# OHIO

# SENATE

# JOURNAL

**THURSDAY, AUGUST 7, 2003**

EIGHTY-FIRST DAY
Senate Chamber, Columbus, Ohio
**Thursday, August 7, 2003, 11:00 o'clock a.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 CONFERENCE COMMITTEES

Senator Robert Gardner submitted the following report:

The Committee of Conference, to which the matters of difference between the two houses were referred on Am. Sub. H.B. 3, Representative Schlichter - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 92, delete "3317.01,"; delete "3317.03,"

In line 242, delete "(b)" and insert "(c)"

In line 1424, after "house" insert "of representatives"

In line 1832, delete "buildings" and insert "building's"

In line 1887, after "division" insert "(E)(1)(b) or"

In line 1895, after "divisions" insert "(E)(1)(b) and"

In line 1898, after "division" insert "(E)(1)(b) or"

In line 1907, delete "division" and insert "divisions (E)(1)(b) and"

In line 2737, after "first" insert "full"

Delete lines 3464 through 3612

Delete lines 3776 through 4241

In line 4778, delete "3317.01,"

In line 4779, delete "3317.03,"

In line 4797, delete "the version of"

In line 4798, delete "that is scheduled to take effect July 1, 2003,"

In line 4895, delete "the"; delete "version of"

In line 4896, delete "that is scheduled to take effect July 1, 2003,"

Delete lines 4898 and 4899

In line 4900, delete "7" and insert "6"

In line 5007, delete "8" and insert "7"

In line 5010, delete "9" and insert "8"; delete "7" and insert "6"; delete "8" and insert "7"

In line 5012, delete "10" and insert "9"

In line 5019, delete "11" and insert "10"

In line 5047, delete "12" and insert "11"

In line 5058, delete "13" and insert "12"

In line 5081, delete "14" and insert "13"

In line 5100, delete "15" and insert "14"

In line 5129, delete "16" and insert "15"

In line 5136, delete "17" and insert "16"

In line 5148, delete "18" and insert "17"

In line 5160, delete "19" and insert "18"

In line 5164, delete "20" and insert "19"

In line 5180, delete "21" and insert "20"

In line 5200, delete "22" and insert "21"

In line 5243, delete "23" and insert "22"

In line 5249, delete "24" and insert "23"

In line 5251, delete "Section"

Delete lines 5252 and 5253

In line 5254, delete "Am. Sub. S.B. 1 of the 124th General Assembly."

In line 5258, delete "composites are" and insert "composite is"; delete "versions" and insert "version"; delete "sections" and insert "section"

In line 5259, delete "sections" and insert "section"

In line 5261, delete "25" and insert "24"

In line 4 of the title, after "3313.532," insert "3313.608,"

In line 7 of the title, delete "3317.01,"; delete "3317.03,"

In line 17 of the title, delete "Ohio Graduation Tests" and insert "achievement tests"

In line 42 of the title, delete "disaggregations" and insert "disaggregation"

In line 58 of the title, delete "to require"

Delete line 59 of the title

In line 60 of the title, delete "beginning in FY 2005;"

In line 79 of the title, delete everything after the semicolon

Delete lines 80 through 82 of the title

In line 83 of the title, delete "effective date;"

In line 86 of the title, delete "provision" and insert "provisions"

| Managers on the Part of the House of Representatives | Managers on the Part of the Senate |
|---|---|
| /S/ ARLENE J. SETZER<br>ARLENE J. SETZER | /S/ ROBERT A. GARDNER<br>ROBERT A. GARDNER |
| /S/ JOHN M. SCHLICHTER<br>JOHN M. SCHLICHTER | /S/ RANDY GARDNER<br>RANDY GARDNER |
| /S/ WILLIAM J. HARTNETT<br>WILLIAM J. HARTNETT | /S/ C.J. PRENTISS<br>C.J. PRENTISS |

The question being, "Shall the emergency clause of the bill stand as part of the report?"

The yeas and nays were taken and resulted - yeas 29, nays 3, as follows:

Those who voted in the affirmative were: Senators

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

Senators Dann, Hagan, and Herington voted in the negative-3.

So the emergency clause stood as part of the report.

The question being, "Shall the report of the Committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 29, nays 3, as follows:

Those who voted in the affirmative were: Senators

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

White-29.

Senators Dann, Hagan, and Herington voted in the negative-3.

So the report of Committee of Conference was agreed to.

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

Senator Robert Gardner moved to amend the title as follows:

Add the names : "Prentiss, Miller."

The motion was agreed to and the title so amended.

## MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, August 3, 2003, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

## INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

**S. B. No. 116**-Senator Spada.

To amend section 122.17 and to enact sections 5707.051, 5725.32, and 5729.032 of the Revised Code to extend the job creation tax credit to insurance companies and dealers in intangibles.

**S. B. No. 117**-Senators Randy Gardner, Jacobson.

To amend section 3501.38 of the Revised Code to specify that a board of elections may not invalidate a petition on the ground that its form does not satisfy statutory requirements, if the board originally distributed the petition form and, at the time of distribution, it did not satisfy statutory requirements.

**S. B. No. 118**-Senators Fingerhut, Herington, Fedor, Dann.

To enact section 2309.11 of the Revised Code to specify an attorney's or party's certifications to the court upon the presentation of pleadings or papers and to provide for sanctions for violations of those certifications.

## OFFERING OF RESOLUTIONS

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

**S. R. No. 699** - Senator Herington.

Honoring Roy and Dorothy Grayem on their Golden Wedding Anniversary.

**S. R. No. 700** - Senator Stivers.

Honoring the Ohio State School for the Blind on its Fiftieth Anniversary in Clintonville.

**S. R. No. 701** - Senator Nein.

Honoring Jack and JoAnn Keller on their Golden Wedding Anniversary.

**S. R. No. 702** - Senator Robert Gardner.

Honoring Donald and Barbara Reddick on their Golden Wedding Anniversary.

**S. R. No. 703** - Senator Robert Gardner.

Honoring Gaylord and Christine June Fryer on their Golden Wedding Anniversary.

**S. R. No. 704** - Senator Robert Gardner.

Honoring George and Lois Keres on their Golden Wedding Anniversary.

**S. R. No. 705** - Senator Robert Gardner.

Honoring Bill and Betty Bernay on their Golden Wedding Anniversary.

**S. R. No. 706** - Senator Robert Gardner.

Honoring Edward and Bernadine Suba on their Golden Wedding Anniversary.

**S. R. No. 707** - Senator Robert Gardner.

Honoring Mr. And Mrs. Robert Brown on their Sixtieth Wedding Anniversary.

**S. R. No. 708** - Senator Robert Gardner.

Honoring Robert and Irene Smith on their Sixtieth Wedding Anniversary.

**S. R. No. 709** - Senator Robert Gardner.

Honoring John and Barbara Bradarich on their Golden Wedding Anniversary.

**S. R. No. 710** - Senator Robert Gardner.

Honoring Frank and Betty Brininger on their Golden Wedding Anniversary.

**S. R. No. 711** - Senator Carnes.

Honoring Sergeant First Class Charles W. Ortiz on his service to the United States Army.

**S. R. No. 712** - Senator Fingerhut.

Honoring the Ohio Tobacco Use Prevention and Control Foundation on the kickoff of the Ohio Tobacco Quit Line.

**S. R. No. 713** - Senator Austria.

Honoring Greene County on its Two Hundredth Anniversary.

**S. R. No. 714** - Senators Austria, Amstutz, Armbruster, 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.

Recognizing National Aviation Day in Ohio August 19, 2003.

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 Ohio Revised Code Section 3505.063 (A) and SCR 11 of the 125th General Assembly, the President of the Senate appoints Senator Herington to replace Senator Fingerhut to **prepare an argument against State Issue 1** .

On the motion of Senator Randy Gardner the Senate adjourned until Tuesday, August 12, 2003 at 9:30 a.m.

Attest: MATTHEW T. SCHULER,
Clerk.