OHIO

SENATE

JOURNAL

TUESDAY, MAY 31, 2005

FIFTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 31, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ken Kirk, Grove City United Methodist Church, Grove City, 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, standing in order for second consideration, be referred to committee as recommended:

Am. Sub. H. B. No. 76-Representatives Trakas, McGregor, Walcher, Collier, Allen, Combs, D. Evans, Flowers, Gilb, Hagan, Healy, Hughes, Koziura, T. Patton, Reidelbach, Schaffer, Seaver, Setzer, G. Smith, Widowfield, Wolpert, Yuko.

To amend section 733.48 of the Revised Code to permit the electors of a statutory village to vote on a question to authorize the mayor to appoint the village solicitor with the advice and consent of the village's legislative authority.

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

S. B. No. 150-Senator Dann.

To amend section 1541.31 of the Revised Code to revise the Pymatuning Lake Compact.

To the Committee on Environment and Natural Resources.

S. B. No. 151-Senators Dann, Fedor, Brady, Hagan, Miller, Fingerhut, Roberts, Prentiss, Zurz.

To amend sections 102.02, 171.01, 171.03, 171.05, 3517.13, 3517.151, 3517.992, 4121.12, 4121.121, 4121.125, 4123.44, and 4123.99 and to enact sections 109.579, 171.041, 3517.093, 4123.441, 4123.442, and 4123.444 of the Revised Code to require the Ohio Retirement Study Council to oversee investment of funds under the Workers' Compensation Law and approve

contracts entered into concerning the investment of those funds, to change the investment authority of the Administrator of Workers' Compensation, to establish restrictions concerning contracts for the investment of those funds, to require that criminal records checks be conducted on persons involved with the investment of those funds, to prohibit the Administrator from awarding a contract for the investment of those funds to an investment manager or business entity who has made specified campaign contributions, and to prohibit certain state officials from soliciting or accepting campaign contributions from those investment managers or business entities.

To the Committee on Insurance, Commerce and Labor.

YES - 4: J. KIRK SCHURING, MARK MALLORY, BILL HARRIS, JEFF JACOBSON.

NO - 0.

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 Schuring submitted the following report:

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

Howard L. Barber, Republican, from Shelby, Richland County, Ohio, as a Member of the Financial Planning and Supervision Commission for Shelby City School District for a term beginning April 25, 2005 and continuing at the pleasure of the Governor.

Raquel Colon, from Curtice, Sandusky County, Ohio, as a Student Member of the Bowling Green State University Board of Trustees for a term beginning May 18, 2005 and ending at the close of business May 17, 2007, replacing Matthew Clever, whose term expired.

Gregory N. Finnerty, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Sunset Review Committee for a new term beginning April 22, 2005 and ending at the close of business December 31, 2006.

Roger R. Geiger, Republican, from Dublin, Franklin County, Ohio, as a Member of the Sunset Review Committee for a new term beginning April 22,

2005 and ending at the close of business December 31, 2006.

Cheryl L. Grossman, Republican, from Grove City, Franklin County, Ohio, as a Member of the Sunset Review Committee for a term beginning April 22, 2005 and ending at the close of business December 31, 2006, replacing Don L. Robart, whose term expired.

Debra D. Ryan, Republican, from Wadsworth, Medina County, Ohio, as a Member of the Bowling Green State University Board of Trustees for a term beginning May 18, 2005 and ending at the close of business May 17, 2014, replacing Leon D. Bibb, whose term expired.

John R. Swan, Republican, from St. Clairsville, Belmont County, Ohio, as a Member of the Belmont Technical College Board of Trustees for a new term beginning April 29, 2005 and ending at the close of business May 13, 2008.

Ronald E. Weinberg, Republican, from Cleveland, Cuyahoga County, Ohio, as a Member of the Cleveland State University Board of Trustees for a new term beginning April 29, 2005 and ending at he close of business May 1, 2014.

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

YES - 9: BILL HARRIS, ROBERT F. SPADA, JEFF JACOBSON, RANDY GARDNER, STEPHEN C. AUSTRIA, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, MARK MALLORY.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

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	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the Senate advised and consented to said appointments.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 61-Senator Wachtmann Representatives Seitz, Latta, Aslanides, Coley, Combs, Domenick, D. Evans, Flowers, Hartnett, McGregor, Seaver, G. Smith, Walcher.

To amend sections 4169.01, 4169.03, 4169.08, and 4169.09 of the Revised Code to modify duties and liabilities of ski area operators and skiers, including duties and liabilities relating to the use of freestyle terrain and tubing parks in ski areas, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the Senate concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 147-Senators Austria, Schuring, Armbruster, Grendell.

To authorize the conveyance of state-owned real estate in Stark County to the City of Massillon, in Warren County to Cincinnati Gas and Electric Company, in Brown County to a purchaser to be determined, in Franklin County to the Columbus Board of Education, and in Clark County to a purchaser to be determined, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 7, setting forth the emergency features of the bill, stand as a part of the bill?"

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	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the section, Section 7, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-32.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Austria moved to amend the title as follows:

Add the name: "Schuler."

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, Thomas E. Brady, Republican, from Holland, Lucas County, Ohio, as a Member of the Medical College of Ohio at Toledo Board of Trustees for a term beginning May 20, 2005, and ending at the close of business May 1, 2014, replacing Nancy Moody, 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 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, Peter A. Dame, from Monroe, Butler County, Ohio, as a Member of the Financial Planning and Supervision Commission for the City of Monroe for a term beginning May 20, 2005, and continuing at the pleasure of the Governor, replacing Timothy Haller, 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 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, Jane Murphy Timkin, Republican, from Canton, Stark County, Ohio, as a Member of the Kent State University Board of Trustees for a term beginning May 23, 2005, and ending at the close of business May 16, 2014, replacing Lynne Dragomier, 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 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, Fred K. White, Republican, from Marion, Marion County, Ohio, as a Member of the Marion Technical College Board of Trustees for a new term beginning May 20, 2005 and ending at the close of business April 30, 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.

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:

H. B. No. 100 - Representatives Taylor, Carano, Collier, C. Evans, McGregor, Otterman, Reidelbach, Seitz, White, Willamowski, J. Stewart, Cassell, Domenick, Aslanides, Daniels, Flowers, Hood, Hughes, Kearns

To enact section 3734.576 of the Revised Code to authorize a solid waste management district to exempt automotive shredder residue from the district's generation fee.

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 of Representatives has signed the following bill:

Sub. H. B. No. 2 - Representative Widowfield - et al.

Attest: Laura P. Clemens,
Clerk.

The President signed said bill.

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

Attest: MATTHEW T. SCHULER,
Clerk.