

OHIO

SENATE

JOURNAL

WEDNESDAY, AUGUST 3, 2005

EIGHTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Wednesday, August 3, 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.

Message from the House of Representatives

Mr. President:

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

Am. Sub. H. J. R. No. 2 - Representatives Martin, Schaffer, Hagan, Combs, Wolpert, Aslanides, Trakas, Collier, Blasdel, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Core, Daniels, DeBose, Distel, Dolan, Domenick, C. Evans, D. Evans, Flowers, Gibbs, Harwood, Hughes, Kearns, Key, Latta, Law, Mason, McGregor, Miller, Reinhard, Schlichter, Seitz, Setzer, G. Smith, J. Stewart, Wagoner, Walcher, White, Woodard, Yuko, Husted

Proposing to enact Section 2p of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to create and preserve jobs, enhance employment and educational opportunities, and promote economic growth through funding local government public infrastructure capital improvements, research and development, and the development of certain sites and facilities, and to expand state and local government authority regarding economic development.

Attest:

Laura P. Clemens,
Clerk.

Am. Sub. H. J. R. No. 2-Representatives Martin, Schaffer, Hagan, Combs, Wolpert, Aslanides, Trakas, Collier, Blasdel, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Core, Daniels, DeBose, Distel, Dolan, Domenick, C. Evans, D. Evans, Flowers, Gibbs, Harwood, Hughes, Kearns, Key, Latta, Law, Mason, McGregor, Miller, Reinhard, Schlichter, Seitz, Setzer, G. Smith, J. Stewart, Wagoner, Walcher, White, Woodard, Yuko, Husted.

Proposing to enact Section 2p of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to create and preserve jobs, enhance employment and educational opportunities, and promote economic growth through funding local government public infrastructure capital improvements, research and development, and the development of certain sites and facilities, and to expand state and local government authority regarding economic development.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 8, 2005, a proposal to enact Section 2p of Article VIII of the Constitution of the State of Ohio to read as follows:

ARTICLE VIII

Section 2p. (A) It is determined and confirmed that the development purposes referred to in this division, and provisions for them, are proper public purposes of the state and local governmental entities and are necessary and appropriate means to create and preserve jobs and enhance employment and educational opportunities; to improve the quality of life and the general and economic well-being of all the people and businesses in all areas of this state, including economically disadvantaged businesses and individuals; and to preserve and expand the public capital infrastructure; all to better ensure the public health, safety, and welfare. Those purposes are:

(1) Public infrastructure capital improvements, which shall be limited to roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related to or incidental thereto, and shall include, without limitation, the cost of acquisition, construction, reconstruction, expansion, improvement, planning, and equipping;

(2) Research and development in support of Ohio industry, commerce, and business (hereinafter referred to as "research and development purposes"), which shall include, without limitation, research and product innovation, development, and commercialization through efforts by and collaboration among Ohio business and industry, state and local public entities and agencies, public and private education institutions, or research organizations and institutions, all as may be further provided for by state or local law, but excluding purposes provided for in Section 15 of Article VIII, Ohio Constitution; and

(3) Development of sites and facilities in Ohio for and in support of industry, commerce, distribution, and research and development purposes.

(B) The General Assembly may provide by law, in accordance with but

subject to the limitations of this section, for the issuance of general obligation bonds and other obligations of the state for the purpose of financing or assisting in the financing of the cost of projects implementing those purposes.

(1) Not more than one billion three hundred fifty million dollars principal amount of state general obligations may be issued under this section for public infrastructure capital improvements. Not more than one hundred twenty million dollars principal amount of those obligations may be issued in each of the first five fiscal years of issuance and not more than one hundred fifty million dollars principal amount of those obligations may be issued in each of the next five fiscal years of issuance, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued within those fiscal year limits. No infrastructure obligations may be issued pursuant to this division and division (C) of this section until at least one billion one hundred ninety-nine million five hundred thousand dollars aggregate principal amount of state infrastructure obligations have been issued pursuant to Section 2m of Article VIII, Ohio Constitution.

(2) Not more than five hundred million dollars principal amount of state general obligations may be issued under this section for research and development purposes. Not more than one hundred million dollars principal amount of those obligations may be issued in each of the first three fiscal years of issuance, and not more than fifty million dollars principal amount of those obligations may be issued in any other fiscal year, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued.

(3) Not more than one hundred fifty million dollars principal amount of state general obligations may be issued under this section for development of sites and facilities for industry, commerce, distribution, and research and development purposes. Not more than thirty million dollars principal amount of those obligations may be issued in each of the first three fiscal years of issuance, and not more than fifteen million dollars principal amount of those obligations may be issued in any other fiscal year, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued.

(C) Each issue of state general obligations for public infrastructure capital improvements or development of sites and facilities shall mature in not more than thirty years from the date of issuance, and each issue of state general obligations for research and development purposes shall mature in not more than twenty years from the date of issuance; or, if issued to retire or refund other obligations, within that number of years from the date the debt being retired or refunded was originally issued. If state general obligations are issued as notes in anticipation of the issuance of bonds, provision shall be made by law for the establishment and maintenance, during the period in which the notes are outstanding, of a special fund or funds into which shall be paid, from the sources authorized for the payment of such bonds, the amount that would have been

sufficient, if bonds maturing during the permitted period of years had been issued without such prior issuance of notes, to pay the principal that would have been payable on such bonds during such period. Such fund or funds shall be used solely for the payment of principal of such notes or bonds in anticipation of which such notes have been issued. Notwithstanding anything to the contrary in Section 2k or 2m of Article VIII, obligations issued under this section or Section 2k or 2m to retire or refund obligations previously issued under this section or Section 2k or 2m shall not be counted against the fiscal year or total issuance limitations provided in this section or Section 2k or 2m, as applicable.

The obligations issued under this division and division (B) of this section are general obligations of the state. The full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of the principal of and premium and interest and other accreted amounts on outstanding obligations as they become due (hereinafter called debt service), and bond retirement fund provisions shall be made for payment of that debt service. Provision shall be made by law for the sufficiency and appropriation, for purposes of paying debt service, of excises, taxes, and revenues so pledged or committed to debt service, and for covenants to continue the levy, collection, and application of sufficient excises, taxes, and revenues to the extent needed for that purpose. Notwithstanding Section 22 of Article II, Ohio Constitution, no further act of appropriation shall be necessary for that purpose. The obligations and the provision for the payment of debt service, and repayment by governmental entities of any loans made under this section, are not subject to Sections 5, 6, and 11 of Article XII, Ohio Constitution. Moneys referred to in Section 5a of Article XII, Ohio Constitution may not be pledged or used for the payment of that debt service. Debt service on obligations issued for research and development purposes and for development of sites and facilities shall not be included in the calculation of total debt service for purposes of division (A) of Section 17 of Article VIII, Ohio Constitution.

(D)(1) The state may participate in any public infrastructure capital improvement under this section with municipal corporations, counties, townships, or other governmental entities as designated by law, or any one or more of them. Such participation may be by grants, loans, or contributions to them for any such capital improvements. The entire proceeds of the infrastructure obligations shall be used for public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities, except to the extent that the General Assembly provides by law that the state may reasonably be compensated from such moneys for planning, financial management, or administrative services performed in relation to the issuance of infrastructure obligations.

(2) Implementation of the research and development purposes includes supporting any and all related matters and activities, including: attracting researchers and research teams by endowing research chairs or otherwise; activities to develop and commercialize products and processes; intellectual property matters such as copyrights and patents; property interests, including

time sharing arrangements; and financial rights and matters such as royalties, licensing, and other financial gain or sharing resulting from research and development purposes. State and local public moneys, including the proceeds of bonds, notes, and other obligations, may be used to pay costs of or in support of or related to these research and development purposes, including, without limitation, capital formation, direct operating costs, costs of research and facilities, including interests in real property therefor, and support for public and private institutions of higher education, research organizations or institutions, and private sector entities. The exercise of these powers by the state and state agencies, including state-supported and state-assisted institutions of higher education, and local public entities and agencies, may be jointly or in coordination with each other, with researchers or research organizations and institutions, with private institutions of higher education, with individuals, or with private sector entities. State and local public participation may be in such manner as the entity or agency determines, including by any one or a combination of grants, loans including loans to lenders or the purchase of loans, subsidies, contributions, advances, or guarantees, or by direct investments of or payment or reimbursement from available moneys, or by providing staffing or other support, including computer or other technology capacity, or equipment or facilities, including interests in real property therefor, and either alone or jointly, in collaborative or cooperative ventures, with other public agencies and private sector entities including not for profit entities. In addition to other state-level monetary participation as referred to in this section or otherwise, state-supported and state-assisted institutions of higher education may, as authorized from time to time by the General Assembly, issue obligations to pay costs of participating in and implementing research and development purposes. In addition to the other obligations authorized in or pursuant to this section, the General Assembly also may authorize the state and state agencies and local public entities and agencies, and corporations not for profit designated by any of them as such agencies or instrumentalities, to issue obligations to borrow and loan or otherwise provide moneys for research and development purposes, including, but not limited to, obligations for which moneys raised by taxation shall not be obligated or pledged for the payment of debt service and which are therefore not subject to Sections 5, 6, and 11 of Article XII, Ohio Constitution.

(3) Development of sites and facilities for and in support of industry, commerce, distribution, and research and development purposes includes acquisition of real estate and interests in real estate, site preparation including any necessary remediation and cleanup, constructing and improving facilities, and providing public infrastructure capital improvements and other transportation and communications infrastructure improvements for and in support of the use of those sites and facilities for those purposes. State and local public moneys, including the proceeds of bonds, notes, and other obligations, may be used to pay costs of those purposes. The exercise of these powers by the state and state agencies and local public entities and agencies, may be jointly or in coordination with each other, and with individuals or private sector business entities. State and local public participation may be in such manner as the entity

or agency determines, including by any one or a combination of grants, loans including loans to lenders or the purchase of loans, subsidies, contributions, advances, or guarantees, or by direct investments of or payment or reimbursement from available moneys. In addition to other state-level monetary participation as referred to in this section or otherwise, state-supported and state-assisted institutions of higher education, and local public entities and agencies may, as authorized from time to time by the General Assembly, issue obligations to pay costs of participating in and implementing the development of sites and facilities.

(E) Obligations issued under authority of this section for research and development purposes and site and facility development purposes, provisions for the payment of debt service on them, the purposes and uses to which and the manner in which the proceeds of those obligations or moneys from other sources are to or may be applied, and other implementation of those development purposes as referred to in this section, are not subject to Sections 4 and 6 of Article VIII, Ohio Constitution. Obligations issued under authority of this section, the transfer thereof, and the interest, interest equivalent, and other income and accreted amounts therefrom, including any profit made on the sale, exchange, or other disposition thereof, shall at all times be free from taxation within the state.

(F) This section shall otherwise be implemented in the manner and to the extent provided by law by the General Assembly, including provision for the procedure for incurring and issuing obligations, separately or in combination with other obligations, and refunding, retiring, and evidencing obligations; provision for ensuring the accountability of all state funding provided for the development purposes referred to in division (A) of this section; provision for restricting or limiting the taking of private property under Section 19 of Article I for disposition to private sector entities for the purposes identified in divisions (A)(2) and (3) of this section or restricting the disposition of that property to private sector entities or individuals; and provision for the implementation of the development purposes referred to in division (A) of this section to benefit people and businesses otherwise qualified for receipt of funding for the development purposes referred to in division (A) of this section, including economically disadvantaged businesses and individuals in all areas of this state, including by the use to the extent practicable of Ohio products, materials, services, and labor.

(G) The powers and authority granted or confirmed by and under, and the determinations in, this section are independent of, in addition to, and not in derogation of or a limitation on, powers, authority, determinations, or confirmations under laws or under other provisions of the Ohio Constitution including, without limitation, Section 7 of Article I, Section 5 of Article VI, Sections 2i, 2n, 2o, 13, and 15 of Article VIII, Article X, and Section 3 of Article XVIII, and do not impair any previously adopted provisions of the Ohio Constitution or any law previously enacted by the General Assembly or by a local public agency.

EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal, the amendment shall take effect immediately.

The question being, "Shall the joint resolution, **Am. Sub. H. J. R. No. 2**, be adopted?"

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	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the joint resolution was adopted.

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

Senator Carey moved to amend the title as follows:

Add the names: "Carey, Armbruster, Austria, Clancy, Goodman, Harris, Jacobson, Roberts, Spada, Amstutz, Brady, Cates, Dann, Fedor, Fingerhut, Gardner, Grendell, Hagan, Mallory, Miller, Mumper, Niehaus, Padgett, Prentiss, Schuring, Wilson, Zurz."

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

The motion was agreed to and the title so amended.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 122 - Representative Wagoner - et al.

Attest:

Laura P. Clemens,
Clerk.

Senator Gardner moved that the Senate insist on the Senate amendments to **Sub. H. B. No. 122**, and ask for a Committee of Conference.

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

The motion was agreed to.

On the motion of Senator Gardner the Senate recessed.

The Senate met pursuant to the recess.

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. 147 - Senators Austria, Schuring, Armbruster, Grendell, Schuler Representatives Wolpert, Bulp, Combs, Daniels, Uecker, Hagan, Kearns, Oelslager

To amend section 1901.34 of the Revised Code to authorize the Greene County prosecuting attorney to prosecute state law violation cases arising in specified townships within the jurisdiction of the Fairborn and Xenia Municipal Courts, to amend section 3506.19 of the Revised Code to permit the use of a marking device that is accessible for individuals with disabilities instead of a direct recording electronic voting machine required for such individuals at each polling location, to authorize the conveyance of state-owned real estate in Stark County to the City of Massillon, in Warren County to Cincinnati Gas and Electric Company, in Brown County to a purchaser to be determined, in Franklin County to the Columbus Board of Education, and in Clark County to a purchaser to be determined, and to declare an emergency.

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

In line 9, after "**1.**" insert "That section 1901.34 of the Revised Code be amended to read as follows:

Sec. 1901.34. (A) Except as provided in divisions (B) and (D) of this section, the village solicitor, city director of law, or similar chief legal officer for each municipal corporation within the territory of a municipal court shall prosecute all cases brought before the municipal court for criminal offenses occurring within the municipal corporation for which that person is the solicitor, director of law, or similar chief legal officer. Except as provided in division (B) of this section, the village solicitor, city director of law, or similar chief legal officer of the municipal corporation in which a municipal court is located shall prosecute all criminal cases brought before the court arising in the unincorporated areas within the territory of the municipal court.

(B) The Auglaize county, Brown county, Clermont county, Hocking

county, Jackson county, Morrow county, Ottawa county, and Portage county prosecuting attorneys shall prosecute in municipal court all violations of state law arising in their respective counties. The Crawford county, Hamilton county, Madison county, and Wayne county prosecuting attorneys shall prosecute all violations of state law arising within the unincorporated areas of their respective counties. The Columbiana county prosecuting attorney shall prosecute in the Columbiana county municipal court all violations of state law arising in the county, except for violations arising in the municipal corporation of East Liverpool, Liverpool township, or St. Clair township. The Darke county prosecuting attorney shall prosecute in the Darke county municipal court all violations of state law arising in the county, except for violations of state law arising in the municipal corporation of Greenville and violations of state law arising in the village of Versailles. The Greene county prosecuting attorney may, with the concurrence of the Greene county board of county commissioners, prosecute in the Fairborn municipal court all violations of state law arising within the unincorporated areas of Bath and Beavercreek townships in Greene county and prosecute in the Xenia municipal court all violations of state law arising within the unincorporated areas of Ceasarcreek, Cedarville, Jefferson, Miami, New Jasper, Ross, Silvercreek, Spring Valley, Sugarcreek, and Xenia townships in Greene county.

The prosecuting attorney of any county given the duty of prosecuting in municipal court violations of state law shall receive no additional compensation for assuming these additional duties, except that the prosecuting attorney of Hamilton, Portage, and Wayne counties shall receive compensation at the rate of four thousand eight hundred dollars per year, and the prosecuting attorney of Auglaize county shall receive compensation at the rate of one thousand eight hundred dollars per year, each payable from the county treasury of the respective counties in semimonthly installments.

(C) The village solicitor, city director of law, or similar chief legal officer shall perform the same duties, insofar as they are applicable to the village solicitor, city director of law, or similar chief legal officer, as are required of the prosecuting attorney of the county. The village solicitor, city director of law, similar chief legal officer or any assistants who may be appointed shall receive for such services additional compensation to be paid from the treasury of the county as the board of county commissioners prescribes.

(D) The prosecuting attorney of any county, other than Auglaize, Brown, Clermont, Hocking, Jackson, Morrow, Ottawa, or Portage county, may enter into an agreement with any municipal corporation in the county in which the prosecuting attorney serves pursuant to which the prosecuting attorney prosecutes all criminal cases brought before the municipal court that has territorial jurisdiction over that municipal corporation for criminal offenses occurring within the municipal corporation. The prosecuting attorney of Auglaize, Brown, Clermont, Hocking, Jackson, Morrow, Ottawa, or Portage county may enter into an agreement with any municipal corporation in the county in which the prosecuting attorney serves pursuant to which the respective

prosecuting attorney prosecutes all cases brought before the Auglaize county, Brown county, Clermont county, Hocking county, Jackson county, Morrow county, Ottawa county, or Portage county municipal court for violations of the ordinances of the municipal corporation or for criminal offenses other than violations of state law occurring within the municipal corporation. For prosecuting these cases, the prosecuting attorney and the municipal corporation may agree upon a fee to be paid by the municipal corporation, which fee shall be paid into the county treasury, to be used to cover expenses of the office of the prosecuting attorney.

Section 2. That existing section 1901.34 of the Revised Code is hereby repealed.

Section 3. "

In line 134, delete "2." and insert "4."

In line 217, delete "3." and insert "5."

In line 271, delete "4." and insert "6."

In line 344, delete "5." and insert "7."

In line 432, delete "6." and insert "8."; delete "and"; after "4" insert ", 5, and 6"

In line 435, delete "7." and insert "9."

In line 1 of the title, after "To" insert "amend section 1901.34 of the Revised Code to authorize the Greene County prosecuting attorney to prosecute state law violation cases arising in specified townships within the jurisdiction of the Fairborn and Xenia Municipal Courts, to"

In line 9, after "**Section 1.**" insert "That section 3506.19 of the Revised Code be amended to read as follows:

Sec. 3506.19. On and after the first federal election that occurs after January 1, 2006, unless required sooner by the Help America Vote Act of 2002, each polling location shall have available for use at all elections at least one direct recording electronic voting machine or marking device that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Section 2. That existing section 3506.19 of the Revised Code is hereby repealed.

Section 3."

In line 134, delete "2." and insert "4."

In line 217, delete "3." and insert "5."

In line 271, delete "4." and insert "6."

In line 344, delete "5." and insert "7."

In line 432, delete "6." and insert "8."; delete "and"; after "4" insert ", 5, and 6"

In line 435, delete "7." and insert "9."

In line 1 of the title, after "To" insert "amend section 3506.19 of the Revised Code to permit the use of a marking device that is accessible for individuals with disabilities instead of a direct recording electronic voting machine required for such individuals at each polling location, to"

Attest:

Laura P. Clemens,
Clerk.

On the motion of Senator Jacobson **Am. Sub. S. B. No. 147**, was brought up for consideration.

The question being, "Shall the section, Section 7, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Brady	Carey
Cates	Clancy	Dann	Fedor
Fingerhut	Gardner	Goodman	Grendell
Hagan	Hottinger	Jordan	Mallory
Miller	Mumper	Niehaus	Padgett
Prentiss	Roberts	Schuler	Schuring
Spada	Wachtmann	Wilson	Zurz
			Harris-29.

Senator Jacobson voted in the negative-1.

So the section, Section 7, 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	Austria	Brady	Carey
Cates	Clancy	Fedor	Fingerhut
Gardner	Goodman	Grendell	Hagan
Hottinger	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-28.

Senators Dann and Jacobson voted in the negative-2.

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

MOTIONS

Senator Hottinger moved that Senators absent the week of Sunday, July 31, 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. 165-Senators Brady, Hagan, Miller, Zurz, Wilson, Roberts, Dann.

To amend section 3901.78 and to enact sections 3901.41, 3901.781, 3901.782, 3901.783, and 3901.784 of the Revised Code to require the Superintendent of Insurance to issue certificates of compliance to insurance companies authorized to do business in this state but not incorporated under the laws of the state, to require these insurance companies to publish the certificates of compliance in every county where the companies have agencies, and to require all insurance companies licensed to transact business in this state to notify the Superintendent if the insurance company is disciplined in another state.

S. B. No. 166-Senators Grendell, Jacobson.

To enact section 109.123 of the Revised Code to require the Attorney General to review state contracts that will obtain services or invest funds.

S. B. No. 167-Senators Grendell, Zurz, Harris, Jacobson, Cates, Mallory, Brady, Amstutz, Armbruster, Carey, Dann, Gardner, Goodman, Miller, Roberts, Schuler, Schuring, Spada, Wachtmann, Wilson, Padgett, Austria, Clancy, Mumper, Hottinger, Niehaus, Jordan.

To establish, until December 31, 2006, a moratorium on the use of eminent domain by any entity of the state government or any political subdivision of the state to take, without the owner's consent, private property that is in an unblighted area when the primary purpose for the taking is economic development that will ultimately result in ownership of the property being vested in another private person, to create the Legislative Task Force to Study Eminent Domain and Its Impact on Land Use Planning in the State, and to declare an emergency.

S. B. No. 168-Senators Grendell, Jacobson, Schuring, Dann.

To enact sections 102.991 and 2921.47 of the Revised Code to prohibit current or former state officials or employees who are convicted of ethics law violations from serving as legislative agents or executive agency lobbyists, and from being appointed as members of state boards, commissions, authorities, and other instrumentalities, for a period of five years, if the violation is a misdemeanor, or forever, if the violation is a felony.

OFFERING OF RESOLUTIONS

Senator Miller offered the following resolution:

S. R. No. 95-Senators Miller, Wachtmann, Gardner, Padgett, Wilson, Brady, Fedor, Prentiss, Zurz, Mumper, Fingerhut, Mallory, Grendell, Schuring, Armbruster, Dann, Goodman, Clancy.

Honoring Nancy E. English as the 2005 Ohio Municipal Clerk of the Year.

The question being, "Shall the resolution, **S. R. No. 95**, be adopted?"

So the resolution was adopted.

Senator Austria offered the following resolution:

S. R. No. 96-Senator Austria.

To memorialize the Base Realignment and Closure Commission to allow the Air Force Institute of Technology to remain in Ohio.

WHEREAS, The Air Force Institute of Technology ("AFIT") is appropriately located in Dayton, Ohio, as the center of United States Air Force research, Wright-Patterson Air Force Base is the best place to teach Air Force graduate engineering students, allowing the students to study in various fields and obtain access to classified technology; and

WHEREAS, Wright-Patterson Air Force Base is the logical place to provide technical acquisition and logistics education for Air Force officers, as it is collocated with the Air Force Research Laboratory, the headquarters of the Air Force Materiel Command, the Aeronautical Systems Center, and the National Air and Space Intelligence Center, giving students access to Wright-Patterson Air Force Base's customers, experienced faculty, and two thousand scientists and engineers and creating synergies and cost efficiencies that help those organizations; and

WHEREAS, The area surrounding the Wright-Patterson Air Force Base has a substantially lower cost of living compared to Monterey, California, and support from the community enhances the effectiveness of AFIT in meeting its

mission, by having a substantial amount of available base housing, daycare, and health care at the Wright-Patterson Air Force Base hospitals, which are among the largest, best-equipped, and best-staffed in the Air Force and by having valuable out-of-base education opportunities through the Dayton Area Graduate Studies Institute; and

WHEREAS, The AFIT campus is a world-class, state-of-the-art facility, most of which has been built or renovated in the last twenty years and is located on a site with room to expand to take on additional Air Force or joint service needs in the future without encroaching on the surrounding community; and

WHEREAS, AFIT should not be privatized, as two independent studies have demonstrated that privatizing AFIT will not save money and one of those studies concluded that the cost and benefits of AFIT were more favorable than privatization; and

WHEREAS, AFIT is within the military culture and climate, supports students in focusing their coursework and their research to prepare for their follow-on military assignments, provides graduate programs that are already specifically tailored to meet Air Force requirements, and is subject to periodic program reviews by Air Force organizations that use AFIT and by senior Air Force leadership; and

WHEREAS, AFIT student research is focused to fill specific Air Force needs, saving the Air Force money; research conducted in Fiscal Year 2004 is estimated to save the Air Force \$29.6 million; and

WHEREAS, AFIT has a highly qualified faculty that can develop and implement new courses quickly, which is critical in a military environment and which private universities cannot do without considerable cost, and the AFIT program provides a rigorous graduate education that is unsurpassed by any civilian or military educational institution and that is critical in developing leaders in the Department of Defense who can handle significant challenges in their future assignments; and

WHEREAS, The state of Ohio has supported and funded AFIT over the past years and is committed to a partnership with AFIT; and

WHEREAS, As demonstrated by the support of the surrounding community and the interaction with state and private universities, AFIT is vital to the state of Ohio and the defense of our nation; now therefore be it

RESOLVED, That the Air Force Institute of Technology must remain in Ohio, as it is important to the Miami Valley region and the state of Ohio and it is the best way to ensure a technically educated officer corps that is necessary to develop, maintain, and operate the world's most technically advanced weapons systems on which our national security depends; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the Base Realignment and Closure Commission, and to the news media of Ohio.

The question being, "Shall the resolution, **S. R. No. 96**, be adopted?"

So the resolution was adopted.

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

Senator Austria moved to amend the title as follows:

Add the names: "Roberts, Jacobson, Amstutz, Armbruster, Austria, Brady, Carey, Cates, Clancy, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hagan, Harris, Hottinger, Jordan, Mallory, Miller, Mumper, Niehaus, Padgett, Prentiss, Schuler, Schuring, Spada, Wachtmann, Wilson, Zurz."

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

The motion was agreed to and the title so amended.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, August 4, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.