

OHIO

SENATE

JOURNAL

WEDNESDAY, MARCH 8, 2006

ONE HUNDRED FIFTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 8, 2006, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Linworth Baptist Church, Worthington, 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 bill and concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 282-Senators Fingerhut, Dann, Fedor, Hagan, Miller, R., Zurz.

To amend sections 4121.12, 4121.121, 4121.122, and 4123.44 of the Revised Code to require the Workers' Compensation Oversight Commission to employ its own professional and clerical staff rather than use staff provided by the Administrator of Workers' Compensation, and to require the Oversight Commission to adopt rules to establish the objectives, policies, and criteria for the investment program of the Bureau of Workers' Compensation.

To the Committee on Insurance, Commerce and Labor.

S. C. R. No. 26-Senators Armbruster, Clancy, Dann, Fingerhut, Gardner, Grendell, Goodman, Hottinger, Jordan, Kearney, Miller, D., Miller, R., Mumper, Padgett, Roberts, Schuler, Spada, Wachtmann, Wilson.

To designate 2006 as the Year of the Historic National Road.

To the Committee on Highways and Transportation.

YES - 4: JEFF JACOBSON, J. KIRK SCHURING, KIMBERLY A. ZURZ, C. J. PRENTISS.

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 271**-Senator Hottinger, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Cates, Grendell, Mumper, Armbruster, Miller, D., Kearney.

YES - 9: TIMOTHY J. GRENDALL, GARY W. CATES, LARRY A. MUMPER, ERIC H. KEARNEY, DALE MILLER, TERESA FEDOR, JEFFRY J. ARMBRUSTER, TOM NIEHAUS, J. KIRK SCHURING.

NO - 0.

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

The report of the committee was accepted.

Senator Stivers submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 268**-Senator Stivers, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 9: LYNN R. WACHTMANN, PATRICIA M. CLANCY, RAY MILLER, ERIC H. KEARNEY, ERIC D. FINGERHUT, JEFFRY J. ARMBRUSTER, STEVE STIVERS, STEPHEN C. AUSTRIA, GARY W. CATES.

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:

Daniel H. D. Becker, Republican, from Struthers, Mahoning County, Ohio, as a Member of the Financial Planning Supervision Commission for Struthers City School District for a term beginning February 3, 2006 and

continuing at the pleasure of the Governor, replacing Anthony Frattaroli, who resigned.

Sandra A. Drabik, Republican, from Sylvania, Lucas County, Ohio, as a Member of the Ohio Building Authority for a new term beginning February 10, 2006 and ending at the close business December 31, 2011.

Edward D. Featheringham, Republican, from Bergholz, Jefferson County, Ohio, as a Member of the Jefferson Community College Board of Trustees for a new term beginning February 10, 2006 and ending at the close of business January 31, 2011.

Eric Von Hendrix, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Venture Capital Authority for a new term beginning February 3, 2006 and ending at the close of business January 31, 2010.

Timothy S. Keen, from Columbus, Franklin County, Ohio, as Director of Ohio's Office of Budget and Management for a term beginning February 28, 2006 and continuing at the pleasure of the Governor, replacing Tom Johnson, who resigned.

Betty J. Kemper, Republican, from Rocky River, Cuyahoga County, Ohio, as a Member of the Ohio Housing Finance Agency for a new term beginning January 27, 2006 and ending at the close of business January 31, 2012.

Karen R. Kleinhenz, Republican, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Ohio Venture Capital Authority for a new term beginning February 3, 2006 and ending at the close of business January 31, 2010.

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

YES - 10: JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JAY HOTTINGER, J. KIRK SCHURING, TOM ROBERTS, TERESA FEDOR, KIMBERLY A. ZURZ, 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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson

Jordan	Kearney	Miller D	Miller R
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

S. B. No. 271-Senators Hottinger, Miller, R., Fedor, Cates, Grendell, Mumper, Armbruster, Miller, D., Kearney.

To enact section 5.073 of the Revised Code to designate the Newark Earthworks as the official prehistoric monument of the state, was considered the third time.

The question being, "Shall the bill, **S. B. No. 271**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 4, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Cates
Clancy	Coughlin	Dann	Fedor
Fingerhut	Gardner	Goodman	Grendell
Hagan	Hottinger	Jordan	Kearney
Miller D	Miller R	Mumper	Padgett
Prentiss	Roberts	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-29.

Senators Carey, Jacobson, Niehaus, and Schuler voted in the negative-4.

So the bill passed.

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

Senator Cates moved to amend the title as follows:

Add the names: "Clancy, Hagan, Zurz, Dann, Spada."

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

The motion was agreed to and the title so amended.

On the motion of Senator Amstutz the Senate recessed.

The Senate met pursuant to the recess.

Am. H. B. No. 82-Representatives Hughes, Allen, Barrett, Boccieri, Brown,

Chandler, DeBose, Domenick, Evans, C., Fende, Flowers, McGregor, J., Patton, S., Patton, T., Perry, Reidelbach, Schaffer, Schneider, Seitz, Stewart, D., Yuko.

To amend sections 4777.01, 4777.02, 4777.03, and 4777.04 of the Revised Code to change the professional title "Industrial Hygienist in Training" to "Certified Associate Industrial Hygienist" with respect to the practice of industrial hygiene, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 82**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Clancy	Coughlin	Dann	Fedor
Fingerhut	Gardner	Goodman	Hagan
Hottinger	Jacobson	Jordan	Kearney
Miller D	Miller R	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
Wilson	Zurz		Harris-31.

Senator Cates voted in the negative-1.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the name: "Goodman."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 231-Representatives Mason, McGregor, Otterman, Allen, Brown, Chandler, Williams, Carano, S. Smith, Boccieri, Fende, Driehaus, Ujvagi, Harwood, Oelslager, C. Evans, Key, S. Patton, DeBose, Collier, Reidelbach, Yuko, Beatty, Barrett, Blessing, Book, Buehrer, Cassell, Coley, DeGeeter, Domenick, Flowers, Garrison, Gibbs, Gilb, Hartnett, Hoops, Hughes, Latta, Law, Mitchell, Patton, T., Perry, Peterson, Raussen, Sayre, Schaffer, Schneider, Seaver, Skindell, Smith, G., Stewart, D., Stewart, J., Sykes, Walcher, Willamowski, Woodard, Yates Senators Dann, Kearney.

To amend section 2909.21 and to enact section 2909.081 of the Revised Code to prohibit a person from knowingly discharging a laser into the cockpit of an aircraft and to expand definitions related to terrorism, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 231**, pass?"

On the motion of Senator Jacobson, **Sub. H. B. No. 231** was informally passed and retained its place on the calendar.

Sub. S. B. No. 238-Senators Niehaus, Schuring, Clancy, Padgett, Carey, Spada, Armbruster.

To amend sections 109.57, 109.572, 109.60, 1347.08, 1717.14, 2151.011, 2151.281, 2151.353, 2151.416, 2151.421, 3107.014, 3107.015, 3107.016, 3107.031, 3107.032, 3107.17, 3109.16, 3109.17, 5101.141, 5101.29, 5101.35, 5101.72, 5101.99, 5103.031, 5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 5103.039, 5103.0311, 5103.0312, 5103.0313, 5103.0315, 5103.07, 5104.01, 5104.11, 5104.31, 5153.01, 5153.111, 5153.122, 5153.16, 5153.17, 5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 5153.65, 5153.66, 5153.67, 5153.70, 5153.71, 5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 5153.77, and 5153.78; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5153.60 (5103.30), 5153.61 (5103.35), 5153.62 (5103.36), 5153.63 (5103.362), 5153.64 (5103.363), 5153.65 (5103.37), 5153.66 (5103.39), 5153.67 (5103.391), 5153.70 (5103.38), 5153.71 (5103.41), 5153.72 (5103.42), 5153.73 (5103.421), 5153.74 (5103.422), 5153.75 (5153.125), 5153.76 (5153.126), 5153.77 (5153.127), and 5153.78 (5103.32); to enact sections 2151.423, 5101.13, 5101.131, 5101.132, 5101.133, 5101.134, 5103.301, 5103.302, 5103.303, 5103.31, 5103.33, 5103.34, 5103.361, 5103.40, 5153.123, 5153.124, and 5153.166; and to repeal sections 5103.037, 5153.68, and 5153.69 of the Revised Code to revise the law governing child welfare and other laws regarding the Department of Job and Family Services, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 238**, pass?"

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	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Hagan	Hottinger	Jacobson	Jordan
Kearney	Miller D	Miller R	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

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

Senator Niehaus moved to amend the title as follows:

Add the names: "Coughlin, Dann, Fedor, Harris, Kearney, Prentiss,

Roberts, Zurz, Miller, R., Austria, Wilson, Miller, D.."

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

The motion was agreed to and the title so amended.

S. B. No. 268-Senators Stivers, Schuler, Mumper.

To amend section 3901.48 and to enact section 3915.16 of the Revised Code to adopt the Interstate Insurance Product Regulation Compact, was considered the third time.

The question being, "Shall the bill, **S. B. No. 268**, pass?"

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	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Hagan	Hottinger	Jacobson	Jordan
Kearney	Miller D	Miller R	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Amstutz, Armbruster, Austria, Clancy, Goodman, Hottinger, Prentiss, Spada, Kearney, Harris."

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, March 5, 2006, 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 bill was introduced and considered the first time:

S. B. No. 283-Senators Prentiss, Roberts, Fedor, Zurz, Miller, D., Padgett, Hagan, Dann, Kearney, Miller, R., Wilson, Fingerhut, Spada, Jacobson, Austria.

To amend section 149.43 of the Revised Code to require a public office or person responsible for public records to redact Social Security numbers from a public record before providing copies of it or making it accessible through the internet and to authorize a person aggrieved by a failure to so edit a record to bring a civil action for damages, equitable relief, and reasonable attorney's fees.

OFFERING OF RESOLUTIONS

Senator Grendell offered the following concurrent resolution:

S. C. R. No. 27-Senators Grendell, Schuring, Clancy, Cates, Jacobson, Gardner, Jordan, Goodman, Austria.

To affirm the belief of the General Assembly of Ohio in the constitutionality of the federal ban on partial-birth abortion; to request that the Ohio Attorney General file an amicus curiae brief in support of the constitutionality of the federal partial-birth abortion ban; and to urge the Congress of the United States to act to preserve the ban.

The question being, "Shall the concurrent resolution, **S. C. R. No. 27**, be adopted?"

On the motion of Senator Jacobson, **S. C. R. No. 27**, was referred to the Committee on Reference.

Senator Wachtmann offered the following resolution:

S. R. No. 174-Senator Wachtmann.

Honoring the Patrick Henry High School football team as the 2005 Division V State Champion.

The question being, "Shall the resolution, **S. R. No. 174**, 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 passed the following bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 375 - Representatives Flowers, McGregor, J., Evans, D.,

Brown, Willamowski, Allen, Setzer, Patton, T., Stewart, D., Blessing, Cassell, Collier, Combs, Domenick, Fende, Hagan, Hughes, Mitchell, Otterman, Reidelbach, Smith, G., Widener, Williams, Wolpert, Yuko

To amend sections 4765.05, 4765.11, 4765.16, 4766.01, 4766.02, 4766.03, 4766.04, 4766.06, 4766.07, 4766.17, and 4766.20 and to enact sections 4765.101, 4765.102, 4765.111, 4765.112, 4765.113, 4765.114, 4765.115, and 4765.116 of the Revised Code concerning the authority of the State Board of Emergency Medical Services to suspend certificates to practice emergency medical services and revisions to the law governing air medical transportation.

H. B. No. 389 - Representatives Setzer, Yuko, McGregor, J., Wagoner, Fende, Hartnett, Widowfield, Patton, S., Webster, Allen, DeGeeter, Law, Barrett, Brown, Collier, Combs, DeBose, Domenick, Evans, C., Evans, D., Flowers, Hughes, Key, Mason, Otterman, Reidelbach, Sayre

To amend sections 4511.07, 4511.071, 4511.22, 4511.25, 4511.31, 4511.39, 4511.52, 4511.53, 4511.55, 4511.56, and 4511.711 of the Revised Code to revise certain laws as they relate to bicycle operation.

Attest:

Laura P. Clemens,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

S. B. No. 125 - Senators Schuring, Amstutz, Carey, Niehaus, Dann, Hagan Representatives Wolpert, Domenick, Williams, Bulp, Aslanides, Combs, Daniels, McGregor, J., Barrett, Blessing, Book, Carano, Cassell, Chandler, DeBose, Evans, C., Evans, D., Gibbs, Hagan, Healy, Otterman, Patton, T., Perry, Reidelbach, Sayre, Seitz, Willamowski

To amend section 2151.655 and to enact section 133.152 of the Revised Code to authorize joint county juvenile detention facility districts to enter into agreements with the several boards of county commissioners providing for the financing of juvenile detention facility improvements.

Attest:

Laura P. Clemens,

Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Am. H. B. No. 85 - Representative Blessing - et al.

Attest:

Laura P. Clemens,
Clerk.

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 bills:

Am. H. B. No. 214 - Representative Hughes - et al.

Sub. H. B. No. 288 - Representative Wagoner - et al.

Sub. H. B. No. 313 - Representative Stewart, J. - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bills.

On the motion of Senator Jacobson the Senate recessed.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. Sub. S. B. No. 7 - Senators Cates, Spada, Austria, Mumper,

Wachtmann, Schuler, Padgett, Clancy, Niehaus, Coughlin, Hottinger, Armbruster, Jacobson, Harris Representatives Buehrer, Uecker, Aslanides, Blessing, Calvert, Coley, Combs, Dolan, Evans, D., Faber, Gibbs, Gilb, Hagan, Hoops, Martin, Reinhard, Schaffer, Schneider, Setzer, Taylor, Webster, White, Widowfield

To amend sections 2913.48, 3121.034, 3121.037, 4111.02, 4121.10, 4121.12, 4121.44, 4121.441, 4123.01, 4123.29, 4123.32, 4123.35, 4123.512, 4123.52, 4123.54, 4123.56, 4123.57, 4123.58, 4123.61, 4123.65, 4123.88, 5703.21, and 5747.18, to enact sections 3121.0311, 4121.131, 4121.444, 4123.271, and 4123.311 of the Revised Code to make various changes to the Workers' Compensation Law and the state minimum wage.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested:

In line 311, after "employer" insert "and employers with less than one hundred fifty thousand dollars gross annual sales"

In line 319, strike through everything after "(B)"

Strike through lines 320 through 324

In line 325, strike through "(C)"

In line 326, strike through everything after "than"

Strike through line 327

In line 328, strike through everything before the period and insert "the wage rate described in division (A) of this section"

In line 345, strike through everything after "than"

In line 346, strike through "section" and insert "two dollars and eighty cents per hour"

In line 347, strike through "(D)" and insert "(C)"

Strike through lines 367 through 375

In line 376, strike through "specified in division"; delete "(F)" and strike through the balance of the line

In line 377, strike through "(F)"

In line 395, strike through everything after "~~(G)~~"

Strike through lines 396 and 397

In line 398, strike through everything before "as"

In line 399, strike through everything after the second stricken comma

Strike through lines 400 through 406

In line 407, strike through everything before the underlined comma; delete ", 29" and strike through the balance of the line

In line 1539, delete "At" and insert "Notwithstanding the interest rates specified in division (E)(2) of this section, at"

In line 9 of the title, delete "to increase"; delete "basic"

Attest: Laura P. Clemens,
Clerk.

Senator Gardner moved that the amendments by the House of Representatives to **Am. Sub. S. B. No. 7** be brought up for consideration.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss
Roberts	Wilson		Zurz-11.

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss

Roberts

Wilson

Zurz-11.

So the Senate concurred in the amendments of the House of Representatives.

CLERK'S NOTATION

Pursuant to section 10, Article II of the Constitution of the State of Ohio, the following protest was filed by Senator Marc Dann on March 8, 2006:

We protest the decision of the Ohio Senate today to concur in the House amendments to Senate Bill 7 because the amendment violates Article II, Section 15 of the Ohio Constitution, often referred to as the "single subject rule."

SB 7 originally passed the Senate "literally in the dark of night" along a party line 21-11 vote. The bill has been characterized as "reform" of the Workers' Compensation system. Last year, it was reported that the Bureau of Workers' Compensation had invested \$50 million in rare coins. The ensuing investigation has led to the conviction of Governor Taft and members of his staff on ethics charges. In addition, coin dealer Tom Noe, the beneficiary of the coin investment, has been indicted on state and federal charges. Federal grand juries and a joint local-state-federal task force are continuing their investigations into these and related matters.

The losses at the BWC now exceed \$1 billion. Nothing in this bill addresses the corruption that caused these losses.

With the BWC posted in headlines around the state for year, SB 7 remained idle, safely off radar screen. Suddenly, SB 7 has new life and came before the Ohio Senate today for concurrence.

Included in the bill was a provision to "raise" Ohio's minimum wage to the level of the federal minimum, \$5.15. This amount is less than is necessary to support even one person at the federal poverty level. There are two problems with this so-called increase. First, few workers may be paid below the federal standard. Of the few workers who may be paid, few "if any" actually are paid at that level. This so-called increase is a cynical attempt to confuse voters who will have the opportunity this fall to vote on raising the Ohio minimum wage above the federal minimum.

Second, even if this so-called increase actually applies to any Ohio workers, it will never be implemented because it violates the Ohio Constitution's single subject rule.

The Ohio Constitution clearly states that "No bill shall contain more than one subject." Just two years ago, the Supreme Court of Ohio reiterated its articulation of the single subject rule:

. . . this holding provides a sufficient guard against logrolling and stealth

and fraud in legislation by stating that a manifestly gross and fraudulent violation of the one-subject provision will render an enactment invalid. For, when there is an absence of common purpose or relationship between specific topics in an act and when there are no discernible practical, rational or legitimate reasons for combining the provisions in one act, there is a strong suggestion that the provisions were combined for tactical reasons, i.e., logrolling. Inasmuch as this was the very evil the one-subject rule was designed to prevent, an act which contains such unrelated provisions must necessarily be held to be invalid in order to effectuate the purposes of the rule." In re Nowak, 104 Ohio St. 3d 466, 475 (2004) (citing State ex rel. Dix v. Celeste, 11 Ohio St. 3d 141 (1984))

The House of Representatives' amendment log-rolled increasing Ohio's woefully inadequate minimum wage into a controversial, anti-worker measure. It can hardly be said there is a common purpose or relationship between the minimum wage and restricting workers' rights and benefits. It can no more be argued that there is a rational or legitimate reason for combining the minimum wage issue with restricting workers rights. In fact, the only plausible reason is a cynical attempt to confuse voters and induce General Assembly members to vote against a concept they otherwise support.

This kind of log-rolling is precisely what the Supreme Court of Ohio has time and time again ruled that the Ohio Constitution forbids. The people of Ohio deserve a complete debate about the costs and benefits of raising the minimum wage before the General Assembly takes action.

The lack of debate on this issue is exactly what Article II, Sec. 15(D) of the Ohio Constitution is designed to prevent.

Because the House amendment is a manifestly gross violation of the single-subject rule of the Ohio Constitution, we protest the Senate's decision to concur with the House amendments.

/s/ C. J. PRENTISS
Senator C.J. Prentiss
Minority Leader

/s/ KIMBERLY ZURZ
Senator Kimberly Zurz
Assistant Minority Leader

/s/ TERESA FEDOR
Senator Teresa Fedor
Minority Whip

/s/ TOM ROBERTS
Senator Tom Roberts
Assistant Minority Whip

/s/ MARC DANN
Senator Marc Dann

/s/ ERIC FINGERHUT
Senator Eric Fingerhut

/s/ ROBERT HAGAN
Senator Robert Hagan

/s/ ERIC KEARNEY
Senator Eric Kearney

/s/ DALE MILLER
Senator Dale Miller

/s/ RAY MILLER
Senator Ray Miller

/s/ CHARLIE WILSON
Senator Charlie Wilson

On the motion of Senator Jacobson, the Senate adjourned until Thursday,
March 9, 2006 at 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.