

OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 21, 2004

ONE HUNDRED SIXTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 21, 2004, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Edward J. Sukol, Congregation Bethaynu and President of the Greater Cleveland Board of Rabbis, Cleveland, Ohio, followed by the Pledge of Allegiance to the Flag.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Blessing submitted the following report:

The standing committee on Public Utilities, to which was referred **S. C. R. No. 26**-Senator Blessing, having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Schuler, Spada.

YES - 9: TERESA FEDOR, LOUIS W. BLESSING, ROBERT L. SCHULER, MARK MALLORY, BILL HARRIS, JEFF JACOBSON, ROBERT F. SPADA, SCOTT R. NEIN, TOM ROBERTS.

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. B. No. 202**-Senator Mumper, having had the same under consideration, reports back a substitute bill and recommends its passage.

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

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Rules to which was referred the appointment by the Governor of:

Alan R. Schriber, Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the Public Utilities Commission of Ohio for a new term beginning April 11, 2004 and ending at the close of business April 10, 2009.

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

The question being, "Shall the Senate advise and consent to the appointment 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	Coughlin	Dann
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Hottinger	Jacobson	Jordan	Mallory
Miller	Mumper	Nein	Padgett
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

So the Senate advised and consented to said appointment.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 43-Senators Spada, Robert Gardner, Blessing, Coughlin, Schuring, Jacobson, Fingerhut, DiDonato, Wachtmann, Harris, Schuler, Dann.

To enact sections 1751.111 and 3923.601 of the Revised Code to require the inclusion of specified pharmacy benefits information when health insurers issue or require the use of standardized identification cards or electronic technology for submission of claims, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 43**, 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	Coughlin	Dann
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Hottinger	Jacobson	Jordan	Mallory
Miller	Mumper	Nein	Padgett

Prentiss
Spada

Roberts
Stivers

Schuler
Wachtmann

Schuring
Zurz
White-33.

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 : "Armbruster, Brady, Fedor, Hagan, Mallory, Roberts, Zurz."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 117-Representatives Widowfield, Husted, Hollister, McGregor, Kearns, Seitz, White, Gilb, Allen, Schmidt, Schneider, Brown, Perry, Cirelli, Reidelbach, Price, Hagan, Flowers, Otterman, Aslanides, Barrett, Beatty, Boccieri, Carano, Carmichael, Clancy, Collier, Daniels, DeBose, Distel, C. Evans, Hartnett, Harwood, Hoops, Hughes, Jerse, Jolivette, Key, Martin, Niehaus, T. Patton, Raussen, Reinhard, Schlichter, Setzer, Sferra, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Taylor, Ujvagi, Wagner, Walcher, Widener, Williams, Wilson, Wolpert, Woodard, Yates.

To amend sections 109.572, 2151.86, 5103.02, 5103.03, 5103.031, 5103.032, 5103.033, 5103.035, 5103.037, 5103.038, 5103.039, 5103.0311, 5103.0316, 5103.0317, 5120.65, and 5153.60 and to repeal section 5103.0310 of the Revised Code and to repeal Section 160 of Am. Sub. H.B. 95 of the 125th General Assembly to revise foster caregiver training requirements, add additional offenses to those that disqualify a person as a person responsible for a child's care in out-of-home care or prospective adoptive parent, permit foster caregivers to make application to agencies arranging adoptions, permit the Department of Job and Family Services to seek injunctive relief in certain circumstances, and eliminate the duty of the Legislative Office of Education Oversight to review certain types of Head Start agreements, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 117**, pass?"

Senator Wachtmann moved to amend as follows:

In line 11 of the title, delete "permit foster"

Delete line 12 of the title

In line 13 of the title, delete "arranging adoptions,"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 117**, 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	Coughlin	Dann
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Hottinger	Jacobson	Jordan	Mallory
Miller	Mumper	Nein	Padgett
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

So the bill passed.

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

Senator Wachtmann moved to amend the title as follows:

Add the names : "Wachtmann, Brady, DiDonato, Fedor, Robert Gardner, Prentiss, Roberts."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, April 18, 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.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 231-Senators Hagan, Fingerhut, Fedor.

To amend section 3704.05 and to enact sections 3704.30 to 3704.36 of the Revised Code to require electric generating facilities to comply with certain requirements regarding mercury emissions.

S. B. No. 232-Senator Robert Gardner.

To amend sections 3301.075, 3302.04, 3319.22, 3319.227, and 3319.302

and to enact sections 3312.01, 3312.02, 3312.03, 3312.04, 3312.05, 3312.06, 3312.09, 3312.10, 3312.11, and 3312.14 of the Revised Code to require the State Board of Education to establish the Ohio Regional Education Delivery System by July 1, 2007.

OFFERING OF RESOLUTIONS

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

S. R. No. 1708-Senators Fingerhut, Harris, Randy Gardner, Zurz, Roberts, Schuring, Prentiss, Miller, Nein, Coughlin, Fedor, Padgett, Jordan, Spada.

Honoring Ohio Campus Compact for outstanding service.

S. R. No. 1709-Senator Robert Gardner.

Honoring Bob and Audrey Bihary on their Golden Wedding Anniversary.

S. R. No. 1710-Senator Robert Gardner.

Honoring James and Joanna Arp on their Golden Wedding Anniversary.

S. R. No. 1711-Senator Robert Gardner.

Honoring Robert and Evelyn Orlando on their Golden Wedding Anniversary.

S. R. No. 1712-Senator Zurz.

Honoring David and Emma Lou Chenoweth on their Golden Wedding Anniversary.

S. R. No. 1713-Senator Stivers.

Honoring John Clark as a 2004 NCAA All-American wrestler.

The question being, "Shall the resolutions listed under the President 's prerogative be adopted?"

So the resolutions were adopted.

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, John W. Bentine, Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Veterinary Medical Licensing Board for a term beginning April 2, 2004, and ending at the close of business December 31, 2006, replacing Stacey Polk 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 9th day of April 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, G. Courtney Haning, Republican, from New Lexington, Perry County, Ohio, as a Member of the Agricultural Financing Commission for a new term beginning April 2, 2004 and ending at the close of business January 31, 2010.

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 9th day of April 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, Mary E. Mazey, Democrat, from Dayton, Greene County, Ohio, as a Member of the Ohio Tuition Trust Authority for a new term beginning April 2, 2004 and ending at the close of business January 31, 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 9th day of April 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, Melvin W. Mock, Republican, from Gallipolis, Gallia County, Ohio, as a Member of the Hearing Aid Dealers and Fitters Licensing Board for a term beginning April 2, 2004, and ending at the close of business January 25, 2008, replacing Roberta Simpson 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 9th day of April 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, H. Richard Rowe, Jr., Republican, from Findlay, Hancock County, Ohio, as a Member of the Owens State Community College Board of Trustees for a term beginning April 2, 2004, and ending at the close of business September 22, 2004, replacing James Kovac 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 9th day of April in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Randy Gardner, the Senate adjourned until

Thursday, April 22, 2004 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.