# OHIO

# SENATE

# JOURNAL

**TUESDAY, JUNE 17, 2003**

SIXTY-FOURTH DAY
Senate Chamber, Columbus, Ohio
**Tuesday, June 17, 2003, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Gus Andrews, Licking Valley Church of Christ, Newark, 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 and resolutions, standing in order for second consideration, be referred to committee as recommended:

**Am. H. C. R. No. 12**-Representatives Grendell, Trakas, Peterson, Buehrer, Clancy, Flowers, Reinhard, Carmichael, Hughes, Allen, Aslanides, Blasdel, Brinkman, Brown, Callender, Calvert, Carano, Cates, Cirelli, Collier, Core, Daniels, DeBose, DePiero, Distel, Domenick, C. Evans, D. Evans, Faber, Fessler, Gibbs, Gilb, Hagan, Hartnett, Hoops, Jolivette, Kearns, Kilbane, Latta, Martin, Mason, McGregor, Niehaus, Oelslager, Olman, S. Patton, T. Patton, Perry, Price, Raga, Raussen, Reidelbach, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, G. Smith, S. Smith, J. Stewart, Taylor, Wagner, Walcher, Webster, White, Widener, Willamowski, Williams, Wolpert, Woodard, Yates, Young.

To affirm the General Assembly's belief in the constitutionality of the national Pledge of Allegiance, to urge the State of California and the various branches of the government of the United States to act to preserve and protect the current Pledge of Allegiance, and to request the Attorney General of Ohio to support those efforts.

To the Committee on Judiciary - Civil Justice.

**Sub. H. B. No. 127**-Representatives Jolivette, Young, Price, S. Patton, Hartnett, Seitz, Widowfield, Olman, Hagan, Carano, Hollister, Koziura, Hughes, Niehaus, McGregor, Collier, Latta, Taylor, Schaffer, Ujvagi, Kilbane.

To amend sections 323.152, 718.01, 718.14, 4503.065, 5722.01, and 5722.02 and to enact section 5722.21 of the Revised Code to permit municipal corporations and townships to acquire tax-delinquent land for redevelopment free from liens for the unpaid taxes, to revise municipal taxation of non-Ohio source S corporation income, and to change the inflation adjustment rounding for homestead exemption tax reductions.

To the Committee on Ways and Means and Economic Development.

**Sub. H. B. No. 138**-Representatives G. Smith, Olman, Sferra, Brown, Gibbs, Driehaus, D. Evans, Setzer, Wolpert, Barrett, Koziura, Fessler.

To amend sections 1731.01 and 1731.03 of the Revised Code to permit an organization comprised of members who are either health care providers or insurance agents to sponsor a small employer health care alliance program for the benefit of the members and their families.

To the Committee on Insurance, Commerce and Labor.

**Sub. H. B. No. 117**-Representatives Widowfield, Husted, Hollister, McGregor, Kearns, Seitz, White, Gilb, Allen, Schmidt, Schneider, Brown, Perry, Cirelli, Reidelbach, Price, Hagan, Flowers, Otterman.

To amend sections 2151.86, 5103.03, 5103.031, 5103.032, 5103.033, 5103.035, 5103.037, 5103.038, 5103.039, 5103.0311, 5103.0316, 5103.0317, 5120.65, and 5153.60 and to repeal section 5103.0310 of the Revised Code to revise foster caregiver training requirements, add additional offenses to those that disqualify a person as a person responsible for a child's care in out-of-home care or prospective adoptive parent, and permit the Department of Job and Family Services to seek injunctive relief in certain circumstances.

To the Committee on Health, Human Services and Aging.

**Sub. H. B. No. 135**-Representatives Willamowski, Seitz, Latta, Beatty, Book, Harwood, Schlichter, Mason.

To amend sections 317.08, 317.09, 5301.01, 5301.25, 5301.255, 5311.03, 5311.04, 5311.05, 5311.051, 5311.052, 5311.06, 5311.07, 5311.08, 5311.09, 5311.10, 5311.11, 5311.12, 5311.13, 5311.14, 5311.16, 5311.17, 5311.18, 5311.19, 5311.20, 5311.21, 5311.22, 5311.23, 5311.24, 5311.25, 5311.26, 5311.27, and 5721.35, to enact new section 5311.01 and sections 5311.031, 5311.032, 5311.033, 5311.041, 5311.081, and 5311.091, and to repeal sections 5311.01, 5311.15, and 5311.241 of the Revised Code to revise the Ohio Condominium Law.

To the Committee on Judiciary - Civil Justice.

**S. C. R. No. 7**-Senator Dann.

To memorialize the Congress of the United States to enact legislation that would extend the increase in the child tax credit to low-income families.

To the Committee on Ways and Means and Economic Development.

**S. C. R. No. 8**-Senators Mumper, Spada, Randy Gardner.

To urge the International Joint Commission to maintain its vigilance in opposing diversion of Great Lakes waters and to support the prompt resolution of all issues related to the finalization of Annex 2001.

To the Committee on Agriculture.

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 and resolutions 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 **Sub. H. B. No. 12**-Representative Aslanides, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Austria, Jordan, Schuring.

YES - 8: LEIGH E. HERINGTON, MARC DANN, STEPHEN C. AUSTRIA, JIM JORDAN, LOUIS W. BLESSING, J. KIRK SCHURING, TERESA FEDOR, STEVE STIVERS.

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. 82**-Senators Amstutz, Randy Gardner, Jacobson, Mumper, Stivers, Harris, Spada, DiDonato, Schuler, Hagan, Robert Gardner, Schuring.

To amend sections 301.27, 2913.01, and 5705.41 and to enact section 301.29 of the Revised Code to authorize boards of county commissioners to approve the use of procurement cards for certain work-related purchases, to make changes pertaining to the exemption of county expenditures from the

certification of available funds, and to make changes to the County Credit Card Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 82**, 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 Amstutz moved to amend the title as follows:

Add the names : "Brady, Carnes, Herington, Schuler, White."

The motion was agreed to and the title so amended.

**Sub. H. B. No. 12**-Representatives Aslanides, Cates, Hollister, J. Stewart, Faber, Seitz, Grendell, Willamowski, Blasdel, Book, Buehrer, Callender, Calvert, Carano, Carmichael, Cirelli, Clancy, Collier, Core, Daniels, DeWine, Distel, Domenick, C. Evans, D. Evans, Fessler, Flowers, Gibbs, Gilb, Hagan, Hoops, Husted, Kearns, Latta, Manning, Niehaus, Oelslager, T. Patton, Peterson, Raga, Raussen, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Setzer, Sferra, Taylor, Webster, White, Widener, Wolpert, Young, Hughes. -Senators Austria, Jordan, Schuring.

To amend sections 1547.69, 2911.21, 2913.02, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.13, 2923.16, 2929.14, 2953.32, and 4749.10 and to enact sections 109.69, 109.731, 181.251, 311.41, 311.42, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1212, 2923.25, and 5122.311 of the Revised Code to authorize county sheriffs to issue licenses to carry concealed handguns to certain persons, to create the offenses of falsification to obtain a concealed handgun license, falsification of a concealed handgun license, and possessing a revoked or suspended concealed handgun license, to increase the penalty for theft of a firearm and having weapons while under disability, to modify the definition of handgun that applies in the Weapons Control Law, to require the Office of Criminal Justice Services to prepare and distribute to federally licensed firearms dealers a poster and brochure that describe safe firearms practices, to require federally licensed firearms dealers to offer gun locking

device to purchasers at the time of sale, post the poster, and provide the brochure to purchasers, and to maintain the provisions of this act on and after January 1, 2004, by amending the versions of sections 2923.122, 2929.14, and 2953.32 of the Revised Code that take effect on that date, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 12**, pass?"

On motion of Senator Austria, **Sub. H. B. No. 12**, was informally passed and retained its place on the calendar.

**Sub. H. B. No. 97**-Representatives Willamowski, Hagan, McGregor, Seitz, Calvert, Schmidt, Schaffer, Faber, Allen, White, Seaver, Ujvagi, Webster, Fessler, Callender, Buehrer, Wolpert, Olman, Widowfield, Daniels, Collier, Walcher, Domenick, Wagner, C. Evans, Schlichter, Chandler, Cirelli, Sferra, Price, Skindell, Barrett, Beatty, Boccieri, Carano, Carmichael, Cates, Clancy, DeBose, Distel, Flowers, Gibbs, Hartnett, Harwood, Hughes, Key, Koziura, Latta, Martin, Niehaus, Oelslager, Otterman, S. Patton, T. Patton, Raga, Reidelbach, Schneider, Setzer, D. Stewart, J. Stewart, Strahorn, Taylor, Widener, Yates. -Senators Robert Gardner, Mumper, Stivers, Schuler, Roberts.

To amend sections 133.09, 505.37, 505.50, and 5549.021, and to enact sections 505.267 and 4931.03 of the Revised Code to permit a board of township trustees and boards of trustees of a joint township police district, a township fire district, a joint fire district, or a fire and ambulance district to enter into lease or lease with an option to purchase agreements for real and personal property and to permit a telephone company to construct telegraph or telephone lines upon, along, and beneath the public roads, highways, and waters that are in the unincorporated area of a township, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 97**, 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 Schuler moved to amend the title as follows:

Add the names : "Amstutz, Carey, Carnes, Robert Gardner, White."

The motion was agreed to and the title so amended.

## OFFERING OF RESOLUTIONS

Senator DiDonato offered the following concurrent resolution :

**S. C. R. No. 10**-Senator DiDonato.

To designate the month of June 2003 as "Truck Safety Month."

The question being, "Shall the concurrent resolution, **S. C. R. No. 10**, be adopted?"

On motion of Senator Randy Gardner, **S. C. R. No. 10**, was referred to the Committee on Reference.

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

**S. R. No. 425**-Senator Hagan.

Honoring John and Donna Mowder on their Golden Wedding Anniversary.

**S. R. No. 426**-Senator Stivers.

Honoring the Upper Arlington High School Symphony Strings on winning the 2003 FAME Festivals National Orchestra Cup.

**S. R. No. 427**-Senator Stivers.

Honoring Christine Finch as the 2003 Ohio Homecoming Queen.

**S. R. No. 428**-Senator Dann.

Honoring Sergeant Anthony Leshnack for heroism.

**S. R. No. 429**-Senator Dann.

Honoring Sergeant Peter J. Pizzulo for heroism.

**S. R. No. 430**-Senator Dann.

Honoring Richard and Mona Weaver on their Golden Wedding Anniversary.

**S. R. No. 431**-Senator Dann.

Honoring Paul Simon as Teacher of the Year.

**S. R. No. 432**-Senator Herington.

Honoring Howard and Grace Fowler on their Golden Wedding Anniversary.

**S. R. No. 433**-Senator Goodman.

Honoring OhioReads/STARS for exemplary service.

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

So the resolutions were adopted.

## 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, Walden O'Dell, Independent, from North Canton, Stark County, Ohio, as a Member of the Ohio State University Board of Trustees for a term beginning May 23, 2003 and ending at the close of business May 13, 2012, replacing James F. Patterson, whose term expired.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 23rd Day of May in the year of our Lord, two thousand and three.

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 E.

Thompson, Republican, from Delphos, Allen County, Ohio, as a Member of the Industrial Commission of Ohio for a new term beginning July 1, 2003 and ending at the close of business June 30, 2009.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 13th Day of June in the year of our Lord, two thousand and three.

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, Ella Mae Bowman, Republican, from East Cleveland, Cuyahoga County, Ohio, as a Member of the Financial Planning and Supervision Commission for East Cleveland School District for a term beginning 04/25/2003 and serving at the pleasure of the Governor.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, Wen-Yu Cheng, , from Marietta, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning 04/04/2003 and ending at the close of business 02/18/2009.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, Harry M. Cogswell, from Marietta, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning 04/04/2003 and ending at the close of business 02/18/2009.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, Dean P. DeRolph, Republican, from Lancaster, Fairfield County, Ohio, as a Member of the Board of Motor Vehicle Collision Repair Registration for a term beginning 04/28/2003 and ending at the close of business 01/01/2006.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, Robert L. Eberhart, Republican, from Columbus, Franklin County, Ohio, as a Member of the Board of Tax Appeals for a term beginning 04/23/2003 and ending at the close of business 02/08/2009, replacing Kiehner Johnson, whose term expired.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, Manuel R. Garcia, Republican, from Strongsville, Cuyahoga County, Ohio, as a Member of the State Board of Orthotics, Prosthetics, and Pedorthics for a term beginning 04/23/2003 and ending at the close of business 12/06/2005, replacing Ronald L. Kidd, whose term expired.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, John R. Hendricks, , from Marietta, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning 04/04/2003 and ending at the close of business 02/18/2009.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, Sandra Kimble, Republican, from Manchester, Adams County, Ohio, as a Member of the Financial Planning and Supervision Commission for Manchester Township for a term beginning 04/03/2003 and serving at the pleasure of the Governor.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th

Day of April in the year of our Lord, two thousand and three.

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 J. Powers, Republican, from Columbus, Franklin County, Ohio, as a Member of the State Board of Orthotics, Prosthetics, and Pedorthics for a term beginning 04/23/2003 and ending at the close of business 12/06/2003, replacing Thomas Lee, whose term expired.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, Gregory B. Scott, Independent, from Manchester, Adams County, Ohio, as a Member of the Financial Planning and Supervision Commission for Manchester Township for a term beginning 04/03/2003 and serving at the pleasure of the Governor.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, George A. Smith, Republican, from Dayton, Montgomery County, Ohio, as a Member of

the Ohio Thoroughbred Race Fund Advisory Council for a term beginning 04/28/2003 and ending at the close of business 01/31/2006.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, Dennis N. Sterwerf, Republican, from Fairfield, Butler County, Ohio, as a Member of the Board of Motor Vehicle Collision Repair Registration for a term beginning 04/28/2003 and ending at the close of business 01/01/2006.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

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, E.J. Thomas, Republican, from Columbus, Franklin County, Ohio, as a Member of the Unemployment Compensation Review Commission for a term beginning 05/05/2003 and ending at the close of business 02/27/2009, replacing William W. Milligan, whose term expired.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 28th Day of April in the year of our Lord, two thousand and three.

Bob Taft,

Governor.

Said appointments were referred to the Committee on Rules.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Section 5111.34 (A) (7) of Am. Sub. H. B. 94 of the 124th

General Assembly, the President of the Senate and the Speaker of the House jointly appoint Representative Webster to serve as the Chair of the **Nursing Facility Reimbursement Study Council** .

On the motion of Senator Randy Gardner the Senate adjourned until Wednesday, June 18, 2003 at 1:30 p.m.

Attest: MATTHEW T. SCHULER,
Clerk.