OHIO

SENATE

JOURNAL

WEDNESDAY, JUNE 25, 2003

SIXTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, June 25, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ike Redfern, Grace Lutheran Church, Toledo, 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. 102-Senators Wachtmann, Jacobson.

To amend sections 119.12, 3733.02, 3781.06, and 4743.05 and to enact sections 4781.01, 4781.02, 4781.03, 4781.04, 4781.05, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 4781.11, 4781.12, 4781.13, and 4781.14 of the Revised Code to establish the Ohio Manufactured Homes Commission to regulate the installation of manufactured housing in Ohio.

To the Committee on Insurance, Commerce and Labor.

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 Austria submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 100**-Senator Spada, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Dann, Herington, Austria.

YES - 8: MARC DANN, LEIGH E. HERINGTON, STEPHEN C.

AUSTRIA, JIM JORDAN, DAVID GOODMAN, J. KIRK SCHURING, STEVE STIVERS, TERESA FEDOR.

NO - 0.

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

The report of the committee was accepted.

Senator Robert Gardner submitted the following report:

The standing committee on Education, to which was referred **Sub. H. B. No. 3**-Representative Schlichter, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: ROBERT A. GARDNER, BILL HARRIS, LARRY A. MUMPER, RANDY GARDNER, C. J. PRENTISS, DANIEL R. BRADY, TERESA FEDOR, STEPHEN C. AUSTRIA.

NO - 1: RON AMSTUTZ.

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 **S. B. No. 97**-Senator Mallory, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: LYNN R. WACHTMANN, JAY HOTTINGER, RON AMSTUTZ, LEIGH E. HERINGTON, MARC DANN, STEVE STIVERS, DAVID GOODMAN, ERIC D. FINGERHUT.

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. 36**-Representative Willamowski, having had the same under consideration, reports it back and recommends its passage.

YES - 8: LYNN R. WACHTMANN, RON AMSTUTZ, LEIGH E. HERINGTON, ERIC D. FINGERHUT, MARC DANN, DAVID GOODMAN, JAY HOTTINGER, STEVE STIVERS.

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 **Sub. H. B. No. 51**-Representative Hughes, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: STEVE STIVERS, JAY HOTTINGER, LYNN R. WACHTMANN, DAVID GOODMAN, LEIGH E. HERINGTON, ERIC D. FINGERHUT.

NO - 2: RON AMSTUTZ, MARC DANN.

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. 159**-Representative Hagan, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: JAY HOTTINGER, LYNN R. WACHTMANN, RON AMSTUTZ, STEVE STIVERS, LEIGH E. HERINGTON, MARC DANN, ERIC D. FINGERHUT, DAVID GOODMAN.

NO - 0:

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

The report of the committee was accepted.

Senator Mumper submitted the following report:

The standing committee on Agriculture, to which was referred **S. C. R. No. 8**-Senator Mumper, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 9: TOM ROBERTS, JAMES E. CARNES, JEFFRY J. ARMBRUSTER, JOHN A. CAREY , LARRY A. MUMPER, MARC DANN, GREGORY L. DIDONATO, JIM JORDAN, J. KIRK SCHURING.

NO - 0.

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:

James V. Canepa , from Columbus, Franklin County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a term beginning March 28, 2003, and ending at the close of business September 19, 2005, replacing Karen Huey, whose term expired.

William B. Levering , Democrat, from Fredricktown, Knox County, Ohio, as a Member of the Agricultural Financing Commission for a new term beginning March 28, 2003 and ending at the close of business January 31, 2009.

Donald L. Mason , Republican, from Zanesville, Muskingum County, Ohio, as a member of the Public Utilities Commission of Ohio for a new term beginning April 11, 2003 and ending at the close business April 10, 2008.

Col. Paul McClellan , from Columbus, Franklin County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a term beginning March 28, 2003, and ending at the close of business September 19, 2003, replacing Col. Ken Morckel, whose term expired.

George A. Smith , Republican, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Thoroughbred Race Fund Advisory Council for a new term beginning April 28, 2003 and ending at the close of business January 31, 2006.

Judy C. Wolford , Republican, from Ashville, Pickaway County, Ohio, as a Member of the Agricultural Financing Commission for a term beginning April 15, 2003 and ending at the close of business January 31, 2005, replacing Dale L. Stacey, who resigned.

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

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

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.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 37-Senator Blessing. -Representatives Kilbane, Latta, Carano, McGregor, Cates, S. Patton, T. Patton, J. Stewart.

To amend sections 165.09, 902.11, 2915.01, 4505.06, 4981.20, 5721.31, 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, to clarify when the transfer of motion picture films is a sale, and to clarify who is to receive notice of delinquent property tax certificates, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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 concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

S. B. No. 100-Senators Spada, Jacobson, Fedor, Dann, Herington, Austria.

To amend sections 2151.421, 2317.02, and 2901.13 of the Revised Code to require a member of the clergy, rabbi, priest, minister, or any person or layperson acting as a leader, official, delegate, or other designated function on behalf of any church, religious society, or faith to report the abuse or neglect of a child and to toll the statute of limitations for violations involving abuse or neglect of a child if certain individuals fail to report the abuse or neglect of the child, was considered the third time.

The question being, "Shall the bill, **S. B. No. 100**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
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-32.

Senator Brady voted in the negative-1.

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 : "Amstutz, DiDonato, Robert Gardner, Harris, Mumper, Miller."

The motion was agreed to and the title so amended.

Sub. S. B. No. 97-Senators Mallory, Brady, Carey, Dann, DiDonato, Fedor, Fingerhut, Goodman, Herington, Prentiss, Schuler, Stivers.

To amend sections 153.59, 153.591, 3911.16, and 3911.17 of the Revised

Code to remove the terms "colored persons" and "Negroes" from the Revised Code and to broaden the application of the existing prohibition against discrimination in the sale and cost of life insurance to include all races, was considered the third time.

The question being, "Shall the bill, **Sub. S. 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 Mallory moved to amend the title as follows:

Add the names : "Armbruster, Austria, Blessing, Miller, Nein, Schuring, Harris, Robert Gardner, White, Spada, Jacobson, Randy Gardner, Hottinger, Jordan."

The motion was agreed to and the title so amended.

Sub. H. B. No. 3-Representatives Schlichter, Callender, Carano, Chandler, DeBose, DeWine, Distel, C. Evans, Hartnett, Hoops, Reidelbach, Reinhard, Taylor, Webster, Williams, Yates, Cates, Collier, Hagan, Hughes, Jolivette, Key, McGregor, Otterman, Peterson, Seitz, Ujvagi, Widener, Widowfield.

To amend sections 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 3301.801, 3301.91, 3302.01, 3302.02, 3302.03, 3302.031, 3302.04, 3302.05, 3313.532, 3313.6010, 3313.6012, 3313.61, 3313.611, 3313.612, 3313.64, 3313.65, 3313.97, 3314.012, 3314.02, 3314.03, 3314.20, 3317.01, 3317.023, 3317.03, 3317.04, 3317.08, 3334.01, 3334.12, 3334.17, 3334.19, and 5705.412; to enact sections 3302.021 and 3314.033, and to repeal sections 3301.0713 and 3365.15 of the Revised Code and to supersede section 3314.03 of the Revised Code as amended by Am. Sub. H.B. 95 of the 125th General Assembly to comply with the "No Child Left Behind Act of 2001" by revising the system of statewide achievement testing to include annual achievement tests in reading and math in grades three through eight; requiring the State Board of Education to designate five ranges of scores on the Ohio Graduation Tests; requiring an annual determination of a district's

progress toward meeting a "proficient" level of achievement (AYP); requiring school districts to provide intervention services to students scoring below the "proficient" level on achievement tests; prohibiting exemptions from taking achievement tests for limited English proficient students; making the administration of diagnostic assessments to certain students in grades three through eight voluntary; adding calculations of a performance index score to determinations of school district and building performance ratings; directing the Department of Education to implement a value-added progress dimension and to incorporate it into the district and building report cards by July 1, 2007; creating the Ohio Accountability Task Force to examine the implementation of the value-added factor and to make recommendations regarding the state's accountability system; requiring the inclusion of "highly qualified" teacher data on the report cards; requiring the disaggregation of student performance data according to disability, limited English proficient status, and migrant status and eliminating disaggregations of data by vocational education status; specifying the sanctions for school districts and buildings, including community schools, that fail to meet performance standards; to require the State Board of Education to recommend standards for the operation of Internet- and computer-based community schools; to make other changes to the Community School Law; to make changes in the authority of the Ohio Tuition Trust Authority to administer its programs; to specify that school districts need not attach a certificate of available resources to current payrolls and employment contracts for all district employees and officers; to eliminate the requirement that certain rules proposed by the State Board of Education be approved by the General Assembly before taking effect; to require school districts to certify ADM biannually beginning in FY 2005; to permit a student who relocates or whose parent relocates outside of the school district in which the student is entitled to attend school after the end of the first full week in October and who is enrolled in a school of that district prior to that time to continue to attend school in that district free of tuition for the balance of the school year; to require school district aid payments to reflect biannual ADM; to define tuition calculations for purposes of tuition caps for certain state colleges and universities; to supersede provisions of Section 41.06 of Am. Sub. H.B. 95 of the 125th General Assembly prescribing terms for earmarked funds for training of community school sponsors; to clarify that the reappraisal guarantee calculation does not include the charge-off supplement; to clarify that reappraisal guarantee calculations for fiscal year 2005 include fiscal year 2004 transitional aid payments; to amend the version of section 3313.608 of the Revised Code that is scheduled to take effect July 1, 2003, to continue amendments to that section by this act on and after that effective date; to amend the version of section 3313.65 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provision of this act on and after that effective date, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 26, setting forth the

emergency features of the bill, stand as a part of the bill?"

On motion of Senator Robert Gardner, **Sub. H. B. No. 3**, was informally passed and retained its place on the calendar.

Sub. H. B. No. 51-Representatives Hughes, Willamowski, Oelslager, Harwood, Book, Brown, Carmichael, C. Evans, Fessler, Flowers, Gilb, Hartnett, Latta, Martin, McGregor, T. Patton, Perry, Reidelbach, Schmidt, Schneider, Skindell, S. Smith, D. Stewart, Yates.

To amend sections 109.572, 313.12, 2106.01, 2106.02, 2107.19, 2108.50, 2109.301, 2109.32, 2113.53, 2117.06, 2117.07, 2117.11, 2117.12, 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 2101.163, 2108.521, 2152.821, 2903.341, 2930.061, 2945.482, 2945.491, 5123.541, 5123.542, 5123.614, 5126.058, 5126.331, 5126.332, and 5126.333 of the Revised Code relative to the election by a surviving spouse, notice of admission of a will to probate, accounts of administrators and executors, distribution of estate assets, presentation of creditors' claims to distributees, dispute resolution procedures in probate court, time for presenting claims against an estate, to implement the recommendations of the MR/DD Victims of Crime Task Force, to make related changes in the law, 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. H. B. No. 51**, pass?"

On motion of Senator Randy Gardner, **Sub. H. B. No. 51**, was informally passed and retained its place on the calendar.

Sub. H. B. No. 159-Representatives Hagan, Oelslager, Seitz, Schaffer, J. Stewart, Callender, Latta, Young, Cirelli, Willamowski, Grendell, DePiero, Boccieri, Carmichael, Domenick, Fessler, Harwood, Hughes, McGregor, T. Patton.

To amend sections 1901.31 and 2501.011 of the Revised Code to add one additional judge for the Fifth District Court of Appeals, to create the separate office of clerk of the Clermont County Municipal Court, to amend the version of section 1901.31 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, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 7, setting forth the emergency features of the bill, stand as a part of the bill?"

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 section, Section 7, 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 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 having received the required constitutional majoritypassedas an emergency measure.

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

Senator Goodman moved to amend the title as follows:

Add the name : "Schuring."

The motion was agreed to and the title so amended.

Senator Randy Gardner moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to the second consideration of **Am. Sub. H. B. No. 1**.

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

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.

The motion was agreed to.

Senator Randy Gardner moved that **Am. Sub. H. B. No. 1** be brought up for third consideration.

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

The motion was agreed to.

Am. Sub. H. B. No. 1-Representatives T. Patton, Collier, C. Evans, Aslanides, Brown, Chandler, Distel, Gibbs, Gilb, Hagan, Harwood, Price, Schaffer, Schlichter, Skindell, J. Stewart, Strahorn, Sykes, Taylor, Walcher, Wolpert, Barrett, Book, Calvert, Carano, Cates, DeBose, DeWine, Domenick, Flowers, Hartnett, Hughes, Jolivette, Key, Mason, Miller, Niehaus, Oelslager, Olman, Otterman, S. Patton, Reidelbach, Schmidt, Seaver, Seitz, Setzer, G. Smith, S. Smith, D. Stewart, Trakas, White, Widener, Woodard, Yates, Martin.

To amend sections 122.15, 122.151, 122.152, 122.154, 122.171, 166.01, 166.02, 166.08, 166.11, 166.13, 166.14, 166.16, 5733.98, and 5747.98 and to enact sections 166.17 to 166.21, 184.04, 5733.352, and 5747.331 of the Revised Code and to amend Sections 41 and 41.15 of Am. Sub. H.B. 94 of the 124th General Assembly, as subsequently amended, to increase the dollar amount that may be invested in technology and revise the eligibility requirements for, and increase the maximum amount of, technology investment tax credits that may be issued; to create the Ohio Research Commercialization Grant Program; to increase the maximum amount of obligations that may be issued to fund economic development programs; to move the Innovation Ohio Loan Fund into the State Treasury; to create the Research and Development Loan Fund, and authorize the Director to make loans from that Fund and issue obligations for research and development projects; to grant tax credits for qualified research and development loan payments; to extend the maximum term of, and to change the job retention requirements for, the job retention tax credit; to grant a tax credit to corporations operating call centers to offset future changes in the corporation franchise tax law; and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 1**, 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 : "Amstutz, Austria, Carey, Carnes, Dann, Fingerhut, Randy Gardner, Harris, Herington, Mumper, White, Jacobson, Schuring, Armbruster, Hagan, Stivers, Spada, Prentiss, Robert Gardner, Fedor."

The motion was agreed to and the title so amended.

On motion of Senator Randy Gardner, **Sub. H. B. No. 3**, having been informally passed, was taken up for immediate consideration.

The question being, "Shall the section, Section 26, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Robert Gardner moved to amend as follows:

Delete lines 5202 through 5204

Renumber uncodified sections accordingly

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

The amendment was agreed to.

The question recurred, "Shall the section, Section 26, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 26, nays 6, as follows:

Those who voted in the affirmative were: Senators

Armbruster	Austria	Blessing	Brady
Carey	Carnes	Coughlin	DiDonato
Fedor	Randy Gardner	Robert Gardner	Goodman
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Prentiss
Schuler	Schuring	Spada	Stivers
Wachtmann			White-26.

Senators Amstutz, Dann, Hagan, Herington, Nein, and Roberts voted in the

negative-6.

So the section, Section 26, 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 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

Armbruster	Austria	Blessing	Brady
Carey	Carnes	Coughlin	DiDonato
Fedor	Randy Gardner	Robert Gardner	Goodman
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Schuler	Schuring	Spada
Stivers	Wachtmann		White-27.

Senators Amstutz, Dann, Hagan, Herington, and Roberts voted in the negative-5.

So the bill having received the required constitutional majoritypassedas an emergency measure.

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

Senator Robert Gardner moved to amend as follows:

In line 11 of the title, delete everything after "Code"

Delete line 12 of the title

In line 13 of the title, delete everything before "to"

The motion was agreed to and the title so amended.

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

Senator Robert Gardner moved to amend the title as follows:

Add the names : "Robert Gardner, Mumper, Spada, Stivers."

The motion was agreed to and the title so amended.

On motion of Senator Randy Gardner, the Senate recessed until 7:40 p.m.

The Senate met pursuant to recess.

MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, June 22, 2003, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

OFFERING OF RESOLUTIONS

Senator White offered the following concurrent resolution :

S. C. R. No. 11-Senator White.

To delegate to the President of the Senate and the Speaker of the House of Representatives authority to designate groups of members to prepare arguments for and against amendments to the Ohio Constitution proposed by the General Assembly.

WHEREAS, When the General Assembly adopts a joint resolution proposing an amendment to the Ohio Constitution under Ohio Constitution, Article XVI, Section 1, it is required by section 3505.063 of the Revised Code to designate a group of members who voted in support of the joint resolution to prepare arguments for the proposed amendment and, unless no members voted in opposition, a group of members who voted in opposition to the joint resolution to prepare arguments against the proposed amendment; now therefore be it

RESOLVED, That, when the 125th General Assembly adopts a joint resolution proposing an amendment to the Ohio Constitution, the President of the Senate and the Speaker of the House of Representatives, on behalf of the 125th General Assembly, shall designate a group of members who voted in support of the joint resolution to prepare arguments for the proposed amendment and, unless no members voted in opposition, a group of members who voted in opposition to the joint resolution to prepare arguments against the proposed amendment; and be it further

RESOLVED, That, when the 125th General Assembly adopts a joint resolution proposing an amendment to the Ohio Constitution, the President of the Senate and the Speaker of the House of Representatives shall make their designations so as to leave the designated group or groups of members with sufficient time to prepare and file their arguments with the Secretary of State not later than the seventy-fifth day before the day of the election at which the proposed amendment will be submitted to the electors.

The question being, "Shall the concurrent resolution, **S. C. R. No. 11**, be adopted?"

So the concurrent resolution was adopted.

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

S. R. No. 452 - Senator Herington.

Honoring Archie and Jean Brown on their Golden Wedding Anniversary.

S. R. No. 453 - Senator Herington.

Honoring Wayne and Elizabeth Hudkins on their Golden Wedding Anniversary.

S. R. No. 454 - Senator Herington.

Honoring James and Donna Greer on their Golden Wedding Anniversary.

S. R. No. 455 - Senator Herington.

Honoring Edward and Iva Wilderman on their Golden Wedding Anniversary.

S. R. No. 456 - Senator Schuler.

Honoring James and Myrtle Whitney on their Sixtieth Wedding Anniversary.

S. R. No. 457 - Senator Carnes.

Honoring Donald and Carole Todd on their Golden Wedding Anniversary.

S. R. No. 458 - Senator Carnes.

Honoring Robert and Norma Norman on their Golden Wedding Anniversary.

S.R. No. 459 - Senator Carnes.

Honoring Fred and Agnes Bechtol on their Golden Wedding Anniversary.

S. R. No. 460 - Senator Carnes.

Honoring Jim and Millie Perkins on their Golden Wedding Anniversary.

S. R. No. 461 - Senator Carnes.

Honoring Mr. And Mrs. Gerald Perkins on their Golden Wedding Anniversary.

S. R. No. 462 - Senator Carnes.

Honoring Dean and Arlene Ball on their Fifty-fifth Wedding Anniversary.

S. R. No. 463 - Senator Carnes.

Honoring Gene and Juanita Graham on their Golden Wedding Anniversary.

S. R. No. 464 - Senator Carnes.

Honoring Clyde and Florence Knoch On their Sixty-fourth Wedding Anniversary.

S. R. No. 465 - Senator Carnes.

Honoring Donald and Nancy Nixon on their Golden Wedding Anniversary.

S. R. No. 466 - Senator Carnes.

Honoring Jim and Marthajean Schlarb on their Golden Wedding Anniversary.

S. R. No. 467 - Senator Carnes.

Honoring William and Thelma Johnson 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 127.12 of the Ohio Revised Code, the President of the Senate appoints Senator Roberts to replace Senator Hagan (effective July 1, 2003) on the **Controlling Board** .

On the motion of Senator Randy Gardner the Senate reverted to the Fifth Order of Business.

RESOLUTIONS REPORTED BY COMMITTEE

On the motion of Senator Randy Gardner, **S. C. R. No. 8** , having been reported by the Committee on Agriculture, was brought up for consideration.

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.

WHEREAS, Protection of the Great Lakes is a challenge of utmost significance and scope to the people of Ohio and all of the states and provinces that comprise the region. This monumental challenge includes working to safeguard the quality of the waters in order to protect these freshwater resources from threats of out-of-basin water diversion and to continue to enable our use and enjoyment of this water resource within the basin; and

WHEREAS, Canada and the United States created the International Joint Commission through the 1909 Boundary Waters Treaty because they recognized that the two countries need to cooperate in order to manage these waters wisely and to protect them for the benefit of current and future generations. In June 2002, the Commission appointed the International Water Uses Review Task Force to assist it in carrying out a review of the issue of water uses in the Great Lakes basin and to prepare a report on the topic; and

WHEREAS, The International Water Uses Review Task Force recently submitted to the International Joint Commission its report, entitled "Protection of Waters of the Great Lakes." This project cites data to indicate that the issue of consumptive use problems "has been consistently and significantly overstated for the past three decades." The report also says that long-distance, large-scale removals are, for the near and mid-term, "highly improbable." The study encourages support for a more deliberative approach to finalizing the Annex 2001 agreement to establish protection of the waters of the Great Lakes from diversions; and

WHEREAS, The Annex 2001 agreement is an amendment to the Great

Lakes Charter of 1985, which is a nonbinding agreement signed by the Governors of the eight states and the Premiers of the two Canadian provinces that border the Great Lakes. The Great Lakes Charter of 1985 establishes a protocol under which each state or province is to consult with the others in the region before approving any diversion of water greater than five million gallons per day on average in any thirty-day period. The purpose of the Annex 2001 agreement is to forge a new binding agreement to manage the Great Lakes waters, develop a decision-making standard for new or increased water withdrawals, and make further commitments to continue to improve the Great Lakes water management system; and

WHEREAS, With the uncertainties of the future, including in the area of technology, and the magnitude of the value of the Great Lakes, it would be a mistake to abandon the ongoing efforts to prevent the bulk diversion of Great Lakes waters outside of the basin. Such policies should be made proactively before a crisis is upon us; and

WHEREAS, Ohio should firmly establish its opposition to the diversion of Great Lakes waters. Our state is well aware of the projections of water shortages for other regions. We are also well aware of the role that the Great Lakes network plays in contributing to the strength of the American and Canadian economies and the vitality of the states and provinces along the Great Lakes shores. In opposing the diversion of waters from the Great Lakes, Ohio would express its unshakeable commitment to protect one of our greatest natural resources; now therefore be it

RESOLVED, That the General Assembly of the State of Ohio encourages the International Joint Commission to maintain its participation in developing feasible and defensible strategies and policies that protect the Great Lakes waters from out-of-basin diversions and to continue to support the Annex 2001 process in a deeply considered and scientifically informed manner; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the International Joint Commission, the Great Lakes Commission, the Congressional delegations from the Great Lakes states, the Council of Great Lakes Governors, the legislative leadership in the Great Lakes states and provinces, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 8**, be adopted?"

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	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Herington	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	White-32.

So the concurrent resolution was adopted.

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

Senator Mumper moved to amend the title as follows:

Add the names : "Brady, Carnes, Fedor, Roberts, Jacobson, Robert Gardner, Stivers, Harris, Carey, Armbruster, Prentiss, Herington, DiDonato."

The motion was agreed to and the title so amended.

On the motion of Senator Randy Gardner the Senate adjourned until Thursday, June 26, 2003 at 11:00 o'clock a.m.

Attest: MATTHEW T. SCHULER,
Clerk.