OHIO

SENATE

JOURNAL

TUESDAY, JUNE 7, 2005

SIXTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Tuesday, June 7, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Linworth Baptist Church, Worthington, 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 Schuring reports for the Standing Committee on Reference, recommending that the following bills and concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 193-Representatives Daniels, G. Smith, Fessler, Combs, Wolpert, C. Evans, Martin, Gibbs, D. Evans, Setzer, Barrett, Perry, DeBose, Boccieri, Hughes, Koziura, Brown, Chandler, Domenick, Reidelbach, Schlichter, Webster.

To amend sections 9.90, 3917.01, 3917.06, and 3917.07, to enact new section 3917.03 and section 3917.02, and to repeal section 3917.03 of the Revised Code to permit the sale of group life insurance to specified groups and provide the Superintendent of Insurance with the discretion to authorize the sale of group life insurance to additional groups.

To the Committee on Insurance, Commerce and Labor.

Sub. H. B. No. 218-Representatives Daniels, Taylor, McGregor, Bubp, J. Stewart, Gibbs, Raussen, Cassell, Uecker, T. Patton, Buehrer, Webster, Aslanides, Widener, Martin, Seitz, Flowers, Carmichael, G. Smith, Schlichter, Schneider, Coley, White, Reinhard, C. Evans, Collier, Hood, Hartnett, Latta, Strahorn, Distel, Hagan, Wagoner, Calvert, Carano, Peterson, Setzer.

To amend sections 4905.04, 4927.02, 4927.03, and 4927.04 and to enact sections 4905.041 and 4905.042 of the Revised Code to revise state telecommunications policy, authorize the Public Utilities Commission to allow alternative regulation of basic local exchange service provided by larger companies, and specify the scope of Commission authority regarding wholesale telecommunications services, advanced services, and internet protocol-enabled services.

To the Committee on Energy and Public Utilities.

S. B. No. 152-Senator Clancy.

To amend section 2915.01 of the Revised Code to include "tax exempt fire museum" within the Gambling Law's definition of "charitable organization."

To the Committee on Judiciary - Criminal Justice.

S. C. R. No. 17-Senators Jacobson, Coughlin, Dann, Fingerhut, Goodman, Jordan, Miller, Mumper, Prentiss, Schuler, Wachtmann, Padgett.

To focus on the Darfur genocide, which the United States Department of State has concluded is genocide, occurring in the Darfur region of Sudan, to encourage the United States to continue its support of humanitarian efforts in and contributions of humanitarian aid to the region, to encourage the United States to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice, and to encourage Ohio companies and institutions, multinational corporations operating in Ohio, and agencies and political subdivisions of the state to divest themselves of interests in any companies that conduct business in Sudan.

To the Committee on Finance and Financial Institutions.

YES - 4: J. KIRK SCHURING, MARK MALLORY, C. J. PRENTISS, BILL HARRIS.

NO - 0.

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

The report of the committee was accepted.

Said bills and concurrent resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Hottinger submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 33**-Senator Spada, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: JAY HOTTINGER, STEPHEN C. AUSTRIA, PATRICIA M. CLANCY, ROBERT F. SPADA, JEFFRY J. ARMBRUSTER, RAY MILLER, MARK MALLORY.

NO - 2: GARY W. CATES, LYNN R. WACHTMANN.

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

The report of the committee was accepted.

Senator Hottinger submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **H. C. R. No. 5**-Representative Hoops, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Hottinger, Clancy.

YES - 9: RAY MILLER, JEFFRY J. ARMBRUSTER, JAY HOTTINGER, STEPHEN C. AUSTRIA, GARY W. CATES, PATRICIA M. CLANCY, ROBERT F. SPADA, LYNN R. WACHTMANN, MARK MALLORY.

NO - 0.

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

The report of the committee was accepted.

RESOLUTIONS REPORTED BY COMMITTEE

Senator Cates offered the following concurrent resolution:

H. C. R. No. 5-Representatives Hoops, Law, Reidelbach, Seitz, Setzer, Taylor, Webster, White, Barrett, Brown, Hartnett, Ujvagi, J. Stewart, Schaffer, Hagan, Combs, Trakas, Aslanides, Domenick, Wolpert, Hughes, Allen, Blasdel, Boccieri, Book, Carano, Cassell, Coley, Collier, Daniels, DeBose, Distel, Dolan, C. Evans, D. Evans, Faber, Flowers, Harwood, Kearns, Key, Koziura, Latta, Mason, McGregor, Oelslager, Otterman, T. Patton, Perry, Redfern, Schlichter, Seaver, G. Smith, Walcher Senators Hottinger, Clancy.

To memorialize the President of the United States to support the retention of the Continued Dumping and Subsidy Offset Act, which is important to Ohio industries, enabling them to reinvest and remain competitive in the international market.

WHEREAS, Since October 1, 1996, the United States Department of Commerce has completed nearly 400 administrative reviews on 133 distinct anti-dumping and countervailing duty orders. Approximately 80 per cent of those reviews found that dumping or subsidization continued despite the presence of the order; and

WHEREAS, Many Ohio companies have suffered for years under persistent and continued dumping even after a duty order has been set in place, as it has simply become a cost of doing business for offshore competitors in order to drive domestic producers out of business; and

WHEREAS, Ohio's skilled and productive workers have suffered greatly under this problem and have sought relief in the Continued Dumping and Subsidy Offset Act (CDSOA). This law has made a significant difference in the ability of Ohio's manufacturing and agricultural industries to reinvest and remain competitive in today's marketplace. The Congress of the United States passed the CDSOA to encourage fair trade and to help industries harmed by illegal imports; and

WHEREAS, In 2003, over two-thirds of the United States Senate demanded the continued operation of the law despite the politically biased and technically flawed ruling of the World Trade Organization (WTO) that CDSOA is inconsistent with the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (GATT) agreement; and

WHEREAS, In early 2004, Congress passed into law legislation and mandated a negotiated settlement with the WTO rather than altering our domestic law, and the Fiscal Year 2004 omnibus appropriations act directs the Administration to immediately initiate WTO negotiations and recognize the ability of WTO members, including the United States, to distribute moneys collected from anti-dumping and countervailing duties to businesses that have won the related trade cases. The Congressional mandate permits our country to meet WTO obligations by obtaining a clarification in the WTO rules themselves; and

WHEREAS, No action has been reported to date by the United States Trade Representative or the Department of Commerce on the congressionally required negotiations, despite specific direction for immediate action and a report within sixty days; and

WHEREAS, Retention of the CDSOA is very important to Ohio's industries and the jobs they provide; now therefore be it

RESOLVED, That the General Assembly of the State of Ohio memorializes the President to oppose the WTO ruling against the CDSOA and seek to retain the CDSOA to encourage fair trade and help industries harmed by illegal imports, as this important legislation is in the best interest of Ohio's business and industrial base and the state's economic well-being; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **H. C. R. No. 5**, be adopted?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the concurrent resolution was adopted.

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

Senator Cates moved to amend the title as follows:

Add the names: "Cates, Amstutz, Armbruster, Austria, Dann, Fedor, Grendell, Jacobson, Niehaus, Schuler, Schuring, Spada, Zurz, Wilson, Hagan, Harris, Mumper, Gardner, Brady, Carey, Coughlin, Goodman, Jordan, Mallory, Miller, Padgett, Prentiss, Roberts, Wachtmann."

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

The motion was agreed to and the title so amended.

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, Darrell Gammell, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning May 20, 2005 and ending at the close of business January 31, 2011.

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

20th day of May in the year of our Lord, two thousand and five.

[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 M. Gerdenich, Republican, from Toledo, Lucas County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning May 20, 2005 and ending at the close of business January 31, 2009.

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 20th day of May in the year of our Lord, two thousand and five.

[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, Oren J. Henry, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning May 20, 2005 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 20th day of May in the year of our Lord, two thousand and five.

[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, Patricia P.

Isaacson, Independent, from Worthington, Franklin County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning May 20, 2005 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 20th day of May in the year of our Lord, two thousand and five.

[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, Betty J. Kemper, Republican, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning May 20, 2005 and ending at the close of business January 31, 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 20th day of May in the year of our Lord, two thousand and five.

[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, Roger W. McCauley, Democrat, from Glouster, Athens County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning May 20, 2005 and ending at the close of business January 31, 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 20th day of May in the year of our Lord, two thousand and five.

[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, Mark K. Milligan, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning May 20, 2005 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 20th day of May in the year of our Lord, two thousand and five.

[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, Gordon Priemer, Independent, from Shaker Heights, Cuyahoga County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning May 20, 2005 and ending at the close of business January 31, 2011.

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 20th day of May in the year of our Lord, two thousand and five.

[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, Charles J. Ruma, Independent, from Columbus, Franklin County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning May 20, 2005 and ending at the close of business January 31, 2009.

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 20th day of May in the year of our Lord, two thousand and five.

[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:

Am. Sub. H. B. No. 208 - Representatives Raga, Gibbs, D. Evans, Wolpert, Kearns, White, Raussen, Calvert, Hood

To amend sections 1345.81, 4738.01, 4738.03, 4738.09, 4738.18, 4738.19, 4738.99, 4775.01, 4775.02, 4775.03, 4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, 4775.11, 4775.99, and 5703.21 of the Revised Code to allow licensed salvage motor vehicle auctions and pools to sell salvage motor vehicles only to specified authorized purchasers, to require the registration of motor vehicle mechanical repair facilities, to increase from five to nine the membership of the Motor Vehicle Salvage Dealer's Licensing Board, to change the name of the Board of Motor Vehicle Collision Repair Registration to the Board of Motor Vehicle Repair Registration, and to further amend section 4775.03 of the Revised Code on January 1, 2006, to dissolve the Board of Motor Vehicle Repair Registration and replace it with a new board of the same name.

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. 15 - Representatives Hoops, Aslanides, Blessing, Bubp, Calvert, Collier, Combs, C. Evans, Fessler, Gibbs, Hagan, Hughes, Kearns, Latta, Law, Martin, McGregor, T. Patton, Reidelbach, Setzer, Schaffer, Webster, White, Widener, Widowfield, Willamowski, Wolpert, Allen, Barrett, Carano, DeGeeter, Distel, Driehaus, Hartnett, Otterman, S.

Patton, Perry, Ujvagi, D. Evans, Gilb, Seitz, Yuko, Seaver, Healy, D. Stewart, Beatty, Boccieri, Book, Brown, Buehrer, Carmichael, Cassell, Chandler, Core, Daniels, Domenick, Faber, Fende, Garrison, Kilbane, Mason, Miller, Oelslager, Raga, Raussen, Reinhard, Sayre, Schlichter, Schneider, G. Smith, J. Stewart, Strahorn, Taylor, Trakas, Wagner, Wagoner, Williams, Mitchell

To amend sections 109.42, 2929.20, 2950.10, 2950.11, 2967.03, 2967.12, and 2967.26 and to enact section 5120.66 of the Revised Code to require the Department of Rehabilitation and Correction to establish and operate an Internet database that contains specified offense, sentence, and release information for each inmate in the custody of the Department; to grant any person a right to submit a written statement regarding certain possible releases or transfers of any inmate; to require the Adult Parole Authority to consider any such statement prior to granting or recommending the release of or transfer for any inmate; to specify that the above provisions are to be known as "Laura's Law;" and to require that victim or community notification under the SORN Law include a photograph of the registrant offender.

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 refused to concur in the Senate amendments to:

Am. Sub. H. B. No. 66 - Representative Calvert - et al.

Attest: Laura P. Clemens,
Clerk.

Senator Jacobson moved that the Senate insist on its amendments to **Am. Sub. H. B. No. 66**, and ask for a Committee of Conference.

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

The motion was agreed to.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives accedes to the request of the Senate for a Committee of Conference on matters of difference between the two Houses on:

Am. Sub. H. B. No. 66 - Representative Calvert - et al.

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Calvert, Raga and Miller.

Attest: Laura P. Clemens,
Clerk.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Am. Sub. H. B. No. 66 of the 126th General Assembly:

Senator Carey
Senator Amstutz
Senator Roberts

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, June 8, 2005 at 1:30 p.m.

Attest: MATTHEW T. SCHULER,
Clerk.