

OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 20, 2005

FORTY-SECOND DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 20, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Senator Ron Amstutz, Twenty-Second District, 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 concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 126-Senator Wachtmann.

To amend sections 133.07, 140.03, 140.05, 325.19, 339.01, 339.02, 339.03, 339.06, 339.09, 339.091, 339.14, 339.16, and 339.17 and to repeal section 339.092 of the Revised Code to modify the laws governing county hospitals.

To the Committee on Health, Human Services and Aging.

S. B. No. 127-Senator Grendell.

To amend sections 317.08, 1501.01, 1504.02, 1506.01, 1506.02, 1506.06, 1506.08, 1506.10 to 1506.12, 1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 1521.29, 1521.99, and 6121.04; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1521.20 (1506.38), 1521.21 (1506.39), 1521.22 (1506.40), 1521.23 (1506.41), 1521.24 (1506.42), 1521.25 (1506.43), 1521.26 (1506.44), 1521.27 (1506.45), 1521.28 (1506.46), 1521.29 (1506.47), and 1521.30 (1506.48); to enact section 1506.49; and to repeal section 1506.37 of the Revised Code to revise the law governing coastal management and the control of erosion along Lake Erie.

To the Committee on Environment and Natural Resources.

S. C. R. No. 15-Senators Dann, Brady, Hagan, Prentiss, Mallory, Fedor, Miller.

To memorialize the Congress of the United States to reject any plan to privatize the Social Security Program by cutting the Program's guaranteed benefits or diverting money from the Program into private investment accounts.

To the Committee on Health, Human Services and Aging.

YES - 4: J. KIRK SCHURING, MARK MALLORY, 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 bills and concurrent resolution were 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. H. B. No. 58**-Representative Dolan, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 7: JIM JORDAN, PATRICIA M. CLANCY, TIMOTHY J. GRENDALL, MARC DANN, KIMBERLY A. ZURZ, J. KIRK SCHURING, MARK MALLORY.

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:

Merom Brachman, Republican, from Bexley, Franklin County, Ohio, as a

Member of the Ethics Commission for a new term beginning March 4, 2005 and ending at the close of business January 1, 2011.

Kenneth E. Delancy, Democrat, from Beavercreek, Greene County, Ohio, as a Member of the Unemployment Compensation Review Commission for a new term beginning March 18, 2005 and ending at the close of business February 27, 2011.

Bruce E. Duke, Independent, from Kettering, Montgomery County, Ohio, as a Member of the State Fire Commission for a term beginning March 11, 2005 and ending at the close of business October 31, 2009, replacing Wendolyn Grant, whose term expired.

William E. Dunlap, Jr., Republican, from Upper Arlington, Franklin County, Ohio, as a Member of the Board of Tax Appeals for a term beginning March 11, 2005 and ending at the close of business February 8, 2011, replacing Louise A. Jackson, whose term expired.

Lynn E. Foster, Republican, from Marietta, Washington County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a new term beginning February 18, 2005 and ending at the close of business January 31, 2008.

Douglas W. Gonzalez, Republican, from North Canton, Stark County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a new term beginning February 18, 2005 and ending at the close of business January 31, 2008.

Jerry D. Jordan, Republican, from Columbus, Franklin County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning February 18, 2005 and ending at the close of business January 31, 2008, replacing Jerry Olds, whose term expired.

Gwen McFarlin, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the State Fire Commission for a term beginning March 11, 2005 and ending at the close of business October 31, 2007, replacing Colene S. Conley, who resigned.

Gregory A. Schneider, Republican, from Strongsville, Cuyahoga County, Ohio, as a Member State Fire Commission for a new term beginning March 11, 2005 and ending at the close of business October 31, 2009.

Rajesh K. Soin, Republican, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Venture Capital Authority for a new term beginning March 11, 2005 and ending at the close of business January 31, 2009.

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

YES - 8: **BILL HARRIS, JEFF JACOBSON, RANDY GARDNER,
ROBERT F. SPADA, STEPHEN C. AUSTRIA, J. KIRK
SCHURING, TERESA FEDOR, MARK MALLORY.**

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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 58-Representatives Dolan, Willamowski, Barrett, Beatty, Brown, Carano, Cassell, Chandler, Coley, Daniels, Domenick, C. Evans, Fende, Flowers, Hartnett, Hughes, Key, Law, Martin, McGregor, Redfern, Schaffer, Schlichter, Schneider, Seitz, J. Stewart, Uecker, Yuko.

To amend sections 109.71, 109.73, 109.79, 4973.17, and 4973.171 of the Revised Code relative to the appointment and commissioning of amusement park police officers and to the training of those officers 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	Fingerhut	Gardner
Goodman	Grendell	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	Fingerhut	Gardner
Goodman	Grendell	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 Grendell moved to amend the title as follows:

Add the names: "Grendell, Spada, Schuler, Mallory, Zurz, Gardner, Padgett, Dann, Clancy, 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, April 17, 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. 128-Senator Cates.

To amend section 2301.02 of the Revised Code to add one additional judge for the general division of the Butler County Court of Common Pleas to be elected in 2006.

S. B. No. 129-Senators Schuring, Fedor, Gardner, Spada, Prentiss, Mallory, Armbruster, Brady, Dann, Fingerhut, Hagan, Miller, Mumper, Roberts, Wilson, Zurz, Austria.

To amend sections 3314.013 and 3314.17 and to enact section 3314.18 of the Revised Code to extend the statewide cap on the number of community schools sponsored by entities other than the school districts in which they would be located, to create the Joint Study Committee on Ohio's Community Schools, and to make changes to the Community Schools Law.

S. B. No. 130-Senators Jacobson, Jordan, Cates, Amstutz, Mumper, Wachtmann, Padgett, Clancy, Austria, Hottinger.

To amend sections 2133.08, 2133.09, and 2133.15 of the Revised Code to provide that if the guardian, spouse, adult children, parents, adult sibling, or majority of the adult siblings of an adult patient in a permanently unconscious state disagree with a consent to the withholding or withdrawal of nutrition and hydration in connection with the patient and present some evidence that the decision is not consistent with the previously expressed intention of the patient the court must prohibit the attending physician from withholding or withdrawing nutrition and hydration in connection with the patient, to provide that if less than a majority of such a patient's adult siblings, the patient's grandparents, the nearest adult who is related to the patient by blood or adoption or, in certain circumstances, the guardian, spouse, adult children, parents, adult sibling, or majority of adult siblings of the patient disagrees with a decision of the priority individual to consent to the withholding or withdrawal of nutrition and hydration of such a patient, the court must appoint a physician to examine the patient and may only consider the determination of that physician and the physicians hired by either party if applicable in determining whether nutrition and hydration should be withdrawn or withheld, to include the patient's grandparents in the list of priority individuals who may consent to withhold or withdraw life-sustaining treatment, and to allow the attorney general or the prosecuting attorney to file an action or intervene to present evidence and argue that a decision to withhold or withdraw life-sustaining treatment or nutrition and hydration is not consistent with the law.

MESSAGE FROM THE PRESIDENT

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

CLERK'S NOTATION

This will acknowledge receipt of revisions to the proposed amendments to the Rules of Civil Procedure and Rules of Criminal Procedure from the Supreme Court of Ohio on April 20, 2005.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, April 21, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.