

OHIO

SENATE

JOURNAL

TUESDAY, MAY 10, 2005

FIFTIETH DAY
Senate Chamber, Columbus, Ohio

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 bills and concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 162-Representatives Peterson, Latta, D. Evans, Hughes, Seitz, Yuko, Bupp, Buehrer, Carano, Cassell, Collier, Core, DeBose, Domenick, C. Evans, Flowers, Gilb, Hartnett, Key, Martin, McGregor, Otterman, T. Patton, Raussen, Reidelbach, Seaver, G. Smith, Williams.

To amend sections 2152.20, 2301.51, 2301.52, 2301.55, 2301.56, 2301.57, 2929.01, 2929.34, 2929.37, 2929.38, 5120.031, 5120.111, 5120.112, and 5149.34, to enact new section 2301.58, and to repeal sections 2301.53, 2301.54, and 2301.58 of the Revised Code to revise the law governing community-based correctional facilities.

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

H. C. R. No. 5-Representatives Hoops, Law, Reidelbach, Seitz, Setzer, Taylor, Webster, White, Barrett, Brown, Hartnett, Ujvagi, J. Stewart, Schaffer, Hagan, Combs, Trakas, Aslanides, Domenick, Wolpert, Hughes, Allen, Blasdel, Boccieri, Book, Carano, Cassell, Coley, Collier, Daniels, DeBose, Distel, Dolan, C. Evans, D. Evans, Faber, Flowers, Harwood, Kearns, Key, Koziura, Latta, Mason, McGregor, Oelslager, Otterman, T. Patton, Perry, Redfern, Schlichter, Seaver, G. Smith, Walcher.

To memorialize the President of the United States to support the retention of the Continued Dumping and Subsidy Offset Act, which is important to Ohio industries, enabling them to reinvest and remain competitive in the international market.

To the Committee on Insurance, Commerce and Labor.

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.

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

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.

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

YES - 5: J. KIRK SCHURING, MARK MALLORY, C. J. PRENTISS, JEFF JACOBSON, 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 concurrent resolution was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **S. B. No. 128**-Senator Cates, having had the same under consideration, reports it back and recommends its passage.

YES - 6: DAVID GOODMAN, ROBERT L. SCHULER, JAY HOTTINGER, 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 Schuring submitted the following report:

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

Timothy E. Hamm, Independent, from Warren, Trumbull County, Ohio, as a Member of the Ohio Thoroughbred Race Fund Advisory Council for a term beginning February 18, 2005 and ending at the close of business January 31, 2008, replacing Dennis Heebink, whose term expired.

Thomas W. Jones, from Chagrin Falls, Cuyahoga 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.

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.

William J. Prowant, Republican, from Dupont, Putnam County, Ohio, as a Member of the Advisory Board On Amusement Ride Safety for a term beginning March 4, 2005 and ending at the close of business January 1, 2011, replacing Ray W. Prowant, whose term expired.

Wayne Rish, Republican, from Bucyrus, Crawford 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.

Judy C. Wolford, Republican, from Ashville, Pickaway County, Ohio, as a Member of the Agricultural Financing Commission for a new term beginning March 4, 2005 and ending at the close of business January 31, 2011.

Joyce C. Young, Republican, from Dayton, Montgomery County, Ohio, as a Member of the Rehabilitation Services Commission for a term beginning April 15, 2005 and ending at the close of business September 8, 2009, replacing Douglas C. Hunt, who resigned.

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

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

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.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 10-Senators Jordan, Wachtmann, Mumper, Hottinger, Jacobson, Austria, Goodman, Carey, Cates, Stivers, Clancy, Miller, Spada Representatives Fessler, Kearns, Brown, Barrett, Beatty, S. Smith, Otterman, DeBose, Combs, Reidelbach, Harwood, Mason, Allen, Aslanides, Buehrer, Core, C. Evans, D. Evans, Flowers, Hughes, Law, McGregor, Peterson, Schaffer, Setzer, G. Smith, White, Yuko.

To amend sections 5126.01, 5126.02, 5126.021, 5126.022, 5126.023, 5126.03, 5126.031, 5126.033, 5126.034, 5126.056, 5126.058, 5126.081, 5126.30, 5705.191, and 5705.222, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5126.02 (5126.0213), 5126.021 (5126.0210), 5126.022 (5126.0216), 5126.023 (5126.0226), and 5126.024 (5126.0227), and to enact new sections 5126.02, 5126.021, 5126.022, 5126.023, and 5126.024 and sections 5126.025, 5126.026, 5126.027, 5126.028, 5126.029, 5126.0211, 5126.0212, 5126.0214, 5126.0215, 5126.0217, 5126.0218, 5126.0219, 5126.0220, 5126.0221, 5126.0222, 5126.0223, 5126.0224, 5126.0225, 5126.0228, 5126.0229, 5126.037, and 5126.038 of the Revised Code to revise the law governing county boards of mental retardation and developmental disabilities, 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 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
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Zurz		Harris-31.

Senator Wilson voted in the negative-1.

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

BILLS FOR THIRD CONSIDERATION

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, was considered the third time.

The question being, "Shall the bill, **S. B. No. 128**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	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 bill passed.

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

Senator Cates moved to amend the title as follows:

Add the names: "Wilson, Niehaus, Grendell."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 144-Senators Schuler, Clancy, Mumper.

To amend section 4763.05 of the Revised Code to modify the Ohio Real Estate Appraiser law with respect to the temporary registration of appraisers licensed or certified in another state.

S. B. No. 145-Senator Armbruster.

To amend sections 2101.01, 2301.02, and 2301.03 of the Revised Code to give the judges of the Domestic Relations Division of the Lorain County Court of Common Pleas jurisdiction over probate matters and to designate the successors to the Lorain County probate judge as judges of the Domestic Relations Division of the Lorain County Court of Common Pleas.

S. B. No. 146-Senators Austria, Cates, Dann, Mumper, Zurz.

To amend sections 2950.031, 2950.99, and 5321.051 and to enact section 3327.17 of the Revised Code to prohibit a registered sex offender from living within 1,000 feet of a school bus stop, to allow a school to move a school bus stop if a sex offender is living within 1,000 feet of the stop, and to specify that residence within 1,000 feet of a school or school bus stop by a registered sex offender is a felony of the fifth degree.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 4 - Representatives Dolan, Latta, D. Evans, Gilb, Hughes, Seitz, Perry, Allen, Brown, Bulp, Calvert, Cassell, Coley, DeBose, Distel, Domenick, C. Evans, Flowers, Gibbs, Hagan, Hartnett, Hoops, Key, Law, Martin, McGregor, Miller, Oelslager, Otterman, T. Patton, Reidelbach, Reinhard, Schaffer, Schlichter, Seaver, Setzer, G. Smith, J. Stewart, Strahorn, Wagner, Wagoner, Walcher, Widener, Widowfield, Williams, Wolpert

To amend section 181.52 of the Revised Code to create the Ohio Incident-Based Reporting System in the Office of Criminal Justice Services and to require that law enforcement agencies that receive certain types of funding participate in the system, in the Uniform Crime Reporting Program of the F.B.I., or in the Ohio Local Law Enforcement Information Sharing Network.

H. B. No. 107 - Representatives Setzer, Webster, Seitz, Kearns, Distel, C. Evans, Chandler, Combs, Domenick, D. Evans, Flowers, Hagan

To amend section 3319.23 of the Revised Code to require the State Board of Education to adopt standards that require the curricula of teacher preparation programs to be aligned with the state academic content standards and with the value-added progress dimension developed by the Department of Education.

Attest:

Laura P. Clemens,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following concurrent resolution:

S. C. R. No. 7 - Senators Jordan, Wachtmann, Mumper, 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 Representatives DeWine, Flowers, Hartnett, T. Patton, Uecker, Book, Mitchell, Blasdel, Setzer, D. Stewart, Buehrer, Allen, Aslanides, Barrett, Beatty, Blessing, Brown, Cassell, Combs, Daniels, DeBose, DeGeeter, Dolan, Domenick, Driehaus, C. Evans, Faber, Fessler, Gibbs, Gilb, Hood, Hoops, Hughes, Key, Kilbane, Latta, Law, Martin, Mason, McGregor, Miller, Raga, Reidelbach, Reinhard, Schaffer, Schlichter, Schneider, Seaver, Seitz, Skindell, G. Smith, J. Stewart, Strahorn, Taylor, Trakas, Wagoner, Walcher, White, Widener, Widowfield, Willamowski, Yates

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.

Attest:

Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following concurrent resolution:

Am. S. C. R. No. 12 - Senators Spada, Harris, Austria, Goodman, Carey, Schuler, Clancy, Grendell, Zurz, Brady, Fedor, Amstutz, Armbruster, Coughlin, Dann, Gardner, Hagan, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuring, Wachtmann, Wilson Representatives DeWine, Calvert, DeGeeter, Uecker, Flowers, Setzer, Walcher, T. Patton, Mitchell, Book, Hartnett, Blasdel, Carmichael, D. Stewart, Allen, Aslanides, Beatty, Blessing, Boccieri, Brown, Bubb, Carano, Cassell, Combs, Daniels, DeBose, Distel, Dolan, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fende, Fessler, Gibbs, Gilb, Hagan, Harwood, Hood, Hoops, Hughes, Key, Kilbane, Koziura, Latta, Law, Martin, Mason, McGregor, Miller, Otterman, Perry, Raga, Redfern, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seaver, Seitz, Skindell, G. Smith, S. Smith, Strahorn, Taylor, Trakas, Wagoner, White, Widener, Willamowski, Williams, Woodard, Yates, Yuko

To memorialize Congress to take appropriate action so that the NASA John H. Glenn Research Center and the Defense Finance Accounting Services Center in Cleveland are excluded from the list of base closures for the Base Realignment and Closure process.

With the following additional amendments, in which the concurrence of the Senate is requested:

In line 27, after the semicolon insert "and

WHEREAS, The Defense Finance Accounting Services Center in Cleveland efficiently provides accounting and payroll services for our military and civilian personnel serving our country; and

WHEREAS, The Defense Finance Accounting Services Center is a vital part of Greater Cleveland's economy, providing employment to 1,200 persons; and

WHEREAS, The Base Realignment and Closure Process has the potential to affect the Defense Finance Accounting Services Center and the community of Cleveland that supports the Center;"

In line 29, after "and" insert "the Defense Finance Accounting Services Center, and"

In lines 30 and 34, delete the first "the" and insert "neither"; delete "not"

In line 32, delete "it is a" and insert "both are"; delete "asset" and insert "assets"

In line 2 of the title, after "that" insert "the"; after "NASA" insert "John H."; delete "is" and insert "and the Defense Finance Accounting Services Center in Cleveland are"

Attest:

Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

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

Am. Sub. S. B. No. 26 - Senators Amstutz, Austria, Clancy, Carey, Coughlin, Gardner, Goodman, Harris, Hottinger, Jacobson, Mumper, Padgett, Schuring, Spada, Wachtmann, Zurz, Cates, Grendell, Niehaus
Representatives Hagan, Gibbs, Aslanides, Barrett, Brinkman, Buehrer, Calvert, Carmichael, Cassell, Coley, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, D. Evans, Faber, Fessler, Flowers, Gilb, Hoops, Hughes, Key, Latta, Law, Martin, McGregor, Miller, Oelslager, Otterman, T. Patton, Raga, Raussen, Reidelbach, Reinhard, Schlichter, Schneider, Seaver, Seitz, Setzer, G. Smith, Taylor, Wagner, Wagoner, Walcher, White, Widowfield, Willamowski

To amend sections 5739.01, 5739.031, 5739.033, 5739.034, 5739.035, 5739.123, 5739.24, and 5740.02 and to repeal section 5740.10 of the Revised Code to phase in destination-based sourcing of sales for small businesses, by January 1, 2008.

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

In line 4 of the title, delete "phase-in" and insert "phase in"

Attest:

Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 29 - Representative Raussen - et al.

Sub. H. B. No. 48 - Representative Hughes - et al.

Attest:

Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

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

Am. S. B. No. 6 - Senator Padgett- et al.

Am. S. B. No. 71 - Senator Wilson- et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bills.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, May 11, 2005 at 1:30 p.m.

Attest:

MATTHEW T. SCHULER,
Clerk.