

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 4, 2005

FORTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 4, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Bernard Barsky, Beth Abraham Synagogue, Dayton, 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 concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 33-Representatives Wagner, Combs, Allen, Barrett, Hartnett, McGregor, Brown, Reidelbach, Wolpert, C. Evans, Harwood, Taylor, Flowers, Bubb, Carano, Cassell, Chandler, Collier, Daniels, Distel, Dolan, Domenick, D. Evans, Faber, Fende, Fessler, Gibbs, Hagan, Hughes, Kearns, Latta, Law, Reinhard, Schlichter, Schneider, Seaver, Setzer, D. Stewart, Wagoner, Walcher.

To amend section 309.09 of the Revised Code to permit the prosecuting attorney to be the legal adviser to a joint fire district, to a joint ambulance district, to a fire and ambulance district, and to a joint emergency medical services district either at no cost to the district or under a contract with the district.

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

S. B. No. 138-Senators Grendell, Jacobson.

To amend sections 4510.037 and 4510.038 and to enact sections 4511.86 and 4511.861 of the Revised Code to provide that if a person is convicted of committing a state motor vehicle moving violation immediately after initiating a road rage incident, the moving violation is at least a fourth-degree misdemeanor and the court must, in addition, fine the person at least \$100 and require the person to attend a road rage abatement seminar, and to require remedial driving courses to be taken in person.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 139-Senators Stivers, Dann, Clancy, Goodman, Mumper.

To amend sections 3501.22 and 3501.27 of the Revised Code to permit a board of elections, in conjunction with a board of education, the governing authority of a community school, or the chief administrator of a nonpublic school, to establish a program permitting certain high school seniors to serve as precinct officers on the day of an election, and to permit a board of elections to establish such a program for home-instructed students who are in the equivalent of the twelfth year of a one through twelve year instructional program.

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

S. B. No. 140-Senators Hottinger, Jordan, Wachtmann, Amstutz, Miller, Schuring.

To amend sections 2101.12, 2101.16, 2101.24, 3101.05, 3101.13, 3101.99, 3103.01, 3103.06, 3105.01, 3105.08, 3105.091, 3105.10, 3105.17, 3105.171, 3105.18, 3105.31, 3105.61, 3105.62, 3105.64, 3105.65, 3107.03, 3705.21, and 3705.24 and to enact sections 109.021, 2101.241, 3101.20 to 3101.23, 3101.26 to 3101.29, 3105.012, 3105.092, and 3105.172 of the Revised Code relative to covenant marriages.

To the Committee on Judiciary - Civil Justice.

S. B. No. 141-Senators Hottinger, Jacobson, Gardner.

To amend sections 4510.13 and 4511.191 of the Revised Code to increase the administrative license suspension periods for persons who are arrested for OVI and refuse a request of a law enforcement officer to consent to a chemical test of the person's whole blood, blood serum or plasma, breath, or urine to determine its alcohol content.

To the Committee on Judiciary - Criminal Justice.

S. C. R. No. 16-Senators Spada, Armbruster, Coughlin, Schuler, Dann, Fingerhut, Zurz.

To recognize June 26, 2006, as "Viktor Schreckengost Day."

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

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 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. 29**-Representative Raussen, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Jordan, Grendell, Schuring, Dann, Mallory, Zurz.

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

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:

Ted Brown, Republican, from Tipp City, Montgomery County, Ohio, as a Member of the State Racing Commission for a term beginning April 15, 2005 and ending at the close of business March 31, 2009, replacing C. William Swank, who resigned.

Jenine M. Porter, Republican, from Catawba Island, Ottawa County, Ohio as a Member of the Terra State Community College Board of Trustees for a term beginning April 15, 2005 and ending at the close of business December 31, 2010, replacing Casimir Drabik, whose term expired.

Larry C. Sowers, Democrat, from Hilliard, Franklin County, Ohio, as a

Member of the Capitol Square Review and Advisory Board for a new term beginning April 15, 2005 and ending at the close of business April 22, 2008.

Thomas C. Washbush, Republican, from Dublin, Franklin County, Ohio, as a Member of the Industrial Technology and Enterprise Advisory Council for a term beginning April 1, 2005 and ending at the close of business December 31, 2007, replacing Mark J. Butterworth, who resigned.

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

YES - 9: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, J. KIRK SCHURING, TERESA FEDOR, MARK MALLORY, C. J. PRENTISS.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

Am. S. B. No. 6-Senators Padgett, Niehaus, Mumper, Grendell, Schuring, Armbruster, Miller, Cates, Harris, Fedor, Zurz, Wilson, Clancy, Dann, Spada Representatives Setzer, C. Evans, Harwood, Key, Oelslager, Seaver, J. Stewart, Uecker, Williams.

To enact sections 3301.41 and 3301.42 of the Revised Code to establish the Partnership for Continued Learning to make recommendations for facilitating collaboration among providers of preschool through postsecondary education and for maintaining a high-quality workforce in Ohio, 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 30, 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
Zurz			Harris-30.

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

The amendments of the House of Representatives to:

Am. S. B. No. 71-Senators Wilson, Brady, Schuring, Clancy, Fingerhut, Zurz, Roberts, Carey, Fedor, Padgett, Miller, Niehaus Representatives Setzer, Carano, Chandler, Hood, Allen, Beatty, Blessing, Boccieri, Book, Brown, Cassell, Collier, Combs, Core, DeBose, Domenick, C. Evans, D. Evans, Faber, Flowers, Gibbs, Hagan, Harwood, Hughes, Key, Law, Mason, McGregor, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Seaver, Seitz, G. Smith, J. Stewart, Yuko.

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, were taken up.

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 2, 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
Mallory	Miller	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Zurz	Harris-28.

Senators Jordan and Wachtmann voted in the negative-2.

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 Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 28, nays 2, 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
Mallory	Miller	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Zurz	Harris-28.

Senators Jordan and Wachtmann voted in the negative-2.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 29-Representatives Raussen, D. Evans, Distel, Aslanides, Allen, Raga, Driehaus, Trakas, Barrett, Daniels, Carano, McGregor, Reidelbach, Willamowski, Hartnett, Martin, Brinkman, Kearns, C. Evans, Blessing, Schaffer, Harwood, Miller, Beatty, Blasdel, Bocchieri, Brown, Bulp, Buehrer, Calvert, Carmichael, Cassell, Chandler, Coley, Collier, DeBose, DeWine, Domenick, Faber, Fende, Fessler, Flowers, Garrison, Gibbs, Gilb, Hagan, Healy, Hoops, Hughes, Key, Kilbane, Latta, Law, Mason, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Redfern, Sayre, Schlichter, Schneider, Seaver, Seitz, Setzer, G. Smith, D. Stewart, J. Stewart, Sykes, Taylor, Uecker, Wagoner, Walcher, Webster, White, Widowfield, Wolpert, Woodard, Yates, Yuko Senators Jordan, Grendell, Schuring, Dann, Mallory, Zurz.

To amend section 2919.251 of the Revised Code to require a person who is charged with an offense of violence involving a victim who is a family or household member and to whom any of a list of specified circumstances applies to appear before the court before the court sets bail for that person and to require the court to consider certain factors before setting bail for that person if the court is aware of certain specified information, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 29**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

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: "Cates, Austria, Carey, Coughlin, Fedor, Fingerhut, Gardner, Goodman, Harris, Hottinger, Mumper, Niehaus, Armbruster, Clancy, Jacobson, Amstutz, Brady, Miller, Padgett, Prentiss, Roberts, Schuler, Spada, Wachtmann."

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, May 1, 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. 142-Senator Jacobson.

To enact section 306.331 of the Revised Code to establish a distinct method to appoint the board of trustees of certain regional transit authorities.

S. B. No. 143-Senator Jacobson.

To enact sections 9.23, 9.231, 9.232, 9.233, 9.234, 9.235, 9.236, 9.237, 9.238, 9.239, and 9.241 of the Revised Code to impose contract, record-keeping, auditing, and other requirements on persons that receive money from governmental entities for the provision of certain services, to provide civil remedies for the misuse of that and other public money, and to

create the Government Contracting Advisory Council.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, May 5, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.