OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 2, 2003

THIRTY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 2, 2003, 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 Carnes 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. 24-Representatives Wolpert, McGregor, Flowers, Reidelbach, Seitz, Husted, Widowfield, Fessler, Olman, Daniels, Walcher, Ujvagi, Collier, Cirelli, Wagner, C. Evans, Schlichter, Sferra, Price, Cates, Hughes, Kearns, Schneider, D. Stewart, J. Stewart.

To amend sections 703.21 and 1905.01, and to enact section 703.201 of the Revised Code to permit the dissolution of a village under certain conditions, to limit mayors courts to municipal corporations with a population of over 100 persons, and to amend the version of section 1905.01 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

To the Committee on State and Local Government and Veterans' Affairs.

Am. H. B. No. 36-Representatives Willamowski, Core, Latta, Book, Harwood, Schlichter, Seitz, Chandler, Cirelli, C. Evans, Flowers, Hagan, Hughes, Otterman, Reidelbach, Schmidt, J. Stewart.

To amend section 3105.18 and to enact section 3105.73 of the Revised Code relative to the award of attorney's fees and litigation expenses in certain domestic relations cases.

To the Committee on Judiciary - Civil Justice.

H. B. No. 43-Representatives Core, Willamowski, Collier, Seitz, Hollister, Gibbs, Olman, Hagan, Widener, Calvert, Hartnett, McGregor, Reinhard, Setzer, Schaffer, Gilb, Jolivette, Woodard, Carmichael, Otterman, Allen,

Strahorn, Williams, White, Carano, Flowers, Ujvagi, Webster, Perry, Seaver, DeBose, Niehaus, Domenick, Book, Brown, Buehrer, Cates, Chandler, Cirelli, Clancy, Daniels, DeWine, Distel, D. Evans, Faber, Hoops, Hughes, Kearns, Key, S. Patton, T. Patton, Peterson, Raussen, Redfern, Reidelbach, Schlichter, Schneider, S. Smith, J. Stewart, Taylor, Trakas, Wagner, Widowfield, Yates.

To enact sections 6111.50 to 6111.56 of the Revised Code to establish requirements for the use of credible data in administering the Water Pollution Control Law.

To the Committee on Energy, Natural Resources and Environment.

H. B. No. 53-Representatives Seitz, Raussen, Schneider, Hagan, T. Patton, McGregor, Chandler, Carano, Calvert, Wolpert, Jolivette, Kearns, Otterman, Allen, Koziura, Ujvagi, Niehaus, S. Patton, Webster, S. Smith, DeBose, Harwood, Olman, Flowers, Widowfield, Daniels, Cirelli, Domenick, Schlichter, Price, Skindell, C. Evans, Walcher, Barrett, Brown, Buehrer, Cates, Clancy, Collier, Core, Distel, D. Evans, Gibbs, Gilb, Hartnett, Hoops, Hughes, Key, Miller, Perry, Reidelbach, Schmidt, Seaver, Setzer, Sferra, D. Stewart, J. Stewart, Taylor, Widener, Yates.

To amend sections 5309.24, 5309.25, 5309.95, 5309.96, 5309.98, 5310.03, and 5310.07 and to enact section 5309.031 of the Revised Code to allow a county recorder to maintain registered land records by the use of photographic, magnetic, electronic, or certain other processes, means, or displays.

To the Committee on State and Local Government and Veterans' Affairs.

H. B. No. 90-Representatives Kearns, McGregor, Olman, Fessler, Hagan, Reidelbach, Jolivette, J. Stewart, Webster, Flowers, Taylor, Seitz, Clancy, Setzer, Oelslager, Hollister, Collier, Williams, Grendell, Cates, Trakas, Reinhard, Carmichael, Buehrer, Niehaus, Walcher, Wolpert.

To amend sections 511.27, 1545.21, 1901.07, 3501.01, 3501.02, 3501.17, 3503.16, 3505.01, 3505.32, 3509.01, 3509.03, 3509.05, 3511.02, 3511.04, 3511.11, 3513.01, 3513.05, 3513.12, 3513.121, 3513.151, 3513.262, 3513.30, 3517.10, 3517.106, 3517.11, and 5705.23 of the Revised Code to change the day of the primary election to the first Tuesday after the first Monday in May in each year and to change the date after which certain General Assembly candidates must file their campaign finance statements by electronic means of transmission from March 1, 2004, to May 1, 2004.

To the Committee on State and Local Government and Veterans' Affairs.

S. B. No. 63-Senators Hagan, DiDonato, Brady, Fingerhut, Dann, Miller.

To amend sections 124.13, 124.134, 325.19, and 3319.084 and to enact section 5923.052 of the Revised Code to require that certain public employees called to military duty continue to accrue vacation leave while on duty.

To the Committee on State and Local Government and Veterans' Affairs.

S. B. No. 64-Senators Goodman, Randy Gardner, Stivers, Jacobson.

To amend sections 1337.091, 1339.66, 2107.27, and 2109.62 and to enact sections 1339.621 and 2107.24 of the Revised Code to provide for distribution of the trust estate upon a probate court's termination of small trusts and representation in a trust, to specify the circumstances for the revocation or nonrevocation of a power of attorney upon the termination of the marriage or separation agreement between the principal and the principal's spouse as attorney in fact, and to provide a procedure for a probate court to treat a document as a will notwithstanding its noncompliance with the statutory formalities for executing wills.

To the Committee on Judiciary - Civil Justice.

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 bills were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Austria submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 4**-Senator Spada, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Austria, Blessing, Schuring, Stivers, Herington, Fedor, Dann.

YES - 9 JIM JORDAN, LOUIS W. BLESSING, DAVID

GOODMAN, J. KIRK SCHURING, STEVE STIVERS, LEIGH E. HERINGTON, TERESA FEDOR, STEPHEN C. AUSTRIA, MARC DANN.

NO - 0.

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

The report of the committee was accepted.

Senator Austria submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 50**-Senator Schuring, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9 DAVID GOODMAN, LOUIS W. BLESSING, J. KIRK SCHURING, STEVE STIVERS, STEPHEN C. AUSTRIA, MARC DANN, JIM JORDAN, LEIGH E. HERINGTON, TERESA FEDOR.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **H. B. No. 26**-Representative Raga, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Blessing.

YES - 9 STEVE STIVERS, JAY HOTTINGER, LYNN R. WACHTMANN, RON AMSTUTZ, DAVID GOODMAN, LOUIS W. BLESSING, LEIGH E. HERINGTON, MARC DANN, ERIC D. FINGERHUT.

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 4-Senators Spada, Amstutz, Goodman, Jacobson, Harris, Austria, Blessing, Schuring, Stivers, Herington, Fedor, Dann.

To amend sections 109.572, 313.12, 2108.50, 2151.421, 2311.14, 2930.03, 5120.173, 5123.081, 5123.50, 5123.51, 5123.61, 5123.99, 5126.28, 5126.30, and 5126.33 and to enact sections 2108.521, 2152.821, 2903.341, 2930.061, 2945.482, 2945.491, 5123.032, 5123.541, and 5126.058 of the Revised Code to implement the recommendations of the MR/DD Victims of Crime Task Force, to make related changes in the law, and to provide a mechanism for the closing of developmental centers of the Department of Mental Retardation and Developmental Disabilities that involves independent studies and public hearings, and to amend the version of section 5123.50 of the Revised Code that is scheduled to take effect December 31, 2003, to continue the provisions of this act on and after that effective date, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 4**, 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	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	White-32.

So the bill passed.

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

Senator Spada moved to amend the title as follows:

Add the names : "Armbruster, Brady, Carey, Carnes, Coughlin, DiDonato, Fingerhut, Randy Gardner, Robert Gardner, Hagan, Hottinger, Jordan, Mallory, Miller, Mumper, Nein, Prentiss, Roberts, Schuler, Wachtmann, White."

The motion was agreed to and the title so amended.

Sub. S. B. No. 50-Senators Schuring, Stivers, Austria, Schuler, Coughlin, Fedor, Miller, Brady, Jacobson, Goodman, Harris.

To amend sections 109.42, 2919.25, 2919.251, 2919.26, and 2919.27 of the Revised Code to enhance the penalty for domestic violence for certain repeat offenders, to expand the authority for the issuance of a criminal domestic violence temporary protection order, to make other changes regarding criminal domestic violence temporary protection orders and victims' bill of rights, and to enhance the penalty for violating a protection order while committing a felony offense, was considered the third time.

The question being, "Shall the bill, **Sub. S. 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	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	White-32.

So the bill passed.

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

Senator Schuring moved to amend the title as follows:

Add the names : "Randy Gardner, Robert Gardner, Hagan, Fingerhut, Roberts."

The motion was agreed to and the title so amended.

MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, March 30, 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 bill was introduced and considered the first time:

S. B. No. 66-Senators Schuring, Stivers, Jacobson, Dann, Fedor, Miller, Brady.

To amend section 2151.421 and to enact sections 2151.425, 2151.426, 2151.427, and 2151.428 of the Revised Code to permit counties to establish Children's Advocacy Centers to review and assess, and to assist public children services agencies with, investigations of reports of child sexual abuse or severe physical abuse of a child.

On the motion of Senator Randy Gardner the Senate adjourned until Thursday, April 3, 2003 at 9:30 a.m.

Attest: MATTHEW T. SCHULER,
Clerk.