

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 11, 2005

FIFTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 11, 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, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 4-Representatives Dolan, Latta, D. Evans, Gilb, Hughes, Seitz, Perry, Allen, Brown, Bubp, 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.

To the Committee on Judiciary - Criminal Justice.

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.

To the Committee on Education.

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.

To the Committee on Insurance, Commerce and Labor.

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.

To the Committee on Judiciary - Civil Justice.

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.

To the Committee on Judiciary - Criminal Justice.

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

Co-Sponsors: Austria, Goodman, Grendell, Schuring.

YES - 7: JIM JORDAN, KIMBERLY A. ZURZ, STEPHEN C. AUSTRIA, DAVID GOODMAN, TIMOTHY J. GRENDELL, 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.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. S. C. R. No. 12-Representatives DeWine, Calvert, DeGeeter, Uecker, Flowers, Setzer, Walcher, T. Patton, Mitchell, Book, Hartnett, Blasdel, Carmichael, D. Stewart, Allen, Aslanides, Beatty, Blessing, Boccieri, Brown, Bulp, 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 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.

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, 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 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 concurred in the amendments of the House of Representatives.

The amendments of the House of Representatives to:

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, 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 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 concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 50-Representatives Setzer, Hughes, C. Evans, DeWine, Gilb, McGregor, Fessler, Latta, Walcher, D. Evans, Willamowski, Seaver, Perry, Allen, Buehrer, Calvert, Carmichael, Cassell, Chandler, Collier, Combs, Daniels, DeBose, Domenick, Faber, Gibbs, Hagan, Harwood, Kearns, Kilbane, Law, Martin, Otterman, T. Patton, Peterson, Raga, Reidelbach, Schaffer, Schlichter, Schneider, D. Stewart, J. Stewart, Strahorn, Taylor, Uecker, Webster, Widener, Widowfield, Williams, Yuko Senators Austria, Goodman, Grendell, Schuring.

To amend section 2907.09 of the Revised Code to expand and modify the penalty for the offense of public indecency, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 50**, 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 Austria moved to amend the title as follows:

Add the name: "Niehaus."

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 8, 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.

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, Raquel Colon, from Curtice, Sandusky County, Ohio, as a Student Member of the Bowling Green State University Board of Trustees for a term beginning May 18, 2005, and ending at the close of business May 17, 2007, replacing Matthew Clever, 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 22nd day of April 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, Gregory N. Finnerty, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Sunset Review Committee for a new term beginning April 22, 2005 and ending at the close of business December 31, 2006.

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 22nd day of April 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, Scott S. Galloway, Independent, from Akron, Summit County, Ohio, as a Member of the Forestry Advisory Council for a term beginning April 22, 2005, and ending at the close of business February 28, 2008, replacing William T. Lawhon, Jr., who resigned.

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 22nd day of April 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, Roger R. Geiger, Republican, from Dublin, Franklin County, Ohio, as a Member of the Sunset Review Committee for a new term beginning April 22, 2005 and ending at the close of business December 31, 2006.

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 22nd day of April 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, Cheryl L. Grossman, Republican, from Grove City, Franklin County, Ohio, as a Member of the Sunset Review Committee for a term beginning April 22, 2005, and ending at the close of business December 31, 2006, replacing Don L. Robart,

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 22nd day of April 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, Clint C. Manns, Republican, from Coshocton, Coshocton County, Ohio, as a Member of the Forestry Advisory Council for a term beginning April 22, 2005, and ending at the close of business February 28, 2007, replacing Warren J. Arthur, who resigned.

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 22nd day of April 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, Debra D. Ryan, Republican, from Wadsworth, Medina County, Ohio, as a Member of the Bowling Green State University Board of Trustees for a term beginning May 18, 2005, and ending at the close of business May 17, 2014, replacing Leon D. Bibb, 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 22nd day of April in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, May 12, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.