

OHIO

SENATE

JOURNAL

MONDAY, JANUARY 6, 2003

FIRST DAY
Senate Chamber, Columbus, Ohio
Monday, January 6, 2003, 1:30 p.m.

This being the day fixed by law for the meeting of the General Assembly in the regular session, the senators and senators-elect of the One Hundred Twenty-Fifth General Assembly of the State of Ohio, met in the Senate Chamber and were called to order by Senator Richard H. Finan, President of the Senate of the One Hundred Twenty-Fourth General Assembly.

The President of the Senate passed the gavel to Senator Doug White, President Pro Tempore of the One Hundred Twenty-Fourth General Assembly.

Prayer was offered by Reverend Malcolm White, Associate Pastor, Keystone Baptist Church, Chicago, Illinois. The colors were presented by the Ripley Union Lewis Huntington High School ROTC lead by Lieutenant Colonel Rick Klinker and Sergeant Major Ottie Kokensparker.

The National Anthem was sung by Ms. Harriet Jackson, Ripley, Ohio.

The Ohio State University Marching Band performed Carmen Ohio.

The President Pro Tempore directed the Clerk to call the Republican Districts starting with first-time elected Senators in their numerical order.

The following named persons presented their certificates of election as Senators from their respective districts to the One Hundred Twenty-Fifth General Assembly.

Seventh District--Composed of: Hamilton (part), Warren--Robert L. Schuler.

Seventeenth District--Composed of: Clinton, Fayette, Gallia, Highland, Jackson, Lawrence (part), Pickaway (part), Pike, Ross, Vinton--John A. Carey, Jr.

Twenty-Ninth District--Composed of: Stark (part)--Kirk Schuring.

Senators Schuler, Carey, and Schuring appeared at the bar of the Senate and were administered the oath of office by the Honorable Evelyn Lundburg Stratton, Justice of the Supreme Court.

The President Pro Tempore directed the Clerk to call the odd-numbered Republican Senatorial Districts in their numerical order.

The following named persons presented their certificates of election as Senators from their respective districts to the One Hundred Twenty-Fifth General Assembly.

First District--Composed of: Auglaize (part), Defiance, Fulton, Hancock,

Hardin, Henry, Paulding, Putnam, Van Wert, Williams--Lynn R. Wachtmann.

Third District--Composed of: Franklin (part)--David Goodman.

Thirteenth District--Composed of: Huron, Lorain, Seneca (part)--Jeffrey J. Armbruster.

Nineteenth District--Composed of: Ashland (part), Delaware, Knox, Morrow, Richland--Bill M. Harris.

Twenty-Seventh District--Composed of: Summit (part)--Kevin J. Coughlin.

Thirty-first District--Composed of: Fairfield, Hocking, Licking, Perry, Pickaway (part)--Jay Hottinger.

The members appeared in the bar of the Senate and were administered the oath of office by the Honorable Evelyn Lundberg Stratton, Justice of the Supreme Court.

The President Pro Tempore directed the Clerk to call the even-numbered Republican Senatorial Districts in their numerical order.

Second District--Composed of: Erie, Lucas (part), Wood--Randy Gardner.

Fourth District--Composed of: Butler--Scott R. Nein.

Sixth District--Composed of: Montgomery (part)--Jeff Jacobson.

Eighth District--Composed of: Hamilton (part)--Louis W. Blessing, Jr.

Tenth District--Composed of: Clark, Greene, Madison--Stephen C. Austria.

Twelfth District--Composed of: Allen, Auglaize (part), Champaign, Darke, Mercer, Preble, Shelby--Jim Jordan.

Fourteenth District--Composed of: Adams, Brown, Clermont, Lawrence (part), Scioto--Doug White.

Sixteenth District--Composed of: Franklin (part)--Vacant.

Eighteenth District--Composed of: Cuyahoga (part), Geauga, Lake--Robert A. Gardner.

Twentieth District--Composed of: Athens, Coshocton, Guernsey, Meigs, Monroe, Morgan, Muskingum, Noble, Washington--James E. Carnes.

Twenty-Second District--Composed of: Ashland (part), Holmes, Wayne--Ron Amstutz.

Twenty-Fourth District--Composed of: Cuyahoga (part)--Robert F. Spada.

Twenty-Sixth District--Composed of: Crawford, Logan, Marion, Ottawa (part), Sandusky, Seneca (part), Union, Wyandot--Larry A. Mumper.

The members appeared in the bar of the Senate and were administered the oath of office by the Honorable Evelyn Lundberg Stratton, Justice of the Supreme Court.

The President Pro Tempore directed the Clerk to call the Democratic

Districts starting with first-time elected Senators in their numerical order.

The following named persons presented their certificates of election as Senators from their respective districts to the One Hundred Twenty-Fifth General Assembly.

Eleventh District--Composed of: Lucas (part)--Teresa Fedor.

Fifteenth District--Composed of: Franklin (part)--Ray Miller.

Senators Fedor and Miller appeared at the bar of the Senate and were administered the oath of office by the Honorable Joseph J. Vukovich, Judge, 7th District Court of Appeals.

The President Pro Tempore directed the Clerk to call the odd-numbered Democratic Senatorial Districts in their numerical order.

The following named persons presented their certificates of election as Senators from their respective districts to the One Hundred Twenty-Fifth General Assembly.

Fifth District--Composed of: Darke (part), Miami, Montgomery (part)--Tom Roberts.

Ninth District--Composed of: Hamilton (part)--Mark L. Mallory.

Twenty-First District--Composed of: Cuyahoga (part)--C.J. Prentiss.

Twenty-Third District--Composed of: Cuyahoga (part)--Daniel R. Brady.

Twenty-Fifth District--Composed of: Cuyahoga (part)--Eric Fingerhut.

Thirty-First District--Composed of: Carroll, Mahoning, Stark (part), Tuscarawas (part)--Robert F. Hagan.

The above members except Tom Roberts appeared in the bar of the Senate and were administered the oath of office by the Honorable Joseph J. Vukovich, Judge, 7th District Court of Appeals.

The President Pro Tempore directed the Clerk to call the even-numbered Democratic Senatorial Districts in their numerical order.

Twenty-Eighth District--Composed of: Portage, Summit (part)--Leigh E. Herington.

Thirtieth District--Composed of: Belmont, Columbiana, Harrison, Jefferson, Tuscarawas (part)--Gregory L. DiDonoto.

Thirty-Second District--Composed of: Ashtabula, Trumbull--Vacant.

The members appeared in the bar of the Senate and were administered the oath of office by the Honorable Joseph J. Vukovich, Judge, 7th District Court of Appeals.

I, THOMAS M. ROBERTS, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio and will faithfully discharge and perform all of the duties incumbent upon me as a

member of the Ohio Senate, according to the best of my ability and understanding and do this as I shall answer unto God.

/S/ THOMAS M. ROBERTS
THOMAS M. ROBERTS

SWORN to before me and by him subscribed in my presence this 4th day of January, 2003

/S/ WALTER HERBERT RICE
WALTER HERBERT RICE
Chief Judge,
United States District Court.

Senator Jacobson moved that the oaths of office of absent members-elect be accepted and spread upon the pages of the journal.

The motion was agreed to.

The President Pro Tempore announced that a quorum of the Senate was present and that the Senate was ready to transact business.

The President Pro Tempore announced that the next order of business should be the election of the following officers: President, President Pro Tempore, Assistant President Pro Tempore, Majority Whip, Minority Leader, Assistant Minority Leader, Minority Whip, and Assistant Minority Whip.

The election of the President being the first order, the Chair appointed Senator Carnes to preside during the election of the President.

Senator Nein nominated Doug White of the Fourteenth District for the office of President.

Senator DiDonato seconded the nomination.

On the motion of Senator Harris, the nominations were closed.

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Herington	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Schuler	Schuring	Spada
			Wachtmann-29.

Senator White having received a majority of the votes cast was declared the elected President of the Ohio Senate.

Senator White appeared at the bar and was administered the oath of office by the Honorable Bob Taft, Governor of the State of Ohio.

Senator Harris nominated Senator Randy Gardner of the Second District for the office of President Pro Tempore.

Senator Amstutz seconded the nomination.

On the motion of Senator Carey, the nominations were closed.

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
DiDonato	Fedor	Fingerhut	Robert Gardner
Goodman	Hagan	Harris	Herington
Hottinger	Jacobson	Jordan	Mallory
Miller	Mumper	Nein	Prentiss
Schuler	Schuring	Spada	Wachtmann
			White-29.

Senator Gardner having received a majority of the votes cast was declared the elected President Pro Tempore.

Senator Coughlin nominated Senator Jay Hottinger of the Thirty-First District for the office of Assistant President Pro Tempore.

Senator Carey seconded the nomination.

On the motion of Senator Amstutz, the nominations were closed.

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Herington	Jacobson	Jordan	Mallory
Miller	Mumper	Nein	Prentiss
Schuler	Schuring	Spada	Wachtmann
			White-29.

Senator Hottinger having received a majority of the votes cast was declared the elected Assistant President Pro Tempore.

Senator Goodman nominated Senator Jeff Jacobson of the Sixth District for the office of Majority Whip.

Senator Jordan seconded the nomination.

On the motion of Senator Austria, the nominations were closed.

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Herington	Hottinger	Jordan	Mallory
Miller	Mumper	Nein	Prentiss
Schuler	Schuring	Spada	Wachtmann
			White-29.

Senator Jacobson having received a majority of the votes cast was declared the elected Majority Whip.

The duly elected officers of the Republican party appeared at the bar of the Senate and were administered the oath of office by the Honorable Eveyln Lundburg Stratton, Justice of the Supreme Court.

Senator Herington nominated Senator Gregory L. DiDonato of the Thirtieth District for the office of Minority Leader.

Senator Hagan seconded the nomination.

On the motion of Senator Prentiss, the nominations were closed.

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Fedor	Fingerhut	Randy Gardner	Robert Gardner
Goodman	Hagan	Harris	Herington
Hottinger	Jacobson	Jordan	Mallory
Miller	Mumper	Nein	Prentiss
Schuler	Schuring	Spada	Wachtmann
			White-29.

Senator DiDonato having received a majority of the votes cast was declared the elected Minority Leader.

Senator Fingerhut nominated Senator Mark Mallory of the Ninth District for the office of Assistant Minority Leader.

Senator DiDonato seconded the nomination.

On motion of Senator Prentiss, the nominations were closed.

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Herington	Hottinger	Jacobson	Jordan

Miller
Schuler

Mumper
Schuring

Nein
Spada

Prentiss
Wachtmann
White-29.

Senator Mallory having received a majority of the votes cast was declared the elected Assistant Minority Leader.

Senator Mallory nominated Senator C.J. Prentiss of the Twenty-First District for the office of Minority Whip.

Senator Brady seconded the nomination.

On the motion of Senator Fedor, the nominations were closed.

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Herington	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Schuler	Schuring	Spada	Wachtmann
			White-29.

Senator Prentiss having received a majority of the votes cast was declared the elected Minority Whip.

Senator DiDonato nominated Senator Teresa Fedor of the Eleventh District for the office of Assistant Minority Whip.

Senator Miller seconded the nomination.

On the motion of Senator Prentiss, the nominations were closed.

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
DiDonato	Fingerhut	Randy Gardner	Robert Gardner
Goodman	Hagan	Harris	Herington
Hottinger	Jacobson	Jordan	Mallory
Miller	Mumper	Nein	Prentiss
Schuler	Schuring	Spada	Wachtmann
			White-29.

Senator Fedor having received a majority of the votes cast was declared the elected Assistant Minority Whip.

The duly elected officers of the Democratic party appeared at the bar of the Senate and were administered the oath of office by the Honorable Joseph J. Vukovich, Judge, 7th District Court of Appeals.

The President announced that the next order of business should be the election of a Senate Clerk.

Senator White nominated Matthew T. Schuler for the office of Senate Clerk.

Senator Carnes seconded the nomination.

On the motion of Senator Harris, the nominations were closed.

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	Blessing
Brady	Carey	Carnes	Coughlin
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Herington	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Schuler	Schuring	Spada
Wachtmann			White-30.

Mr. Schuler having received a majority of the votes cast was declared the elected Senate Clerk.

Mr. Schuler appeared at the bar of the Senate and was administered the oath of office by the Honorable Evelyn Lundberg Stratton, Justice of the Supreme Court.

S. R. No. 1-Senator DiDonato.

Relative to the appointment of Marc Dann to fill the vacancy in the membership of the Senate created by the resignation of Timothy J. Ryan of the 32nd Senatorial District.

WHEREAS, Section 11 of Article II, Ohio Constitution, provides for the filling of a vacancy in the Senate by appointment by the members of the Senate who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Timothy J. Ryan of the 32nd Senatorial District has resigned as a member of the Senate effective December 31, 2002, thus creating a vacancy in the Senate; now therefore be it

RESOLVED, By the members of the Senate who are affiliated with the Democrat party, that Marc Dann (Democrat), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the Senate from the 32nd Senatorial District is hereby appointed, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the Senate from the 32nd Senatorial District, to fill the vacancy created by Timothy J. Ryan; and be it further

RESOLVED, That a copy of this Resolution be spread upon the journal of

the Senate together with the yeas and nays of the members of the Senate affiliated with the Democrat party voting on the Resolution, and that the Clerk of the Senate shall certify the Resolution and the vote on its adoption to the Secretary of State.

The question being, "Shall the resolution, **S. R. No. 1**, be adopted?"

The yeas and nays were taken and resulted - yeas 9, nays 0, as follows:

Those who voted in the affirmative were: Senators

Brady	DiDonato	Fedor	Fingerhut
Hagan	Herington	Mallory	Miller
			Prentiss-9.

So the resolution was adopted.

Senator-elect Dann appeared at the bar of the Senate and was administered the oath of office by the Honorable Joseph J. Vukovich, Judge, 7th District Court of Appeals.

S. C. R. No. 1-Senator Randy Gardner.

Relative to convening in Joint Convention.

Resolved, That the two houses of the General Assembly convene in joint convention on January 7, 2003, at 2:00 o'clock p.m., pursuant to Section 3 of Article III of the Constitution of the State of Ohio and section 3505.34 of the Ohio Revised Code, to witness the opening, announcing, and canvassing of the abstracts of the votes cast for the offices of governor and lieutenant governor, secretary of state, auditor of state, treasurer of state, and attorney general at the general election held on the first Tuesday after the first Monday in November, 2002.

The question being, "Shall the resolution, **S. C. R. No. 1**, 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	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Prentiss	Schuler	Schuring
Spada	Wachtmann		White-31.

So the resolution was adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform the Senate that the House of Representatives is now in session and ready for the transaction of business.

Attest:

LAURA P. CLEMENS,
Clerk.

On the motion of Senator Randy Gardner the Senate adjourned until Tuesday, January 7, 2003 at 1:30 p.m.

Attest:

MATTHEW T. SCHULER,
Clerk.