OHIO

SENATE

JOURNAL

CORRECTED VERSION
WEDNESDAY, FEBRUARY 26, 2003

TWENTIETH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 26, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Joe Hotchkiss, Gahanna Community Congregational Church, Gahanna, 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 Carnes reports for the Standing Committee on Reference, recommending that the following bill, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 37-Senator Blessing.

To amend sections 165.09, 902.11, 2915.01, 4505.06, 4981.20, 5739.01, 5739.02, 5739.03, 5739.11, and 5741.02 of the Revised Code to clarify who pays the sales or use tax on packaging material used in highway transportation for hire and to clarify when the transfer of motion picture films is a sale.

To the Committee on Ways and Means and Economic Development.

JAMES E. CARNES
DOUG WHITE
BILL HARRIS
MARK MALLORY
GREGORY L. DIDONATO

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

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Mumper submitted the following report:

The standing committee on Agriculture, to which was referred **S. B. No. 23**-Senator Goodman, having had the same under consideration, reports it back and recommends its passage.

YES - 6 JAMES E. CARNES, JEFFRY J. ARMBRUSTER, J.

KIRK SCHURING, JOHN A. CAREY , LARRY A. MUMPER, JIM JORDAN.

NO - 3 TOM ROBERTS, MARC DANN, GREGORY L. DIDONATO.

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

The report of the committee was accepted.

Senator Carnes submitted the following report:

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

Valerie R. Bailey, Republican, Newark, Licking County, Ohio, as a Member of the Central Ohio Technical College Board of Trustees for a term beginning December 6, 2002 and ending at the close of business September 30, 2005, replacing Michael Menzer, whose term expired.

Richard H. Brandt, Republican, Logan, Hocking County, Ohio, as a Member of the Hocking Technical College Board of Trustees for a new term beginning November 8, 2002 and ending at the close of business August 26, 2005.

Ellsworth Holden, Republican, Athens, Athens County, Ohio, as a Member of the Hocking Technical College Board of Trustees for a new term beginning November 8, 2002 and ending at the close of business August 26, 2005.

William J. Lhota, Republican, Worthington, Franklin County, Ohio, as a Member of the Board of Building Appeals for a term beginning November 8, 2002 and ending at the close of business October 13, 2006, replacing Wm. Allan Guenther, whose term expired.

Mary Ellen Mazey, Democrat, Dayton, Montgomery County, Ohio, as a Member of the Ohio Tuition Trust Authority for a term beginning November 8, 2002 and ending at the close of business January 31, 2004, replacing Mark Weinberg, whose term expired.

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

YES - 11 DOUG WHITE, RANDY GARDNER, JEFF JACOBSON, JAMES E. CARNES, BILL HARRIS, SCOTT R. NEIN, C. J. PRENTISS, TERESA FEDOR, JAY HOTTINGER, MARK MALLORY, GREGORY L. DIDONATO.

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 33, 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	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-33.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 8-Senators Austria, Amstutz, Jacobson, Spada, Harris, Mumper, Randy Gardner, Prentiss, Miller, DiDonato, Fedor, Stivers, Herington.

To amend section 2903.211 of the Revised Code to expand menacing by stalking to prohibit the posting of a computer-related message with intent to urge or incite a person to illegally stalk another, to specifically include electronic communication and telecommunication as a pattern of conduct under the crime, and to clarify the nature of the mental distress that constitutes an element of the crime, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 8**, pass?"

The yeas and nays were taken and resulted - yeas 33, 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	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-33.

So the bill passed.

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

Senator Austria moved to amend the title as follows:

Add the names : "Goodman, Carey, Roberts, Brady, Schuring, Armbruster, Schuler, Coughlin, Carnes, Dann, Fingerhut, Hagan, Robert Gardner, Mallory, Nein."

The motion was agreed to and the title so amended.

MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, February 23, 2003, 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. 38-Senators Carey, Stivers, Harris, Fedor.

To amend sections 5901.021 and 5901.11 of the Revised Code to require that the additional members of the county veterans service commission appointed in certain counties under certain conditions be veterans and to prohibit these members from participating in the commission's deliberations and voting on the budget that the commission must submit to the board of county commissioners before the last Monday in May each year.

S. B. No. 39-Senators Randy Gardner, Coughlin, Harris, Stivers, Dann.

To amend sections 5901.02 and 5901.03 and to repeal section 5901.021 of the Revised Code and to repeal Section 35 of Am. Sub. S.B. 261 of the 124th General Assembly to terminate certain boards of county commissioners' power to appoint additional members to the veterans service commission in their county.

OFFERING OF RESOLUTIONS

Senator Coughlin offered the following joint resolution:

S. J. R. No. 7-Senator Coughlin.

Proposing to amend Sections 6 and 13 of Article IV and to enact Section 7 of Article IV of the Constitution of the State of Ohio to provide for the appointment of the Chief Justice and Justices of the Supreme Court of Ohio by the Governor for ten-year terms, subject to retention elections by the electors of the State, and to create a Supreme Court Nominating Commission to submit to the Governor the names of nominees to the Supreme Court.

The question being, "Shall the resolution, **S. J. R. No. 7**, be adopted?"

On motion of Senator Randy Gardner, **S. J. R. No. 7**, was referred to the Committee on Reference.

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 128-Senator Herington.

Honoring Dr. Suzanne Hetrick on her retirement.

S. R. No. 129-Senator Herington.

Honoring Martin and Derotha Perkins on their Golden Wedding Anniversary.

S. R. No. 130-Senator Herington.

Honoring Ted and Barbara Young on their Golden Wedding Anniversary.

S. R. No. 131-Senator Herington.

Honoring Donald and Wilma Miller on their Golden Wedding Anniversary.

The question being, "Shall the resolutions listed under the President ' s prerogative be adopted?"

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3379.02 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the **Ohio Arts Council**:

Senator Goodman

Senator Hagan

On the motion of Senator Randy Gardner the Senate adjourned until Thursday, February 27, 2003 at 9:30 a.m.

Attest: MATTHEW T. SCHULER,
Clerk.