

OHIO

SENATE

JOURNAL

THURSDAY, JANUARY 22, 2004

ONE HUNDRED THIRTY-EIGHTH DAY

Senate Chamber, Columbus, Ohio

Thursday, January 22, 2004, 9:30 a.m.

The Senate met pursuant to adjournment.

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

Senator Padgett was selected to preside according to the rule.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 149-Representatives Fessler, Seitz, Williams, Gilb, Brinkman, Perry, Reidelbach, Walcher, Book, Harwood, Hollister, Mason, S. Smith, Widowfield, Willamowski, Barrett, Beatty, Blasdel, Brown, Buehrer, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, D. Evans, Faber, Flowers, Gibbs, Grendell, Hagan, Hoops, Hughes, Jerse, Jolivet, Kearns, Kilbane, Latta, Martin, McGregor, Miller, Oelslager, Olman, Otterman, T. Patton, Price, Schaffer, Schmidt, Schneider, Seaver, Setzer, Skindell, D. Stewart, J. Stewart, Sykes, Taylor, Trakas, Wagner, Webster, White, Wolpert, Yates, Young Senator Stivers.

To amend sections 3119.60, 3119.61, 3119.71, and 3119.74 and to enact sections 3119.77, 3119.771, 3119.772, and 3119.773 of the Revised Code to provide for review of a child support order at the request of a member of the uniformed services called to active military service, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 149**, pass?"

Senator Mumfer moved that **Sub. H. B. No. 149** be informally passed until Wednesday, January 28, 2004.

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

The motion was agreed to.

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, Lynne Ayres,

from Columbus, Franklin County, Ohio, as a Member of the Tobacco Use Prevention and Control Foundation for a term beginning December 12, 2003, and ending at the close of business June 3, 2005, replacing William Wilkins whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of January in the year of our Lord, two thousand and four.

[Seal]

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, Stephen Francis, from Dublin, Franklin County, Ohio, as a Member of the Tobacco Use Prevention and Control Foundation for a new term beginning December 12, 2003 and ending at the close of business June 3, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of January in the year of our Lord, two thousand and four.

[Seal]

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, Anthony D. Houston, from Berea, Cuyahoga County, Ohio, as a Member of the Ohio Board of Regents for a term beginning January 12, 2003, and ending at the close of business September 20, 2011, replacing Edwin J. Rigaud who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of January in the year of our Lord, two thousand and four.

[Seal]

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, Neal E. Hubbard, Republican, from Elyria, Lorain County, Ohio, as a Member of the Savings and Loan Associations and Savings Bank Board for a term beginning December 12, 2003, and ending at the close of business January 31, 2005, replacing Kenneth Koehler whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of January in the year of our Lord, two thousand and four.

[Seal]

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, Kimberly S. McConville, Republican, from Columbus, Franklin County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a new term beginning December 12, 2003 and ending at the close of business November 18, 2006.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of January in the year of our Lord, two thousand and four.

[Seal]

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, Larry M. Mitchell, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a new term beginning December 12, 2003 and ending at the close of business November

18, 2006.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of January in the year of our Lord, two thousand and four.

[Seal]

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, Alan E. Robbins, Republican, from Chippewa Lake, Medina County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a new term beginning December 12, 2003 and ending at the close of business November 16, 2006.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of January in the year of our Lord, two thousand and four.

[Seal]

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, Joseph A. Sopko, from Shaker Heights, Cuyahoga County, Ohio, as a Member of the Tobacco Use Prevention and Control Foundation for a term beginning December 12, 2003, and ending at the close of business June 3, 2006, replacing Cynthia Moore-Hardy whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of January in the year of our Lord, two thousand and four.

[Seal]

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, Rosalind Thompson, Democrat, from Orange Village, Cuyahoga County, Ohio, as a Member of the Cuyahoga Community College Board of Trustees for a term beginning December 5, 2003, and ending at the close of business October 12, 2008, replacing William Hulett whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of January in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,
Governor.

Said appointments were referred to the Committee on Rules.

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. 38 - Representatives Willamowski, Hagan, McGregor, Seitz, Setzer, Schaffer, Buehrer, Widener, Latta, Book, Harwood, Mason, Core, Beatty, Callender, Blasdel, Cirelli, Daniels, DeBose, DeGeeter, Domenick, C. Evans, D. Evans, Faber, Flowers, Gilb, Hughes, Key, T. Patton, Schmidt, Skindell, G. Smith, S. Smith, J. Stewart

To amend sections 4705.07 and 4705.99 of the Revised Code to specifically prohibit a person not licensed to practice law in Ohio from performing any act prohibited by the Supreme Court as the unauthorized practice of law and to provide for the recovery of damages for a violation of the prohibition.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered 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. 106 - Representatives Williams, Otterman, McGregor, Hartnett, Hagan, Perry, Gilb, Koziura, Widowfield, Young, Boccieri, Willamowski, Aslanides, Carano, Chandler, Cirelli, Clancy, Collier, DeBose, Domenick, C. Evans, Flowers, Gibbs, Grendell, Harwood, Kilbane, Latta, Martin, Niehaus, T. Patton, Peterson, Schlichter, Schmidt, Setzer, Sferra, J. Stewart, Taylor

To amend sections 2152.18, 3313.533, 3313.672, and 5139.05 of the Revised Code to require the Department of Youth Services upon request to release certain records pertaining to a child discharged or released from its custody to the school district in which the child is entitled to attend school and to specify that a school district's policy on the assignment of students to an alternative school may provide for the assignment of any child released from the custody of the Department of Youth Services to such a school.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered 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. 181 - Representatives Schaffer, McGregor, Willamowski, Allen, Flowers, Brinkman, C. Evans, Setzer, Wolpert, Aslanides, G. Smith, Buehrer, Carmichael, Collier, Daniels, Domenick, D. Evans, Faber, Gibbs, Gilb, Hartnett, Harwood, Key, Niehaus, Olman, Otterman, Seaver, Sferra

To enact sections 3.16 and 2961.02 of the Revised Code to permit the Governor to suspend from office in accordance with a specified procedure any elected local government official, other than a judge, charged with a felony related to the official's administration of, or conduct in the performance of the duties of, the office and to prohibit a person who is convicted of certain felony theft offenses, or any other felony involving fraud, deceit, or theft, from holding a public office or position of public employment, or serving in certain unpaid volunteer positions, that involve substantial management or control of

certain public or private property.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered 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. 252 - Representatives Cates, Aslanides, D. Evans, Faber, Flowers, Gilb, Hagan, Hughes, Latta, Martin, McGregor, Schaffer, Schmidt, Webster, Willamowski

To amend section 309.05 of the Revised Code to regulate when motions for judgment on the pleadings, motions to dismiss, and motions for summary judgment may be filed in actions to remove a prosecuting attorney.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered 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. 255 - Representatives Setzer, Seitz, C. Evans, Kearns, Price, McGregor, Chandler, Domenick, Collier, Flowers, Wolpert, Distel, D. Evans, Hagan, Hartnett, Oelslager, Otterman, S. Patton, Perry, J. Stewart, Taylor

To amend section 505.511 of the Revised Code to increase the charges for responding in townships to certain security alarm system false alarms and to earmark the moneys a township so collects for police services.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered 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. 262 - Representatives Carmichael, Peterson, Seitz, Niehaus, Boccieri, Aslanides, Reinhard, Koziura, Buehrer, Calvert, D. Evans, Flowers, Gilb, Grendell, Kilbane, Schmidt, Taylor

To amend sections 3501.10, 3501.28, 3509.07, 3513.30, 3519.16, 4117.03, 4301.323, 4301.355, and 4301.365 of the Revised Code to revise the Election Law, the Liquor Control Law, or the Collective Bargaining Law by increasing the maximum poll worker pay, permitting employees of the state and of political subdivisions to work as judges of elections and receive poll worker pay in addition to their regular employment compensation under certain circumstances, eliminating the required ballot language describing certain past local option elections when a local option election is held on sales of alcoholic beverages at a specific location, changing the ballot language for certain of those local option elections to specify that the election applies to spirituous liquor instead of intoxicating liquor, establishing requirements for protests against initiative or referendum petitions, prohibiting collective bargaining between county boards of elections and their employees, and making other changes.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered 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:

Sub. H. B. No. 278 - Representatives Niehaus, Reidelbach, Seitz, Webster,

Gibbs, Husted, Peterson, Hoops, Carmichael, Blasdel, T. Patton, D. Evans, McGregor, Gilb, DeWine, Setzer, Willamowski, Raga, Schaffer, Book, Widowfield, Hollister, Callender, Cates, Flowers, Hagan, Walcher, Wolpert

To amend sections 303.211, 519.211, 1509.02, 1509.03, 1509.06, 1509.23, 1509.31, and 1510.11 and to repeal section 1509.39 of the Revised Code to declare that the Division of Mineral Resources Management in the Department of Natural Resources has exclusive authority to regulate the permitting, location, and spacing of oil and gas wells in the state, and to revise the laws governing the drilling of oil and gas and the oil and natural gas marketing program.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House has appointed as managers on the part of the House on matters of difference between the two Houses on:

Am. Sub. S. B. No. 2 - Senator Robert Gardner - et al.

Representatives Setzer, C. Evans and Hartnett.

Attest:

Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following :

Sub. S. B. No. 35 - Senator Nein - et al.

Sub. H. B. No. 64 - Representative Faber - et al.

H. B. No. 120 - Representative Grendell - et al.

H. C. R. No. 38 - Speaker Householder - et al.

H. C. R. No. 39 - Speaker Householder - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bills and concurrent resolutions.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

Am. S. B. No. 178 - Senator Spada - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

On the motion of Senator Mumper, the Senate adjourned until Tuesday, January 27, 2004 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.