

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, OCTOBER 19, 2005

ONE HUNDRED FIFTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, October 19, 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. 81**-Representatives Smith, G., Webster, McGregor, J., Patton, S., Ujvagi, Perry, Wolpert, Woodard, Peterson, Barrett, Strahorn, Kearns, Taylor, Allen, Law, Reidelbach, Stewart, D., Carano, Flowers, Beatty, Blessing, Brown, Buehrer, Chandler, Collier, DeBose, DeGeeter, Distel, Domenick, Evans, D., Hagan, Hughes, Key, Mason, Otterman, Patton, T., Schneider, Seitz, Willamowski, Williams, Yuko.

To amend sections 109.71, 109.73, 109.79, 119.01, 1121.05, 1155.18, 1163.22, 1317.01, 1733.04, 1733.16, 1733.22, 1733.24, 1733.25, 1733.251, 1733.29 to 1733.33, 1733.37, 1733.38, 1733.412, 1733.44, 2101.161, 2105.31, 2109.13, 2109.372, 2109.41, 4705.09, 4973.17, 4973.171, and 5725.01 of the Revised Code to make changes in the Credit Union Law relating to fields of membership, expansion of authorities, meetings of directors, compensation of officers, fees and interest chargeable on certain loans, record keeping, eligible investments, liquidity fund requirements, public records, amendments to articles, and use of name; to authorize accounts to be held by credit unions under laws relating to probate and intestate succession; to authorize a credit union insured by a credit union share guaranty corporation to maintain interest-bearing trust accounts on behalf of attorneys; to authorize and specify qualifications for designees acting for or on the premises of a financial institution, including a credit union, as police officers; to revise the conditions under which banks, savings and loan associations, and credit unions may achieve parity of authority with other financial institutions; and to exempt credit union transactions involving a credit card from the Retail Installment Sales Act and the Consumer Sales Practices Act.

To the Committee on Finance and Financial Institutions.

**Sub. H. B. No. 139**-Representatives Harwood, Carano, Patton, S., Law, Williams, Domenick, Chandler, Wolpert, Mitchell, Beatty, Boccieri, Book, Cassell, Distel, Evans, C., Fende, Flowers, Hughes, Miller, Oelslager, Otterman, Patton, T., Skindell, Stewart, J., Wagoner, Yuko.

To authorize the conveyance to Liberty Township of all of the state's right, title, and interest in certain real estate located in Trumbull County.

To the Committee on Judiciary - Civil Justice.

**Sub. H. B. No. 141**-Representatives Willamowski, Aslanides, Combs, McGregor, J., Seitz, Perry, Hartnett, Faber, Barrett, Taylor, Gilb, Hagan, Reidelbach, Schaffer, Bubb, Domenick, Evans, C., Flowers, Latta, Otterman, Schneider, Setzer, Smith, G..

To amend sections 149.43, 2921.24, 2921.25, and 4501.271 of the Revised Code to give prosecuting attorneys, assistant prosecuting attorneys, and certain correctional and youth services employees the same options as peace officers with respect to confidentiality of certain personal information.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 206**-Senators Coughlin, Fedor.

To amend sections 742.63, 5505.12, and 5505.18 and to enact sections 5505.50 to 5505.59 of the Revised Code to provide for the establishment of the State Highway Patrol Retirement System deferred retirement option plan.

To the Committee on Health, Human Services and Aging.

YES - 5: J. KIRK SCHURING, MARK MALLORY, BILL HARRIS, C. J. PRENTISS, 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 Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **S. B. No. 190**-Senator Carey, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 391, after "taxpayers" insert "with respect to each pass-through entity for"

Co-Sponsors: Amstutz, Zurz, Fingerhut, Dann, Roberts, Austria, Spada.

YES - 11: RON AMSTUTZ, ROBERT F. SPADA, STEPHEN C. AUSTRIA, DAVID GOODMAN, JIM JORDAN, TOM NIEHAUS, ROBERT L. SCHULER, MARC DANN, ERIC D. FINGERHUT, TOM ROBERTS, KIMBERLY A. ZURZ.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Padgett submitted the following report:

The standing committee on Education, to which was referred **H. B. No. 11**-Representative Schlichter, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

After line 42, insert:

"**Section 3.** (A) Notwithstanding anything to the contrary in division (E) of section 3317.024 of the Revised Code, in section 3317.07 of the Revised Code or in rules adopted under that section, or in Section 206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, during fiscal year 2006 only, upon receipt of a waiver granted by the Superintendent of Public Instruction a school district, educational service center, or county MR/DD board may use the portion of the funds paid under appropriation item 200-503, Bus Purchase Allowance, as approved in the waiver for purchasing fuel for school buses.

(B) In the manner specified by the Superintendent of Public Instruction for purposes of this section, a school district, educational service center, or county MR/DD board may apply to the Superintendent for a waiver to use all or a portion of the funds paid during fiscal year 2006 under appropriation item

200-503, Bus Purchase Allowance, to purchase fuel for school buses. The Superintendent may grant a waiver to a school district, educational service center, or county MR/DD board only if the district, service center, or county MR/DD board demonstrates to the Superintendent's satisfaction that it has a sufficient supply of buses or contracted bus service to meet its pupil transportation obligations for fiscal year 2006 without spending all or part of its allocation of funds under appropriation item 200-503, Bus Purchase Allowance. The Superintendent shall prescribe in the waiver the portion of those funds that may be used for purchasing fuel for buses."

In line 3 of the title, after "Conflict" insert "and to permit school districts, educational service centers, and county MR/DD boards in fiscal year 2006 to apply to use funds appropriated for school bus purchases to pay the cost of purchasing fuel for buses"

Co-Sponsors: Fedor, Carey, Cates, Gardner, Jacobson, Padgett, Mumper.

YES - 9: ERIC D. FINGERHUT, TERESA FEDOR, RAY MILLER, JOY PADGETT, GARY W. CATES, JOHN A. CAREY, RANDY GARDNER, JEFF JACOBSON, LARRY A. MUMPER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Padgett submitted the following report:

The standing committee on Education, to which was referred **H. B. No. 107**-Representative Setzer, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: RAY MILLER, TERESA FEDOR, ERIC D. FINGERHUT, JOY PADGETT, GARY W. CATES, JOHN A. CAREY, RANDY GARDNER, JEFF JACOBSON, LARRY A. MUMPER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

**BILLS FOR THIRD CONSIDERATION**

**Am. H. B. No. 11**-Representatives Schlichter, J. Stewart, Latta, Hartnett, C. Evans, S. Patton, Buehrer, Wolpert, Oelslager, Willamowski, Carano, Kearns, Setzer, Reidelbach, Combs, Hughes, Flowers, DeWine, Chandler, Brown, McGregor, Harwood, T. Patton, Calvert, Walcher, Taylor, Raga, Fessler, Seaver, Webster, Peterson, Wagner, Hood, Williams, Garrison, Barrett, Distel, Allen, Aslanides, Beatty, Blessing, Book, Bubp, Carmichael, Cassell, Coley, Collier, Core, Daniels, DeGeeter, Dolan, Domenick, Driehaus, D. Evans, Faber, Fende, Gibbs, Gilb, Hagan, Healy, Hoops, Key, Koziura, Law, Martin, Mason, Miller, Mitchell, Otterman, Perry, Redfern, Reinhard, Sayre, Schaffer, Skindell, G. Smith, D. Stewart, Strahorn, Sykes, Trakas, Uecker, Ujvagi, Wagoner, White, Widener, Widowfield Senators Fedor, Carey, Cates, Gardner, Jacobson, Padgett, Mumper.

To amend section 3313.616 of the Revised Code to grant high school diplomas to certain veterans of the Vietnam Conflict and to permit school districts, educational service centers, and county MR/DD boards in fiscal year 2006 to apply to use funds appropriated for school bus purchases to pay the cost of purchasing fuel for buses, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 11**-Representative Schlichter, et al., pass?"

On the motion of Senator Harris the Senate recessed.

The Senate met pursuant to the recess.

Senator Padgett moved that **Am. H. B. No. 11**, having been reported by the Committee on Education, be recommitted.

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

The motion was agreed to.

**Sub. 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 amend Section 4 of Am. Sub. S.B. 2 of the 125th General Assembly, and to amend Section 206.09.12 of Am. Sub. H.B. 66 of the 126th General Assembly 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, the State Board's minimum standards for schools, and the value-added progress dimension developed by the Department of Education; to extend the deadline for the Department and the Educator Standards Board to propose a career ladder program for teachers; and to set aside \$247,000 in each of fiscal

years 2006 and 2007 for the Center for Learning Excellence, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 107**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Grendell voted in the negative-1.

So the bill passed.

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

The title was agreed to.

**Am. S. B. No. 190**-Senators Carey, Amstutz, Zurz, Fingerhut, Dann, Roberts, Austria, Spada.

To amend sections 5725.31, 5729.07, 5733.42, and 5747.39 of the Revised Code to extend the job training tax credit for an additional year and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Hagan moved to amend as follows:

In line 279, after the period insert "The rules shall require that if a taxpayer to which a tax credit certificate is issued under any of those sections permanently relocates or transfers employees trained under the tax credit certificate to another state or country within two years of receiving the certificate, the taxpayer shall repay the total amount of the tax credit received by the taxpayer for any employees permanently relocated or transferred."

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

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	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-31.

The motion was agreed to.

The question recurred, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

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	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-31.

So the section, Section 3, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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	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-31.



So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Carey moved to amend the title as follows:

Add the names: "Harris, Coughlin, Gardner, Grendell, Hagan, Clancy, Hottinger, Niehaus, Armbruster, Schuler."

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, October 16, 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. 207**-Senator Spada.

To enact sections 4768.01 to 4768.13 and 4768.99 of the Revised Code to create the State Board of Home Inspectors, to require the licensure of home inspectors, and to regulate the licensure and performance of home inspectors.

**S. B. No. 208**-Senators Amstutz, Austria, Cates, Clancy, Carey, Fingerhut, Gardner, Grendell, Harris, Hottinger, Jacobson, Jordan, Mumper, Padgett, Schuler, Schuring, Stivers.

To amend sections 5747.01 and 5748.01 of the Revised Code to exempt from state and school district income taxation military pay and allowances received by individuals who are stationed outside Ohio and who do not have any immediate family members residing in Ohio.

**S. B. No. 209**-Senators Miller, Zurz, Fedor.

To amend sections 5149.02 and 5149.10 of the Revised Code to limit a member of the Ohio Parole Board who is not a victim representative to one nine-year term.

**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, Stanley J. Borgia, Republican, from Loveland, Clermont County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning October 7, 2005 and ending at the close of business September 19, 2008.

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 11th day of October 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, James V. Canepa, from Columbus, Franklin County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning October 7, 2005 and ending at the close of business September 19, 2008.

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 11th day of October 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, William J. Dolan, Republican, from Columbus, Franklin County, Ohio, as a Member of the Columbus State Community College Board of Trustees for a term beginning October 7, 2005, and ending at the close of business August 31, 2011, replacing Matthew Kallner, 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 11th day of October 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, Suzanne Stilson Edgar, Republican, from Worthington, Franklin County, Ohio, as a Member of the Columbus State Community College Board of Trustees for a new term beginning October 7, 2005 and ending at the close of business August 31, 2011.

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 11th day of October 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, Michael E. Flowers, Independent, from Columbus, Franklin County, Ohio, as a Member of the Columbus State Community College Board of Trustees for a term beginning October 7, 2005, and ending at the close of business August 31, 2011, replacing Dwight Eric Smith, 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 11th day of October 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, Lorenzo Norris, Democrat, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Minority Development Financing Advisory Board for a term beginning October 7, 2005, and ending at the close of business September 30, 2012, replacing Alfonso Pena Sanchez, 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 11th day of October 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, Kay Onwunkwe, Independent, from Gahanna, Franklin County, Ohio, as a Member of the Minority Development Financing Advisory Board for a term beginning October 7, 2005, and ending at the close of business September 30, 2012, replacing Jerry Lyndsey Birch, 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 11th day of October 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, Mandwel D. Patterson, Republican, from Dayton, Montgomery County, Ohio, as a Member of the Minority Development Financing Advisory Board for a term beginning October 7, 2005 and ending at the close of business September 30, 2012.

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 11th day of October 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, Kathleen A. Sommers, from Grove City, Franklin County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a term beginning October 7, 2005 and ending at the close of business September 19, 2008.

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 11th day of October 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, Leland Wyse, Republican, from Newcomerstown, Coshocton County, Ohio, as a Member of the Central Ohio Technical College Board of Trustees for a new term beginning October 7, 2005 and ending at the close of business September 30, 2008.

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 11th day of October 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, October 20, 2005 at 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,  
Clerk.