders and leaders from businesses, organizations, and various associations around central Ohio have formed a team, known as "Team DSCC," to promote and preserve the DSCC. "Team DSCC" has made strong efforts to save DSCC from closure, which include increasing local- and federal-level advocacy, increasing awareness about DSCC, and striving to relocate military personnel to the base; now therefore be it

RESOLVED, The members of the Senate offer support of the Defense Supply Center Columbus, its mission, and its employees, recognizing that they are an integral part of central Ohio's economy and community, as well as the nation's defense. The members of the Senate join "Team DSCC" in recognizing and promoting the current capabilities and future growth opportunities of the DSCC. The members of the Senate stand ready to assist as necessary to protect the DSCC from the Base Realignment and Closure process; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the Secretary of Defense, to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

The question being, "Shall the resolution, **S. R. No. 36**, be adopted?"



So the resolution was adopted.

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

Senator Goodman moved to amend the title as follows:

Add the names: "Austria, Schuler, Fingerhut, Zurz, Wachtmann, Clancy, Prentiss, Fedor."

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

The motion was agreed to and the title so amended.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, March 3, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.