

OHIO

SENATE

JOURNAL

TUESDAY, NOVEMBER 18, 2003

ONE HUNDRED TWELFTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, November 18, 2003, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Spada was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Armbruster submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 108**-Senator Spada, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: MARC DANN, ROBERT F. HAGAN, JEFFRY J.
 ARMBRUSTER, JOHN A. CAREY , JAMES E.
 CARNES, MARK MALLORY.

NO - 0.

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

The report of the committee was accepted.

Senator Armbruster submitted the following report:

The standing committee on Highways and Transportation, to which was referred **H. B. No. 54**-Representative Collier, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 5: JAMES E. CARNES, JEFFRY J. ARMBRUSTER, MARC
 DANN, ROBERT F. HAGAN, MARK MALLORY.

NO - 1: JOHN A. CAREY .

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

The report of the committee was accepted.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 152-Senators Nein, Randy Gardner, Austria, Dann, Mallory, Fingerhut.

To amend sections 3517.102, 3517.103, 3517.108, 3517.1010, and 3517.992 of the Revised Code to apply campaign finance contribution limits and certain other provisions of the Campaign Finance Law to candidates for county elective office.

OFFERING OF RESOLUTIONS

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

S.R. No. 1195 - Senator Mumper.

Honoring Robert and Irene Birdsall on their Golden Wedding Anniversary.

S.R. No. 1196 - Senator Carnes.

Honoring George and Carol Roll on their Golden Wedding Anniversary.

S.R. No. 1197 - Senator Carnes.

Honoring Albert and Pauline Ross on their Golden Wedding Anniversary.

S.R. No. 1198 - Senator Carnes.

Honoring Paul E. and Joan R. Schneider on their Golden Wedding Anniversary.

S.R. No. 1199 - Senator Carnes.

Honoring Harold and Neva Swartz on their Golden Wedding Anniversary.

S.R. No. 1200 - Senator Carnes.

Honoring Gary and Bonnie Heim on their Golden Wedding Anniversary.

S.R. No. 1201 - Senator Carnes.

Honoring Robert B. and Mary Lou Roller on their Golden Wedding Anniversary.

S.R. No. 1202 - Senator Hagan.

Honoring Bob and Ritchie Jones on their Fifty-fifth Wedding Anniversary.

S.R. No. 1203 - Senator Hagan.

Honoring Clarence and Laura Berton on their Sixtieth Wedding Anniversary.

S.R. No. 1204 - Senator Hagan.

Honoring Richard and Patricia Chamberlain on their Golden Wedding

Anniversary.

S.R. No. 1205 - Senator Hagan.

Honoring Mel and Peggie Eckert on their Golden Wedding Anniversary.

S.R. No. 1206 - Senator Stivers.

Honoring LeRoy and Barbara Martin on their Sixtieth Wedding Anniversary.

S.R. No. 1207 - Senator Stivers.

Honoring Duane and Elvira Carter on their Fifty-fifth Wedding Anniversary.

S.R. No. 1208 - Senator Mumper.

Honoring Charles "Bill" and Rita Morgan on their Golden Wedding Anniversary.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Sub. H. B. No. 102 - Representatives Collier, Aslanides, Seitz, Husted, Widener, McGregor, Allen, Koziura, Gilb, Setzer, C. Evans, Clancy, Flowers, Hughes, Schlichter, J. Stewart.

To amend sections 2151.011, 3313.48, 3313.533, 3313.62, 3317.01, and 3317.029; to enact new section 3313.481; and to repeal sections 3313.481 and 3313.482 of the Revised Code to require that school districts and chartered nonpublic schools be open for 910 hours of instruction a year for grades one through six, and 1,001 hours for grades seven through twelve.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered for the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Sub. H. B. No. 103 - Representatives Wilson, Young, Redfern, Allen, Hartnett, Seitz, Chandler, Hagan, Boccieri, Widowfield, Carano, S. Patton, Miller, Book, Ujvagi, Skindell, Harwood, Beatty, Aslanides, Barrett, Callender, DeBose, Domenick, Grendell, Hoops, Jerse, McGregor, Otterman, Schlichter, Schmidt, Seaver, Sferra, Sykes.

To amend sections 4549.61, 4549.62, and 4549.63 of the Revised Code to modify the guidelines governing seizure of a motorcycle by a law enforcement officer when the identity of the motorcycle cannot be determined, to establish limited civil liability with certain exceptions if the law enforcement officer or agency fails to comply with specified guidelines, and to maintain the provisions of this act on and after January 1, 2004, by amending the version of section 4549.62 of the Revised Code that takes effect on that date.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered for the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 129 - Representatives Young, Fessler, McGregor, Driehaus, Seitz, Flowers, Schaffer, Reidelbach, Aslanides, Distel, Brinkman, Wagner, Hagan, Collier, Cates, Gilb, Schmidt, Schneider, Grendell, Willamowski, Seaver, Callender, Clancy, Hoops, Faber, Buehrer, Trakas, Setzer, Oelslager, Williams, Niehaus, Wolpert, Husted, Kearns, Reinhard, Schlichter, Blasdel, Domenick, Jolivette, Latta, Martin, T. Patton, Raussen, Taylor, Walcher, White, Widener, Widowfield.

To enact sections 3701.65 and 4503.74 of the Revised Code to create "Choose Life" license plates and the "Choose Life" Fund and to provide that moneys in the fund be used by the Director of Health to fund eligible private, nonprofit organizations that provide services to pregnant women who are planning to place their children for adoption.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered for the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Am. Sub. H. B. No. 183 - Representatives Daniels, Allen, C. Evans, Seitz, Setzer, Raga, Ujvagi, Young, McGregor, Barrett, Carano, Cates, Chandler, Cirelli, Clancy, DeBose, Domenick, Jolivette, Niehaus, Olman, T. Patton, Schaffer, Schlichter, Schmidt, Webster, Yates.

To amend sections 4123.01 and 4123.291 and to enact sections 4125.01 to 4125.08 and 4125.99 of the Revised Code to register professional employer organizations for purposes of enforcing compliance with workers' compensation laws.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered for the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has the following in which the concurrence of the Senate is requested:

H. B. No. 184 - Representatives Schmidt, McGregor, Aslanides, Schaffer, Schneider, Raussen, Gilb, Collier, Willamowski, Latta, D. Evans, Callender, Carmichael, Cates, Chandler, Clancy, Daniels, Domenick, C. Evans, Flowers, Grendell, Hartnett, Hoops, Hughes, Jerse, Jolivette, Martin, Niehaus, Otterman, T. Patton, Raga, Reidelbach, Schlichter, Seaver, Seitz, Sferra, G. Smith, J. Stewart, Taylor, Wagner, Webster, Widener, Widowfield.

To amend section 2929.03 of the Revised Code to permit the imposition of a sentence of life imprisonment without parole, life imprisonment with parole eligibility after serving 25 full years of imprisonment, or life imprisonment with parole eligibility after serving 30 full years of imprisonment when an offender is convicted of or pleads guilty to aggravated murder and is not charged with or convicted of an aggravating circumstance.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered for the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Am. H. B. No. 202 - Representatives McGregor, Allen, Carano, C. Evans, Harwood, Hughes, Key, Latta, Miller, Olman, Otterman, Perry, Redfern, Schaffer, Seitz, Ujvagi, Williams, Widowfield, Reinhard, Cates, Clancy, Core, D. Evans, Flowers, Peterson, Reidelbach, Wolpert.

To amend section 4501.21 and to enact sections 5.033, 4503.74 and 4503.85 of the Revised Code to create "Ohio Zoo" license plates; to adopt the smallmouth bass as the state fish and to create "Lake Erie - Walleye Capital" license plates.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered for the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Am. Sub. H. B. No. 227 - Representatives Schneider, Blasdel, Schmidt, Hollister, Clancy, Trakas, Carmichael, Aslanides, Fessler, Seaver, Carano, Harwood, Martin, Koziura, Reidelbach, T. Patton, J. Stewart, Allen, Cates, Collier, Faber, Grendell, Setzer, Taylor.

To amend sections 102.02, 113.051, 145.04, 145.05, 145.06, 145.08, 145.09, 145.11, 171.04, 742.03, 742.08, 742.10, 742.11, 3307.05, 3307.06, 3307.07, 3307.071, 3307.10, 3307.11, 3307.15, 3309.05, 3309.06, 3309.07, 3309.10, 3309.11, 3309.15, 3334.11, 4123.44, 5505.04, 5505.05, 5505.06, and 5505.07 and to enact sections 111.30, 113.052, 145.052, 145.053, 145.054,

145.055, 145.056, 145.092, 145.093, 145.094, 145.114, 145.115, 145.116, 145.117, 145.118, 145.119, 145.99, 742.042, 742.043, 742.044, 742.045, 742.046, 742.102, 742.103, 742.104, 742.114, 742.115, 742.116, 742.117, 742.118, 742.119, 742.99, 1707.49, 3307.032, 3307.041, 3307.042, 3307.061, 3307.072, 3307.073, 3307.074, 3307.075, 3307.152, 3307.153, 3307.154, 3307.155, 3307.156, 3307.157, 3307.99, 3309.032, 3309.041, 3309.042, 3309.062, 3309.063, 3309.071, 3309.072, 3309.073, 3309.157, 3309.158, 3309.159, 3309.1510, 3309.1511, 3309.1512, 3309.99, 5505.041, 5505.042, 5505.043, 5505.044, 5505.045, 5505.051, 5505.052, 5505.062, 5505.063, 5505.064, 5505.065, 5505.066, 5505.067, 5505.111, and 5505.99 of the Revised Code to revise the law governing Ohio's five public retirement systems and the Treasurer of State's custodial duties.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered for the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Sub. H. B. No. 247 - Representatives T. Patton, Perry, Price, S. Patton, Schlichter, McGregor, Key, Reinhard, Widowfield, Cirelli, Core, Daniels, DeBose, Domenick, Fessler, Flowers, Hoops, Hughes, Jolivette, Kearns, Kilbane, Latta, Martin, Miller, Raussen, Schmidt, Schneider, Setzer, Skindell, S. Smith, J. Stewart, Walcher, Webster, Wilson.

To enact sections 4955.41 to 4955.47 of the Revised Code to authorize the establishment of railroad quiet zones by municipal corporations and townships.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered for the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 261 - - Representatives Peterson, Hughes, Beatty, Flowers, McGregor, Price, Reidelbach, G. Smith, Wolpert, Aslanides, Key, Perry, Schlichter, Sferra, Widowfield, Buehrer, Calvert, Carano, Carmichael, Clancy, Collier, Daniels, Domenick, D. Evans, Gilb, Grendell, Hartnett, Harwood Speaker Householder Representatives Husted, Jolivette, Latta, Mason, Oelslager, S. Patton, T. Patton, Raga, Raussen, Schaffer, Schmidt, Seaver, Seitz, Setzer, S. Smith, J. Stewart, Sykes, Taylor, Walcher, White, Widener, Willamowski, Wilson, Yates.

To enact section 5533.69 of the Revised Code to name a portion of State Route Number 315 within Franklin County the "Lawrence E. Hughes Memorial Highway."

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered for the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Sub. H. B. No. 275 - Representatives Key, Allen, Otterman, C. Evans, Redfern, Seitz, Domenick, Barrett, Jolivette, Schaffer, Sykes, D. Stewart, Sferra, Strahorn, Ujvagi, DeBose, Beatty, S. Smith, Fessler, Boccieri, Calvert, Core, DeWine, Faber, Flowers, Grendell, Hartnett, Hoops, Hughes, Husted, Jerse, Kearns, Miller, S. Patton, T. Patton, Peterson, Schlichter, Schmidt, J. Stewart, Trakas, Webster, Wilson, Aslanides, Book, Brown, Buehrer, Callender, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Daniels, Distel, Driehaus, D. Evans, Gibbs, Gilb, Hagan, Harwood, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Niehaus, Oelslager, Olman, Perry, Price, Raga, Raussen, Reidelbach, Reinhard, Schneider, Seaver, Setzer, Skindell, G. Smith, Taylor, Wagner, Walcher, White, Widener, Widowfield, Willamowski, Woodard, Yates, Young.

To amend sections 3333.26, 5910.04, and 5910.05 and to enact section 5910.033 of the Revised Code to provide college scholarships to children of members of the United States armed forces killed or disabled in the line of duty during Operation Iraqi Freedom.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered for the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following concurrent resolution:

S. C. R. No. 20 - Senator Austria. Representatives Allen, Aslanides, Barrett, Beatty, Blasdel, Book, Brown, Buehrer, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DeWine, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Hollister, Hoops, Hughes, Husted, Jerse, Jolivet, Kearns, Key, Latta, Martin, Mason, McGregor, Niehaus, Oelslager, Olman, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Seaver, Seitz, Setzer, Sferra, Skindell, G. Smith, S. Smith, J. Stewart, Sykes, Taylor, Trakas, Wagner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wilson, Wolpert, Woodard, Yates, Young.

To proclaim November 19, 2003, George Rogers Clark Day.

Attest:

Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Sub. H. B. No. 70 - Representative Willamowski - et al.

Sub. H. B. No. 75 - Representative Buehrer - et al.

Am. Sub. H. B. No. 85 - Representative Raussen - et al.

Sub. H. B. No. 127 - Representative Jolivette - et al.

Sub. H. B. No. 179 - Representative Wolpert - et al.

Attest:

Laura P. Clemens,
Clerk.

On the motion of Senator Nein, the Senate adjourned until Thursday,
November 20, 2003 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.