

**OHIO
SENATE
JOURNAL**

WEDNESDAY, MARCH 16, 2005

THIRTIETH DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 16, 2005, 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, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 106-Senator Brady.

To amend section 1541.03 of the Revised Code to prohibit the Division of Parks and Recreation in the Department of Natural Resources from charging a fee to park a motor vehicle in a park that the state does not own but that the Division manages and to declare an emergency.

To the Committee on Finance and Financial Institutions.

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

NO - 0.

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

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. S. B. No. 17**-Senator Spada, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Clancy, Dann, Mallory, Zurz.

YES - 9: PATRICIA M. CLANCY, DAVID GOODMAN,
TIMOTHY J. GRENDELL, J. KIRK SCHURING, JIM
JORDAN, MARK MALLORY, MARC DANN,
KIMBERLY A. ZURZ, STEPHEN C. AUSTRIA.

NO - 0.

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

The report of the committee was accepted.

Senator Mumper submitted the following report:

The standing committee on Agriculture, to which was referred **Sub. S. B. No. 99**-Senator Mumper, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: JIM JORDAN, LARRY A. MUMPER, JOHN A. CAREY,
TOM ROBERTS, MARC DANN, J. KIRK SCHURING,
TIMOTHY J. GRENDELL, JOY PADGETT, CHARLES
A. WILSON.

NO - 0.

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. 71**-Senator Wilson, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 9: ERIC D. FINGERHUT, RANDY GARDNER, LARRY A.
MUMPER, JOHN A. CAREY, RAY MILLER, TERESA
FEDOR, JEFF JACOBSON, GARY W. CATES, JOY
PADGETT.

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:

Renee Jessen, Independent, from Berkey, Lucas County, Ohio, as a Member of the State Veterinary Medical Licensing Board for a term beginning February 7, 2005 and ending at the close of business December 31, 2009, replacing Janet Buck, whose term expired.

David C. Koncal, Independent, from Northfield, Summit County, Ohio, as a Member of the State Veterinary Medical Licensing Board for a term beginning February 7, 2005 and ending at the close of business December 31, 2008, replacing Deborah Foster, whose term expired.

William J. Napier, Republican, from Upper Arlington, Franklin County, Ohio, as a Member of the Midwestern Higher Education Compact Commission for a new term beginning February 7, 2005 and ending at the close of business January 9, 2009.

Janet K. Small, Independent, from Fostoria, Seneca County, Ohio, as a Member of the State Veterinary Medical Licensing Board for a new term beginning February 7, 2005 and ending at the close of business December 31, 2009.

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

YES - 10: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, STEPHEN C. AUSTRIA, J. KIRK SCHURING, ROBERT F. HAGAN, MARK MALLORY, TERESA FEDOR, C. J. PRENTISS, ROBERT F. SPADA.

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	Carey
Cates	Clancy	Coughlin	Dann
Fedor	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.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 56-Senators Mumper, Wachtmann, Harris, Cates, Jacobson
Representatives Coley, C. Evans, D. Evans, Gibbs, Hood, Setzer, Widowfield.

To amend section 3318.31 of the Revised Code and to amend Section 41.21 of Am. Sub. H.B. 95 of the 125th General Assembly and to amend Section 41.13 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended, to enact as a separate act the provision of law exempting employees of the Ohio School Facilities Commission from the collective bargaining law, to make adjustments to the Department of Education's fiscal year 2005 budget, and to make an appropriation, were taken up.

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

The yeas and nays were taken and resulted - yeas 24, nays 7, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Gardner	Goodman	Grendell	Hottinger
Jacobson	Jordan	Mumper	Niehaus
Padgett	Roberts	Schuler	Schuring
Spada	Wachtmann	Wilson	Harris-24.

Senators Dann, Fedor, Hagan, Mallory, Miller, Prentiss, and Zurz voted in the negative-7.

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

REPORTS OF CONFERENCE COMMITTEES

Senator Armbruster submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Sub. H.B. 68, Representative T. Patton - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 25, delete "127.16,"

In line 31, delete "4511.191,"

In line 32, delete "4513.263,"; delete "4513.61,"

In line 33, delete "4765.07, 4765.11,"; delete "5503.04,"

In line 36, delete the first comma and insert "and"; delete ", and 5531.11"

Delete lines 424 through 599

Delete lines 4052 through 4472

In line 4914, after "(N)" insert "(1)(a)"

In line 4917, after "either" insert "one of the following as agreed to by both authorities:

(i) Either"

In line 4918, delete "as agreed to by"

In line 4919, delete "both authorities." and insert ":"

(ii) An altered speed limit determined and posted in accordance with this section.

(b)"

In line 4920, delete "in division"

In line 4921, delete "(B) of" and insert "and posted under"; after the underlined period, insert:

"(2)"

Delete lines 4986 through 5144

In line 5249, delete "Been convicted" and insert "Accumulated repeated convictions"; after "federal" insert "safety"

In line 5252, delete "Been convicted" and insert "Accumulated repeated convictions"

In line 5258, delete the underlined semicolon and insert an underlined period

Delete lines 5259 through 5264

Delete lines 5292 through 5369

Delete lines 5916 through 6049

Delete lines 6069 through 6077 and insert:

"(B) To fulfill its functions under division (A) of this section, the department shall develop and maintain a pavement management system. The system shall inventory and evaluate basic road and bridge conditions throughout the state highway system and develop strategies to improve those conditions, minimize annual maintenance of the state highway system, and ensure that a disproportionate percentage of the roads and bridges on the state highway system are not due for replacement or major repair at the same time. The department

shall identify and promote longer pavement life spans to lessen user delays and the disruption to traffic on the state highway system.

Delete lines 6078 through 6123

In line 6256, reinsert "A sale under division"; after "()" insert "(C)(2)(a)"; reinsert "of this section shall"

In line 6257, reinsert "be made to the highest responsible bidder."

In line 6273, after "~~advertising~~" insert ". A sale under division (C)(2)(b) of this section"

In line 6274, reinsert "shall be made to the highest responsible bidder."

In line 6277, strike through the period

Delete lines 7009 through 7028

In line 7688, delete "127.16,"

In line 7693, delete "4511.191,"

In line 7694, delete "4513.263,"; delete "4513.61,"

In line 7695, delete "4765.07, 4765.11,"; delete "5503.04,"

In line 7721, delete "\$586,240,305 \$579,969,730" and insert
"\$585,240,305 \$578,969,730"

In line 7732, delete "\$1,794,813,205 \$1,918,488,530" and insert
"\$1,793,813,205 \$1,917,488,530"

In line 7740, delete "\$2,194,813,205 \$2,228,488,530" and insert
"\$2,193,813,205 \$2,227,488,530"

In line 7793, delete "\$2,442,047,400 \$2,572,306,900" and insert
"\$2,441,047,400 \$2,571,306,900"

In line 7798, delete "\$2,842,047,400 \$2,882,306,900" and insert
"\$2,841,047,400 \$2,881,306,900"

Between lines 8071 and 8072, insert:

"83N 761-611 Elementary School Seat Belt Program \$447,895
\$447,895"

Between lines 8073 and 8074, insert:

"844 761-613 Seat Belt Education Program \$482,095 \$482,095"

In line 8076, delete "\$23,098,035 \$23,360,454" and insert "\$24,028,025
\$24,290,444"

In line 8082, delete "\$23,198,035 \$23,460,454" and insert "\$24,128,025
\$24,390,444"

In line 8179, delete "\$9,354,361 \$9,354,361" and insert "\$2,587,627

\$2,587,627"

Between lines 8179a and 8180, insert:

"83P 765-637 EMS Grants \$5,836,744 \$5,836,744"

In lines 8182 and 8184, delete "\$9,936,368 \$9,936,368" and insert
"\$9,006,378 \$9,006,378"

Between lines 8184 and 8185, insert:

"CASH TRANSFERS OF SEAT BELT FINE REVENUES

Notwithstanding any other provision of law to the contrary, the Controlling Board, upon request of the Director of Public Safety, may approve the transfer of cash between the following four funds that receive fine revenues from enforcement of the mandatory seat belt law: the Trauma and Emergency Medical Services Fund (Fund 83M), the Elementary School Program Fund (Fund 83N), the Trauma and Emergency Medical Services Grants Fund (Fund 83P), and the Seat Belt Education Fund (Fund 844)."

Delete lines 8185 through 8196

In lines 8359, 8361, and 8362, delete "\$17,699,900 \$17,699,900" and insert "\$18,699,900 \$18,699,900"

In line 8398, delete "Licking,"

In line 8399, after the comma insert "Muskingum,"

In line 8400, delete "The districts may" and insert "Transportation improvement districts that have received earmarked funding from the foregoing appropriation item 195-629, Roadwork Development, in any prior year shall"

In line 8401, after "payments" insert "under this paragraph"

In line 8402, delete everything after "Code" and insert a period

Delete lines 8403 and 8404

In line 8405, delete everything before "shall" and insert "Transportation improvement districts that have not received earmarked funding from the foregoing appropriation item 195-629, Roadwork Development, in any prior year may use the payments for any purpose authorized under Chapter 5540. of the Revised Code, including administrative activities and the purchase of property and rights for the construction, maintenance, or operation of a project. Any payment made under this paragraph"

Delete lines 8469 through 8505

Between lines 8510 and 8511, insert:

"Section ____. Notwithstanding section 127.16 of the Revised Code, the Director of Transportation may enter into agreements as provided in this section with the United States or any department or agency of the United States,

including, but not limited to, the United States Army Corps of Engineers, the United States Forest Service, the United States Environmental Protection Agency, and the United States Fish and Wildlife Service. An agreement entered into pursuant to this section shall be solely for the purpose of dedicating staff to the expeditious and timely review of environmentally related documents submitted by the Department of Transportation, as necessary for the approval of federal permits. Such agreements may include provisions for advance payment by the Department of Transportation for labor and all other identifiable costs of providing the services by the United States or any department or agency of the United States, as may be estimated by the United States, or the department or agency of the United States. Not later than thirty days after the execution of such an agreement, the Director shall submit a written report to the Controlling Board indicating the amount of the agreement, the services to be performed by the United States or the department or agency of the United States, and the circumstances giving rise to the agreement."

Delete lines 8537 through 8545

Delete lines 8601 through 8608

In line 1 of the title, delete "127.16,"

In line 9 of the title, delete "4511.191,"

In line 10 of the title, delete "4513.263,"; delete "4513.61,"

In line 11 of the title, delete "4765.07,"

In line 12 of the title, delete "4765.11,"; delete "5503.04,"

In line 16 of the title, delete the first comma and insert "and"; delete ", and 5531.11"

In line 18 of the title, delete "and to amend Section 5"

In line 19 of the title, delete "of Sub. S.B. 59 of the 124th General Assembly"

Managers on the Part of the
House of Representatives

/S/ CHARLES CALVERT
CHARLES CALVERT

/S/ TOM PATTON
TOM PATTON

/S/ SYLVESTER PATTON
SYLVESTER PATTON

Managers on the Part of the
Senate

/S/ JEFFRY ARMBRUSTER
JEFFRY ARMBRUSTER

/S/ KIRK SCHURING
KIRK SCHURING

/S/ MARK MALLORY
MARK MALLORY

The question being, "Shall the report of the Committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Grendell voted in the negative-1.

So the report of Committee of Conference was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 17-Senators Spada, Jacobson, Fedor, Clancy, Dann, Mallory, Zurz.

To amend sections 2151.03, 2151.281, 2151.421, 2151.99, 2305.10, 2305.111, 2305.115, 2317.02, 2901.13, 2907.03, and 5120.173 of the Revised Code to require a member of the clergy, rabbi, priest, minister, or any person or layperson, other than a volunteer, acting as a leader, official, delegate, or other designated function on behalf of any church, religious society, or faith to report the known or reasonably suspected abuse or neglect of a child by any other member of the clergy, rabbi, priest, minister, or person or layperson, other than a volunteer, so acting on behalf of any church, religious society, or faith; to toll the criminal statute of limitations for violations involving abuse or neglect of a child if certain individuals fail to report the abuse or neglect of the child; to provide a 20-year statute of limitations for civil assault or battery actions brought by victims of childhood sexual abuse based on childhood sexual abuse or civil actions brought by victims of childhood sexual abuse asserting resulting claims; to provide a period of one or two years, depending upon the circumstances, for the filing of assault or battery actions by victims of childhood sexual abuse based on childhood sexual abuse occurring within the preceding 35 years, or civil actions by victims of childhood sexual abuse asserting resulting claims, that otherwise are barred by the expiration of the period of limitations; and to expand the offense of "sexual battery" to also prohibit a cleric from engaging in sexual conduct with a minor who is a member of, or attends, the church or congregation served by the cleric, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 17**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the bill passed.

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

Senator Spada moved to amend the title as follows:

Add the names: "Armbruster, Cates, Gardner, Hagan, Harris, Hottinger, Miller, Mumper, Padgett, Prentiss, Roberts."

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

The motion was agreed to and the title so amended.

S. B. No. 71-Senators Wilson, Brady, Schuring, Clancy, Fingerhut, Zurz, Roberts, Carey, Fedor, Padgett, Miller, Niehaus.

To permit certain school districts and nonpublic schools located in areas flooded during the 2004-2005 school year to count time that schools are in session beyond the required minimum number of hours in order to make up "calamity days" missed in excess of the number of days permitted by law and the number of days specified in their contingency plans, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 2, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 28, nays 3, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Gardner	Goodman	Grendell
Hagan	Hottinger	Jacobson	Mallory
Miller	Mumper	Niehaus	Padgett
Prentiss	Roberts	Schuler	Schuring
Spada	Wilson	Zurz	Harris-28.

Senators Brady, Jordan, and Wachtmann voted in the negative-3.

So the section, Section 2, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 29, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Mallory	Miller	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Wilson	Zurz
			Harris-29.

Senators Jordan and Wachtmann voted in the negative-2.

So the bill having received the required constitutional majority passed as an emergency measure.

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

The title was agreed to.

Sub. S. B. No. 99-Senator Mumper.

To amend sections 4707.01 and 4707.02 of the Revised Code to exclude persons who sell real or personal property by means of the Internet from having to obtain a license under the Auctioneers Law, to revise the definition of "auction mediation company," and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the section, Section 4, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Mumper moved to amend the title as follows:

Add the names: "Armbruster, Cates, Niehaus, Schuler, Wilson."

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 13, 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. 107-Senators Schuler, Padgett, Clancy, Schuring.

To amend sections 111.21, 111.22, 117.44, 133.01, 133.27, 149.42, 301.01, 306.32, 306.321, 319.51, 321.31, 321.32, 321.34, 345.01, 503.162, 503.25, 503.26, 503.29, 503.41, 503.52, 504.06, 504.07, 504.11, 504.12, 504.14, 504.19, 504.20, 505.03, 505.04, 505.07, 505.108, 505.11, 505.17, 505.24, 505.262, 505.31, 505.32, 505.33, 505.35, 505.37, 505.373, 505.47, 505.511, 505.73, 505.86, 507.01, 507.02, 507.021, 507.03, 507.04, 507.05, 507.051, 507.06, 507.07, 507.08, 507.09, 507.11, 509.02, 511.21, 511.22, 511.33, 513.04, 515.02, 515.04, 515.081, 515.12, 517.05, 517.06, 517.07, 519.16, 519.161, 519.211, 521.02, 521.03, 703.201, 707.28, 709.023, 709.024, 709.03, 709.033, 709.46, 711.05, 711.10, 715.691, 715.70, 715.71, 715.75, 715.76, 971.05, 971.06, 971.08, 971.09, 971.12, 971.35, 971.36, 1341.16, 1533.13,

1710.02, 2927.21, 3381.03, 3501.37, 3513.253, 3517.10, 3709.30, 3734.025, 3734.026, 3734.57, 4301.80, 4303.26, 4928.20, 4929.26, 4929.27, 5123.19, 5126.021, 5541.02, 5543.05, 5552.10, 5571.04, 5571.16, 5573.13, 5573.211, 5575.04, 5575.09, 5579.08, 5705.01, 5709.73, 5735.27, and 5747.061 of the Revised Code to replace the name "township clerk" with the name "township fiscal officer."

S. B. No. 108-Senators Gardner, Padgett.

To amend section 3314.08 of the Revised Code to eliminate the payment of state parity aid to community schools.

S. B. No. 109-Senators Coughlin, Jordan, Mumper.

To enact sections 1753.281 and 3923.651 of the Revised Code to require health care policies, contracts, and agreements that provide coverage for 9-1-1 emergency services to pay the provider of the services directly.

OFFERING OF RESOLUTIONS

Senator Jordan offered the following concurrent resolution:

S. C. R. No. 7-Senators Jordan, Wachtmann, Mumper.

To memorialize Congress to take appropriate action so that funding to the Joint Systems Manufacturing Center in Lima, Ohio, is not reduced through the Base Realignment and Closure process.

WHEREAS, The Joint Systems Manufacturing Center in Lima, Ohio, formally known as the Lima Army Tank Plant, produces a variety of armed combat vehicles and defense systems for the Army, Navy, and Marine Corps; and

WHEREAS, The Joint Systems Manufacturing Center is the only tank production facility in the United States and has the largest machining and fabrication product envelope in the United States Department of Defense; and

WHEREAS, Congress authorized a new round of the Base Realignment and Closure process to occur this year, which has the potential to affect the Joint Systems Manufacturing Center and the community of Lima that supports the Center; and

WHEREAS, The Joint Systems Manufacturing Center employs approximately 700 individuals and has an annual economic impact of \$246 million; now therefore be it

RESOLVED, That the 126th General Assembly of the State of Ohio supports the Joint Systems Manufacturing Center in Lima, Ohio, and

memorializes Congress to take appropriate action so that funding to the Center is not reduced through 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, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 7**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Jordan moved to amend the title as follows:

Add the names: "Amstutz, Armbruster, Austria, Brady, Carey, Clancy, Coughlin, Dann, Fedor, Gardner, Goodman, Grendell, Hagan, Harris, Hottinger, Jacobson, Mallory, Miller, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Wilson, Zurz."

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

The motion was agreed to and the title so amended.

Senator Gardner offered the following concurrent resolution:

S. C. R. No. 8-Senators Gardner, Harris, Carey, Zurz, Wachtmann, Padgett, Schuler, Clancy, Fedor, Coughlin, Armbruster, Amstutz, Grendell, Goodman.

To memorialize Congress, the President, and the Defense Base Closure and Realignment Commission to refrain from allowing the Toledo Air National Guard Base to be closed.

WHEREAS, As part of the federal Base Realignment and Closure (BRAC) process, the Toledo Air National Guard Base located at Toledo Express Airport in Swanton, Ohio, may be selected for closure, and action must be taken to prevent that closure; and

WHEREAS, The base hosts the 180th Fighter Wing, the 200 Red Horse Squadron (non-colocated unit), and the 555th Band of the Great Lakes; it is the deployment and training center for the United States Army Reserves, the United States Marine Corps Reserves, and the United States Navy; and the base currently has 1,048 personnel assigned to it; and

WHEREAS, The Toledo Air National Guard Base provides many benefits and services to the Department of Defense and the United States military, including close access to training ranges, deployment of all Ohio Reserve and National Guard units located in northwest Ohio, routine use for

refueling of transit aircraft, and close proximity to large population centers, including Chicago, Detroit, and Cleveland, making it an excellent staging area for a homeland defense emergency; and

WHEREAS, Demonstrating the combat readiness of the base, the 180th Fighter Wing located at Toledo Air National Guard Base was the first combat unit in the air to respond to the plane that eventually crashed in Pennsylvania during the attack on our nation on September 11, 2001; and

WHEREAS, The base is an outstanding return on investment, with the cost of base operations at approximately \$21 million annually, with low costs of operation that are significantly lower than other units located on an active base, and the savings provided by moving the units, especially the 180th Fighter Wing, from Toledo to another location, will never exceed the cost in terms of the lost proficiency and cohesiveness of the unit; and

WHEREAS, The Toledo Air National Guard Base greatly benefits the community of Toledo, providing an economic impact of \$71 million to the region, and the community supports the base, as demonstrated by the Toledo Port Authorities' efforts to eliminate encroachment; and the loss of revenue and jobs may damage an already economically depressed area; now therefore be it

RESOLVED, That the General Assembly of the State of Ohio memorializes the Congress of the United States, the President of the United States, and the Defense Base Closure and Realignment Commission to refrain from allowing the Toledo Air National Guard Base to close as it is important to Ohio and the nation as a whole; now be it further

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

The question being, "Shall the concurrent resolution, **S. C. R. No. 8**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Gardner moved to amend the title as follows:

Add the names: "Austria, Brady, Dann, Hagan, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Niehaus, Prentiss, Roberts, Schuring, Spada, Wilson."

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

The motion was agreed to and the title so amended.

Senator Harris offered the following concurrent resolution:

S. C. R. No. 9-Senators Harris, Carey, Coughlin, Amstutz, Clancy, Gardner, Goodman, Austria, Schuler, Spada, Fedor, Grendell, Niehaus, Padgett, Miller, Mumper, Brady, Roberts.

To memorialize Congress to take appropriate action so that the 179th Airlift Wing, Ohio Air National Guard, at the Mansfield Lahm Airport is excluded from the list of base closures for the Base Realignment and Closure process.

WHEREAS, The 179th Airlift Wing, Ohio Air National Guard, at the Mansfield Lahm Airport in Mansfield, Ohio, has a mission "to develop highly qualified operations, logistics, support and medical professionals who provide airlift to serve the state and nation" and a vision to "be an outstanding airlift unit with a reputation for professionalism and world-class service -- our customers' first choice"; and

WHEREAS, The 179th Airlift Wing has won several awards, including the Air Force Outstanding Unit Award, the Alan P. Tappan Memorial Trophy, and the Rusty Metcalf Award, the latter of which acknowledges the unit as one of the best in the Air Force, and all of these awards demonstrate the high capability of the unit and the unit's ability to perform at the Mansfield Lahm Airport; and

WHEREAS, Congress authorized a new round of the Base Realignment and Closure process to occur this year, which has the potential to affect the 179th Airlift Wing, Ohio National Guard, and the community of Mansfield that supports the unit; and

WHEREAS, The 179th Airlift Wing is active in the community through various events and organizations, employs approximately 1,000 individuals, and provides economic support and benefits to the city of Mansfield and the surrounding communities; now therefore be it

RESOLVED, That the 126th General Assembly of the State of Ohio supports the 179th Airlift Wing, Ohio Air National Guard, at the Mansfield Lahm Airport and firmly believes that the unit and base should not be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this base is not included in the Commission's list; 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, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 9**, be

adopted?"

So the concurrent resolution was adopted.

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

Senator Harris moved to amend the title as follows:

Add the names: "Armbruster, Dann, Hagan, Hottinger, Jacobson, Jordan, Mallory, Prentiss, Schuring, Wachtmann, Wilson, Zurz."

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

The motion was agreed to and the title so amended.

Senator Austria offered the following concurrent resolution:

S. C. R. No. 10-Senators Austria, Amstutz, Clancy, Coughlin, Dann, Fedor, Goodman, Grendell, Harris, Jordan, Mumper.

To memorialize Congress to take appropriate action so that the 178th Fighter Wing, Ohio Air National Guard at the Springfield-Beckley Municipal Airport in Springfield, Ohio, is excluded from the list of base closures for the Base Realignment and Closure process.

WHEREAS, The 178th Fighter Wing, Ohio Air National Guard at the Springfield-Beckley Municipal Airport in Springfield, Ohio, trains the fighter pilots of the future, and its goals are to have highly trained professionals providing world-class training air combat capability and resources in times of national emergency or war and to provide protection of life and property and to preserve peace, order, and public safety during natural disasters; and

WHEREAS, In addition to working to protect our nation by sending unit members to participate in engagements around the world, the 178th Fighter Wing works in the community, participating in such activities as the Adopt-A-Family program, the Combined Federal Campaign, Help-A-Needy Family program, and Red Cross blood drives, as well as other activities; and

WHEREAS, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect the 178th Fighter Wing, the base, and the community of Springfield that supports the base; and

WHEREAS, The unit is a key component of the community, employing approximately 409 people in the unit, and the airport provides for air travel and cargo needs for citizens and business in the region; now therefore be it

RESOLVED, That the 126th General Assembly of the State of Ohio supports the 178th Fighter Wing, Ohio Air National Guard at the Springfield-Beckley Municipal Airport and firmly believes that the unit and the base should not be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as it is a valuable asset to the

state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this base is not included in the Commission's closure list; 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, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 10**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Austria moved to amend the title as follows:

Add the names: "Armbruster, Brady, Carey, Gardner, Hagan, Hottinger, Jacobson, Mallory, Miller, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Wachtmann, Wilson, Zurz."

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

The motion was agreed to and the title so amended.

Senator Austria offered the following concurrent resolution:

S. C. R. No. 11-Senators Austria, Jacobson, Schuler, Amstutz, Brady, Carey, Clancy, Coughlin, Dann, Goodman, Grendell, Harris, Jordan, Mumper, Roberts, Spada.

To memorialize Congress to take appropriate action so that Wright-Patterson Air Force Base is excluded from the list of base closures for the Base Realignment and Closure process.

WHEREAS, Wright-Patterson Air Force Base is one of the largest and most complex air force bases in the United States and has a wide range of missions, including handling many diverse defense-related activities and developing the weapons systems of the future; and

WHEREAS, Wright-Patterson Air Force Base is the birthplace of aerospace and is a leader in aerospace research for the Air Force, as the base includes the Air Force Research Laboratory, the foremost aeronautical and aerospace research organization in the Air Force; and

WHEREAS, Thousands of students train each year at the Air Force Institute of Technology and millions of people visit the Air Force Museum, both of which are located at the base, and both aid in the economy of the region; and

WHEREAS, Wright-Patterson Air Force Base is the fifth largest

employer in Ohio, employing approximately 22,000 people, and the closure of this base would have a devastating economic impact in the local community and the state; and

WHEREAS, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect Wright-Patterson Air Force Base and the surrounding communities that support the base; now therefore be it

RESOLVED, That the 126th General Assembly of the State of Ohio supports Wright-Patterson Air Force Base and firmly believes that the base should not be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this base is not included in the Commission's closure list; 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, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 11**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Austria moved to amend the title as follows:

Add the names: "Armbruster, Fedor, Gardner, Hagan, Hottinger, Mallory, Miller, Niehaus, Padgett, Prentiss, Schuring, Wachtmann, Wilson, Zurz."

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

The motion was agreed to and the title so amended.

Senator Spada offered the following concurrent resolution:

S. C. R. No. 12-Senators Spada, Harris, Austria, Goodman, Carey, Schuler, Clancy, Grendell, Zurz, Brady, Fedor.

To memorialize Congress to take appropriate action so that NASA Glenn Research Center is excluded from the list of base closures for the Base Realignment and Closure process.

WHEREAS, The NASA John H. Glenn Research Center at Lewis Field in Cleveland, Ohio, is one of NASA's ten field offices, working to meet NASA's goals of understanding and protecting our home planet, exploring the universe

and searching for life, and inspiring the next generation of explorers; and

WHEREAS, The focus of the Glenn Research Center is on research related to exploration systems; it leads NASA in fields of microgravity science and works in partnership with others to increase national wealth, safety, and security, to protect the environment, and to explore the universe. The Center also is NASA's leader in the area of aeropropulsion research, which is important to NASA's goals to promote economic growth and national security and have safe, superior, and environmentally compatible civil and military aircraft propulsion systems; and

WHEREAS, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect the NASA Glenn Research Center and the community of Cleveland that supports the Center; and

WHEREAS, The Glenn Research Center employs approximately 3,300 individuals, and the employment of these individuals and the economic impact of the Center, along with the Center's research, make the Center a vital installation to Cleveland, the state of Ohio, and the nation; now therefore be it

RESOLVED, That the 126th General Assembly of the State of Ohio supports the NASA John H. Glenn Research Center and firmly believes that the Center should not be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that the Center is not included in the Commission's closure list; 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, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 12**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Spada moved to amend the title as follows:

Add the names: "Amstutz, Armbruster, Coughlin, Dann, Gardner, Hagan, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuring, Wachtmann, Wilson."

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

The motion was agreed to and the title so amended.

Senator Dann offered the following concurrent resolution:

S. C. R. No. 13-Senators Dann, Hagan, Harris, Amstutz, Fedor, Zurz, Goodman, Miller, Grendell, Brady.

To memorialize Congress to take appropriate action so that the Youngstown Joint Air Reserve Station in Vienna Township, Ohio, is excluded from the list of base closures for the Base Realignment and Closure process.

WHEREAS, The Youngstown Joint Air Reserve Station in Vienna Township, Ohio, is the home of the 910th Airlift Wing and supports national objectives by providing mission-ready C-130 airlift forces, state-of-the-art C-130 aerial spray capability, and a premier air reserve station with modern facilities as a part of its mission. The Station also hosts a Navy-Marine Corps Reserve Center; and

WHEREAS, In addition to its mission, 910th Airlift Wing participates in a variety of community events, including the unit's "Pilot for a Day" program; and

WHEREAS, Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect the Youngstown Air Reserve Station and the surrounding communities that support the station; and

WHEREAS, The Youngstown Joint Air Reserve Station is a key component of the community, having approximately 1,300 drilling members in the 910th Airlift Wing and hosting approximately 400 Naval and Marine Corps Reservists; now therefore be it

RESOLVED, That the 126th General Assembly of the State of Ohio supports the Youngstown Joint Air Reserve Station and firmly believes that the Station should not be included in the Defense Base Closure and Realignment Commission's list of proposed installations to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this station is not included in the Commission's closure list; 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, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 13**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Dann moved to amend the title as follows:

Add the names: "Armbruster, Austria, Carey, Clancy, Coughlin, Gardner, Hottinger, Jacobson, Jordan, Mallory, Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Wachtmann, Wilson."

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

The motion was agreed to and the title so amended.

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, Darrell Gammell, Democrat, from Columbus, Franklin County, Ohio, as Member of the Ohio Housing Finance Agency for a term beginning February 18, 2005, and ending at the close of business January 31, 2011, replacing Gary Schaeffer, 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 18th day of February in the year of our Lord, two thousand and five.

[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, Joseph M. Gerdenich, Republican, from Toledo, Lucas County, Ohio, as Chair of the Ohio Housing Finance Agency for a term beginning February 18, 2005.

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 18th day of February in the year of our Lord, two thousand and five.

[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 Kramer, Republican, from Milford, Clermont County, Ohio, as a Member of the Advisory Board on Amusement Ride Safety for a new term beginning March 4, 2005 and ending at the close of business January 1, 2011.

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 10th day of March in the year of our Lord, two thousand and five.

[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, George R. Oberer, Sr., Republican, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a new term beginning February 18, 2005 and ending at the close of business December 31, 2007.

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 18th day of February in the year of our Lord, two thousand and five.

[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, Ronald A. Pizzuti, Independent, from Columbus, Franklin County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a new term beginning February 18, 2005 and ending at the close of business December 31, 2007.

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

18th day of February in the year of our Lord, two thousand and five.

[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, J. Gordon Priemer, Independent, from Shaker Heights, Cuyahoga County, Ohio, as a Member of the Ohio Housing Finance Agency for a new term beginning February 18, 2005 and ending at the close of business January 31, 2011.

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 18th day of February in the year of our Lord, two thousand and five.

[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, Anthony L. Shreve, Democrat, from Steubenville, Jefferson County, Ohio, as a Member of the Jefferson Community College Board of Trustees for a new term beginning February 18, 2005 and ending at the close of business January 31, 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 18th day of February in the year of our Lord, two thousand and five.

[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, Jewette

Toney, Republican, from Wintersville, Jefferson County, Ohio, as Member of the Jefferson Community College Board of Trustees for a term beginning February 18, 2005, and ending at the close of business January 31, 2010, replacing Sandra Bonitatibus, 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 18th day of February in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

Said appointments were referred to the Committee on Rules.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3332.081 of the Ohio Revised Code, the President of the Senate appoints Senator Padgett (Chair of the Senate Education Committee) to serve on the Student Tuition Recovery Authority.

CLERK'S NOTATION

March 16th, 2005

Pursuant to section 10, Article II of the Constitution of the State of Ohio, the following protest was filed by Senator Marc E. Dann.

I protest the decision of the Ohio Senate today to concur in the House amendment to Senate Bill 56 because the amendment violates Article II, Section 15 of the Ohio Constitution, often referred to as the "single subject rule."

SB 56 originally passed the Senate along a party line 21-11 vote. The bill passed by the Senate proposed to prohibit Ohio School Facilities Commission employees from joining a union. This was obviously a controversial bill that inspired unified opposition.

SB 56 was not the General Assembly's first attempt to strip these workers of their right to bargain collectively. SB 56 was passed, ironically, to address a decision of the Supreme Court of Ohio which held that the General Assembly had violated the single-subject rule in its previous attempt at denying collective bargaining rights to School Facilities Commission employees.

In its action today, the Senate ensured that the Supreme Court of Ohio will once again have to tell the General Assembly that it violated the Ohio Constitution's single subject rule.

Just last year, 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 a popular measure-fixing an Ohio Department of Education miscalculation that resulted in a \$295 million shortfall for K-12 education-into the controversial union-busting measure. It can hardly be said there is a common purpose or relationship between fixing a multi-million dollar budget shortfall and restricting workers' rights. It can no more be argued that there was a rational or legitimate reason for combining the funding fix with restricting workers' right to organize. This kind of log-rolling is precisely what the Supreme Court of Ohio has time and time again ruled that the Ohio Constitution forbids.

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

Sincerely,
/s/ MARC DANN
Marc Dann
State Senator
32nd District

On the motion of Senator Gardner, the Senate adjourned until Thursday, March 17, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.