

OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 27, 2005

FORTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 27, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ken Kirk, Grove City United Methodist Church, Grove City, 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. 133-Senators Stivers, Coughlin.

To amend sections 519.12, 3501.18, 3513.05, 3513.31, and 3517.03 of the Revised Code to permit the county central committee of a major political party to be comprised of members representing combinations of election precincts, city wards, villages, and townships, as determined by the outgoing committee, and to require a township zoning referendum to be voted upon at a special election to be held on the day of the next primary or general election that occurs at least 75 days after the referendum petition is filed, regardless of whether any election will be held to nominate or elect candidates on that day.

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

S. B. No. 134-Senators Schuler, Niehaus, Jacobson, Clancy, Spada.

To amend sections 4905.04, 4927.02, 4927.03, and 4927.04 and to enact section 4905.041 of the Revised Code to revise state telecommunications policy, authorize the Public Utilities Commission to allow alternative regulation of basic local exchange service provided by larger companies, and specify the scope of Commission authority regarding wholesale telecommunications services, advanced services, and internet protocol-enabled services.

To the Committee on Energy and Public Utilities.

S. B. No. 135-Senators Brady, Dann, Fedor, Fingerhut, Miller, Roberts, Prentiss, Hagan, Zurz.

To amend section 5747.98 and to enact section 5747.71 of the Revised Code to grant a state earned income tax credit equal to 20 per cent of the federal earned income tax credit.

To the Committee on Ways and Means and Economic Development.

S. R. No. 67-Senators Carey, Coughlin, Harris, Padgett, Schuring, Grendell, Goodman, Armbruster, Jacobson, Spada, Clancy.

To urge the Congress of the United States to provide for a national energy policy that ensures an adequate supply of natural gas, promotes greater energy efficiency, and produces a political consensus to open promising new areas for environmentally responsible natural gas development and production.

To the Committee on Energy and Public Utilities.

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

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 Schuring submitted the following report:

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

Linda R. Anderson, Democrat, from Fostoria, Seneca County, Ohio, as a Member of the Terra State Community College Board of Trustees for a term beginning February 18, 2005 and ending at the close of business December 31, 2010, replacing Wayne Shephard, whose term expired.

Dolly Bair, Independent, from Camden, Preble County, Ohio, as a Member of the Financial Planning and Supervision Commission for the Village of West Elkton for a term beginning April 8, 2005 and continuing at the pleasure of the Governor, replacing Fred Specht, who resigned.

Charles W. Brougher, Republican, from Springfield, Clark County, Ohio, as a Member of the Financial Planning and Supervision Commission for the Springfield City Schools for a term beginning March 18, 2005 and serving at the pleasure of the Governor.

Larry A. Caldwell, Republican, from Cambridge, Guernsey County, Ohio, as a Member of the Savings and Loan Association and Savings Banks Board for a new term beginning March 11, 2005 and ending at the close of business January 31, 2008.

Kimberly C. Evers, Republican, from Eastlake, Lake County, Ohio, as a Member of the Financial Planning and Supervision Commission for the City of Eastlake for a term beginning March 11, 2005 and serving at the pleasure of the Governor, replacing Michael H. Slocum, who resigned.

Mark A. Forni, Democrat, from Woodsfield, Monroe County, Ohio, as a Member of the Clean Ohio Council for a new term beginning March 18, 2005 and ending at the close of business November 23, 2006.

Ronda H. Fergus, Republican, from Powell, Delaware County, Ohio, as a Member of the Public Utilities Commission of Ohio for a new term beginning April 10, 2005 and ending at the close of business April 10, 2010.

Darrell Gammell, Democrat, from Columbus, Franklin County, Ohio, as a 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.

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

Henry Gilliland, Republican, from Coalton, Jackson County, Ohio, as a Member of the Financial Planning and Supervision Commission for the Village of Coalton for a term beginning March 18, 2005 and serving at the pleasure of the Governor, replacing James S. Milliken, who resigned.

Ellen H. Hardyman, Republican, from Delaware, Franklin County, Ohio, as a Member of the Savings and Loan Association and Savings Banks Board for a term beginning March 11, 2005 and ending at the close of business January 31, 2006, replacing Charles A. Thigpen, who resigned.

Daryl P. Hennessy, Republican, from Columbus, Franklin County, Ohio, as a Member of the Development Financing Advisory Council for a term beginning March 11, 2005 and ending at the close of business December 31, 2009, replacing Perry Varnadoe, whose term expired.

David F. Herche, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Miami University Board of Trustees for a new term beginning March 18, 2005 and ending at the close of business February 28, 2014.

Richard R. Hollington, Jr., Republican, from Hunting Valley, Cuyahoga County, Ohio, as a Member of the Banking Commission for a new term beginning March 4, 2005 and ending at the close of business January 31, 2008.

Neal E. Hubbard, Republican, from Elyria, Lorain County, Ohio, as a Member of the Savings and Loan Association and Savings Banks Board for a new term beginning March 11, 2005 and ending at the close of business January 31, 2008.

Matthew J. Kridler, Independent, from Springfield, Clark County, Ohio, as a Member of the Clean Ohio Council for a term beginning March 18, 2005 and ending at the close of business November 23, 2006, replacing R. Patrick DeWine, whose term expired.

Glenn E. Maddy, Republican, from Helena, Sandusky County, Ohio, as a Member of the Terra State Community College Board of Trustees for a new term beginning February 18, 2005 and ending at the close of business December 31, 2010.

Douglas R. Murray, Republican, from Piqua, Miami County, Ohio, as a Member of the Edison State Community College Board of Trustees for a term beginning April 8, 2005 and ending at the close of business January 18, 2011, replacing Ray Loffer, whose term expired.

Christopher B. Nichols, Republican, from Canton, Stark County, Ohio, as a Member of the Clean Ohio Council for a new term beginning March 18, 2005 and ending at the close of business November 23, 2006.

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.

Jonathan M. Petuchowski, Republican, from Bexley, Franklin County, Ohio, as a Member of the Ohio Tuition Trust Authority for a new term beginning February 18, 2005 and ending at the close of the business January 31, 2009.

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.

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.

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.

L. Rainy Gates Stitzlein, Democrat, from Akron, Summit County, Ohio, as a Member of the State Racing Commission for a new term beginning March 18, 2005 and ending at the close of business March 31, 2009.

Gary G. Thobaben, Republican, from Eastlake, Lake County, Ohio, as a Member of the Financial Planning and Supervision Commission for the City of Eastlake for a term beginning March 11, 2005 and serving at the pleasure of the Governor, replacing Ken Roberts, who resigned.

Jewette Toney, Republican, from Wintersville, Jefferson County, Ohio, as a 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.

Leland C. Wyse, Republican, from Coshocton, Coshocton County, Ohio, as a Member of the Central Ohio Technical College Board of Trustees for a term beginning March 4, 2005 and ending at the close of business September 30 2005, replacing Valerie R. Bailey, who resigned.

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, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JAY HOTTINGER, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, MARK MALLORY, C. J. PRENTISS, RANDY GARDNER.

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 32, 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	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 107-Senators Schuler, Padgett, Clancy, Schuring, Mumper, Grendell, Coughlin.

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, was considered the third time."

The question being, "Shall the bill, **Sub. S. B. No. 107**, 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	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

Senator Jacobson voted in the negative-1.

So the bill passed.

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

Senator Schuler moved to amend the title as follows:

Add the names: "Fedor, Miller, Niehaus, Roberts, Wilson, Zurz, Mallory."

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 24, 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 bill was introduced and considered the first time:

S. B. No. 136-Senator Hagan.

To accelerate the effective date of county sales taxes submitted for voter approval at a special election held in May 2005 and to declare an emergency.

OFFERING OF RESOLUTIONS

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

S. R. No. 69-Senator Carey.

In memory of Gavin J. Colburn.

S. R. No. 70-Senator Carey.

In memory of Officer Larry Cox.

S. R. No. 71-Senators Dann, Fingerhut, Grendell.

Honoring Evin McMullen for being recognized by the U.S. Environmental Protection Agency.

S. R. No. 72-Senators Dann, Fingerhut, Grendell.

Honoring Angela Primbas for being recognized by the U.S. Environmental Protection Agency.

S. R. No. 73-Senators Dann, Fingerhut, Grendell.

Honoring Amanda Weatherhead for being recognized by the U.S. Environmental Protection Agency.

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

So the resolutions were adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following concurrent resolution in which the concurrence of the Senate is requested:

H. C. R. No. 12 - Representatives Wagoner, Perry, McGregor, Kearns, Reinhard, Hughes, Flowers, Faber, Setzer, Combs, Buehrer, Brown, Walcher, Hoops, Schaffer, Gilb, Latta, S. Smith, Otterman, Aslanides, Yuko, Reidelbach, Dolan, Ujvagi, Hartnett, Book, D. Stewart, T. Patton, Carmichael, Uecker, Allen, Barrett, Blessing, Boccieri, Carano, Cassell, Coley, Daniels, DeBose, DeWine, Distel, Domenick, C. Evans, D. Evans, Fessler, Hood, Key, Kilbane, Koziura, Law, Miller, Redfern, Sayre, Schlichter, Schneider, Seitz, J. Stewart, Taylor, Wagner, White, Willamowski, Williams, Yates

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.

Attest:

Laura P. Clemens,
Clerk.

On the motion of Senator Jacobson, **H. C. R. No. 12**, was referred to the Committee on Reference.

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:

H. B. No. 53 - Representatives White, McGregor, C. Evans, Willamowski, Kearns, Setzer, Hoops, Wagner, Seaver, Fessler, Wolpert, Martin, Combs, Hagan, Latta, Faber, Barrett, Webster, Taylor, Strahorn, Raga, Gilb, Brinkman, Flowers, Walcher, Uecker, Allen, Aslanides, Blessing, Brown, Buehrer, Calvert, Coley, Collier, Daniels, DeBose, DeWine, Domenick, D. Evans, Garrison, Gibbs, Hood, Hughes, Key, Law, Mason, Oelslager, Otterman, T. Patton, Perry, Peterson, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schneider, D. Stewart, J. Stewart, Trakas, Wagoner, Widener, Widowfield, Yuko

To create the Correctional Faith-Based Initiatives Task Force.

H. B. No. 121 - Representatives Reinhard, Brown, Distel, C. Evans, Gilb, Hartnett, Kearns, McGregor, Seaver, Setzer, J. Stewart, Widowfield, Chandler, Allen, Wagner, Schlichter, Barrett, Woodard, Hood, Aslanides, Blessing, Book, Carano, Combs, Core, Domenick, D. Evans, Faber, Flowers, Gibbs, Hagan, Harwood, Hoops, Hughes, Key, Law, Miller, Otterman, T. Patton, Perry, Reidelbach, Sayre, Schaffer, Schneider, Williams

To permit school districts and nonpublic schools to count time that schools are in session beyond the required minimum number of hours in order to make up "calamity days" missed during the 2004-2005 school year 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.

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

Am. Sub. S. B. No. 115 - Senator Jacobson Representative Carano - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

H. B. No. 42 - Representative Schaffer Senator Goodman- et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

On the motion of Senator Jacobson, the Senate adjourned until Thursday,
April 28, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.