OHIO

SENATE

JOURNAL

WEDNESDAY, JANUARY 28, 2004

ONE HUNDRED FORTIETH DAY
Senate Chamber, Columbus, Ohio
Wednesday, January 28, 2004, 11:30 a.m.

The Senate met pursuant to adjournment.

Prayer was offered by 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 REFERENCE AND BILLS FOR SECOND CONSIDERATION

Senator Jordan reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

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.

To the Committee on Judiciary - Criminal Justice.

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.

To the Committee on Education.

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.

To the Committee on Judiciary - Criminal Justice.

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.

To the Committee on Judiciary - Criminal Justice.

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.

To the Committee on State and Local Government and Veterans' Affairs.

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.

To the Committee on Agriculture.

S. B. No. 184-Senator Blessing.

To amend sections 2323.58, 2323.583, 2323.584, 3770.06, 3770.07, 3770.10, and 3770.12 and to enact section 3770.121 of the Revised Code to require the State Lottery Commission to allow a lottery prize winner who is being paid the prize award in installments to transfer, subject to certain restrictions, portions of the prize winner's outstanding prize award; to make the deferred prizes trust fund into a custodial fund; and to make other changes in the Lottery Law, the Lottery Prize Award Transfer Law, and the Structured Settlement Law.

To the Committee on Finance and Financial Institutions.

S. B. No. 185-Senators Jordan, Robert Gardner, Dann, Schuler, Wachtmann.

To amend sections 2111.06, 2151.23, 2151.27, 2152.021, 3109.04, 3109.27, 3109.29, and 3109.37, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3109.27 (3127.23), 3109.29 (3127.24), and 3109.37 (3127.06), to enact sections 3127.01 to 3127.05, 3127.07 to 3127.11, 3127.15 to 3127.22, 3127.31 to 3127.47, 3127.51, 3127.52, and 3127.53, and to repeal sections 3109.21, 3109.22, 3109.23, 3109.24, 3109.25, 3109.26, 3109.28, 3109.30, 3109.31, 3109.32, 3109.33, 3109.34, 3109.35, and 3109.36 of the Revised Code to repeal the Uniform Child Custody Jurisdiction Act and replace it with the Uniform Child Custody Jurisdiction and Enforcement Act.

To the Committee on Health, Human Services and Aging.

S. B. No. 186-Senators Hagan, Dann.

To amend section 4501.21 and to enact section 4503.74 of the Revised Code to create "Mahoning River" license plates.

To the Committee on Highways and Transportation.

S. B. No. 187-Senators Nein, Robert Gardner, Armbruster, Schuler, Stivers, Mumper.

To amend sections 3915.02, 3915.073, and 3915.14 of the Revised Code to adopt a new formula for determining the minimum nonforfeiture value of an individual deferred annuity, to require insurance companies to obtain the Superintendent of Insurance's approval prior to deferring the payment of a cash surrender benefit, and to prohibit the delivery or use of an annuity contract and its related endorsements for thirty days after the form of the contract or endorsement is filed with the Superintendent, unless earlier approved by the Superintendent, and to amend the version of section 3915.073 of the Revised Code as results from this act two years after the act's effective date.

To the Committee on Insurance, Commerce and Labor.

JIM JORDAN
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 were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Jordan submitted the following report:

The standing committee on Rules to which were referred the appointments by the Attorney General of:

Herman Kohlman , Democrat, Oak Harbor, Ottawa County, representing family farmers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2003 and ending September 1, 2006.

John N. Moliterno , Democrat, Girard, Trumbull County, representing residential consumers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2003 and ending September 1, 2006.

Michael P. Murphy , Democrat, Cleveland, Cuyahoga County, representing organized labor on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2003 and ending September 1, 2006.

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

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

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments of the Attorney General?"

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
Carey	Coughlin	Dann	DiDonato
Fedor	Fingerhut	Gardner, Randy	Gardner, Robert
Goodman	Hagan	Harris	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Nein	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Zurz	White-32.

So the Senate advised and consented to said appointments.

On the motion of Senator Randy Gardner the Senate recessed to meet in Joint Convention.

The Senate met pursuant to recess.

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, Jolivette, 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 Armbruster moved that **Sub. H. B. No. 149** be informally passed until Wednesday February 4, 2004.

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

The motion was agreed to.

MOTIONS

Senator Armbruster moved that Senators absent the week of Sunday, January 25, 2004, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

OFFERING OF RESOLUTIONS

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

S. R. No. 1488-Senator Jordan.

Honoring Donald Eckhart on his retirement from the Ohio Legislative Service Commission.

S. R. No. 1489-Senator Jordan.

Congratulating the Versailles High School football team on winning the 2003 Division IV State Championship.

S. R. No. 1490-Senator Zurz.

Honoring Charles and Arnetta Mundy on their Golden Wedding Anniversary.

S. R. No. 1491-Senator Hagan.

Honoring Robert and Mary Hartman on their Golden Wedding Anniversary.

S. R. No. 1492-Senator Hagan.

Honoring David and Kathleen Verzilli 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 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. 322 - Representatives Widener, Hollister, Kilbane, Taylor, Otterman, Allen, Barrett, Book, Carmichael, Chandler, Cirelli, Collier, Daniels, C. Evans, Flowers, Hoops, Key, Olman, S. Patton, Schlichter, Setzer, J. Stewart, Webster.

To amend sections 4703.02, 4703.13, 4703.33, 4703.36, and 4733.15 and to enact section 4733.151 of the Revised Code to increase the annual renewal of registration fee for professional engineers and professional surveyors, to implement continuing professional development requirements for registration renewals of professional engineers and surveyors beginning in calendar year 2008, and to authorize the State Board of Examiners of Architects and the State Board of Landscape Architect Examiners to adopt rules pertaining to continuing education requirements.

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. 306 - Representatives Wolpert, Aslanides, Barrett,

Carmichael, Collier, DeBose, C. Evans, Flowers, Key, Martin, T. Patton, Price, S. Smith, D. Stewart, Woodard, Yates.

To amend sections 109.572, 121.08, 307.697, 351.26, 924.51, 1333.83, 2933.41, 4301.07, 4301.10, 4301.19, 4301.20, 4301.22, 4301.24, 4301.29, 4301.30, 4301.39, 4301.41, 4301.424, 4301.99, 4303.03, 4303.07, 4303.09, 4303.181, 4303.203, 4303.204, 4303.231, 4303.24, 4303.25, 4303.27, 4303.271, 4303.292, 4303.293, 4303.30, 4399.02, 4399.04, 4399.07, 4399.08, and 4399.18, to enact section 4301.77, and to repeal section 4399.01 of the Revised Code to eliminate the authority of the Division of Liquor Control to order liquor permit holders to stop selling intoxicating liquor to certain persons; to authorize the Division to share social security numbers with other state or local law enforcement agencies for specific purposes; to authorize the Department of Commerce or, if acting with authorization on the Department's behalf, the Division to seek BCII or FBI criminal records checks for certain individuals associated with the issuance or transfer of permits, licenses, or certifications; to modify provisions relating to the annual permit fees for A-2, B-2, and B-4 permit holders; to change the name of the out-of-state supplier "consent to import"; to change the registration fee for agents, solicitors, and sales persons of beer or intoxicating liquor manufacturers, suppliers, brokers, or wholesale distributors to a biennial fee; to revise the deadline for paying a permit fee when a person applies for a liquor permit; to change provisions that require the disclosure of shareholders of or holders of membership interests in a corporation or limited liability company applying for a liquor permit; to correct references to the "Department of Liquor Control" and "Director of Liquor Control;" to change the manner in which beer, intoxicating liquor, and alcohol seized by a law enforcement agency is disposed of; to revise when duplicate permit fees are paid; to change the qualifications for issuance of the D-5a and D-5i permits; and to revise other provisions of the Liquor Control Law.

Attest: Laura P. Clemens,
Clerk.

Said bill was considered the first time.

On the motion of Senator Armbruster, the Senate adjourned until Thursday, January 29, 2004 at 11:00 o'clock a.m.

Attest: MATTHEW T. SCHULER,
Clerk.