

OHIO

SENATE

JOURNAL

TUESDAY, MAY 24, 2005

FIFTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 24, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Abbey Flemister, Trinity Episcopal Church, Columbus, 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:

Am. Sub. H. B. No. 3-Representatives DeWine, Trakas, White, Brown, Law, Uecker, Aslanides, Carmichael, Collier, C. Evans, D. Evans, Faber, Flowers, Gibbs, Hagan, Kearns, McGregor, Peterson, Reidelbach, Schaffer, Schlichter, Seaver, Setzer, G. Smith, Widowfield, Willamowski, Wolpert.

To amend sections 131.23, 145.38, 305.31, 306.70, 307.791, 322.021, 324.021, 503.162, 504.02, 504.03, 511.28, 511.34, 513.14, 731.28, 731.29, 745.07, 747.11, 1901.07, 1901.10, 1901.31, 1901.33, 3311.21, 3311.50, 3311.73, 3349.29, 3354.12, 3355.09, 3501.05, 3501.11, 3501.13, 3501.26, 3501.30, 3501.33, 3501.35, 3501.38, 3501.39, 3503.06, 3503.11, 3503.13, 3503.14, 3503.16, 3503.19, 3503.21, 3503.23, 3503.24, 3505.16, 3505.18, 3505.19, 3505.20, 3505.21, 3505.22, 3505.25, 3505.26, 3505.27, 3505.32, 3506.01, 3506.05, 3506.12, 3506.13, 3506.19, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3511.02, 3511.04, 3511.09, 3513.04, 3513.041, 3513.05, 3513.052, 3513.19, 3513.20, 3513.22, 3513.257, 3513.259, 3513.261, 3513.30, 3515.03, 3515.04, 3515.07, 3515.08, 3515.13, 3517.01, 3517.10, 3517.106, 3517.1011, 3519.05, 3523.05, 3599.11, 3599.111, 3599.12, 3599.21, 3599.24, 3599.38, 4301.33, 4301.331, 4301.332, 4301.333, 4301.334, 4305.14, 4504.021, 5705.191, 5705.194, 5705.196, 5705.21, 5705.218, 5705.25, 5705.251, 5705.261, 5705.71, 5739.022, 5748.02, 5748.04, 5748.08, and 6119.18, to enact sections 3501.19, 3501.24, 3501.90, 3503.15, 3503.20, 3503.28, 3503.29, 3505.181, 3505.182, 3505.183, 3506.20, 3506.21, 3509.09, 3511.13, 3515.041, and 3515.072, and to repeal section 3503.27 of the Revised Code to revise the Election Law.

To the Committee on Rules.

Am. Sub. H. B. No. 56-Representatives Raussen, Seitz, Brinkman, McGregor, D. Evans, Fessler, Aslanides, Reidelbach, Gilb, Buehrer, Hood, Daniels, Taylor, Martin, Gibbs, Faber, Raga, Blessing, Schneider, Uecker, Bupp, J. Stewart, Schaffer, Webster, Key, Law, Widowfield, Calvert, Coley, Collier, Flowers, Hughes, T. Patton, Peterson, Seaver, Setzer, Trakas, Yates.

To enact sections 4511.092 and 4511.093 of the Revised Code to allow the use of a traffic law photo-monitoring device to detect traffic law violations only if a law enforcement officer is present at the location of the device and issues tickets at the time and location of the violations, and to require the time period during which traffic control signals display yellow lights or yellow arrows to conform with the applicable provisions of the Manual of Uniform Traffic Control Devices.

To the Committee on Highways and Transportation.

Sub. H. B. No. 101-Representatives Wolpert, Wagner, Latta, McGregor, Kearns, Aslanides, C. Evans, Seaver, Perry, Carano, Domenick, Williams, Chandler, Daniels, Yuko, Ujvagi, Fende, Uecker, Blessing, Buehrer, Cassell, Collier, Combs, Distel, D. Evans, Flowers, Gilb, Hagan, Hughes, Key, Koziura, Law, Miller, T. Patton, Reidelbach, Seitz, Setzer, G. Smith, D. Stewart, Willamowski.

To create the Local Government Public Notice Task Force to study local government public notice requirements and to issue a report.

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

Sub. H. B. No. 122-Representatives Wagoner, McGregor, Martin, Wagner, T. Patton, Hoops, Uecker, Seitz, Combs, Gibbs, Flowers, Collier, D. Evans, Calvert, Reidelbach, Setzer, Strahorn, Garrison, Latta, C. Evans, Kearns, Blasdel, Law, Gilb, Webster, Ujvagi, Harwood, Daniels, Carmichael, Walcher, Hartnett, D. Stewart, Book, Allen, Barrett, Brinkman, Brown, Cassell, Chandler, Coley, DeBose, Distel, Dolan, Domenick, Faber, Hughes, Key, Miller, Sayre, Schaffer, Schneider, J. Stewart, Yuko.

To amend sections 3770.07 and 3770.071 and to enact section 3123.89 of the Revised Code to prohibit the claiming and payment of a lottery prize award with a value in excess of \$599 until the beneficial owner's name, address, and Social Security number are disclosed to the State Lottery Commission, and to make changes in the procedure for the deduction of support from lottery prize awards.

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

H. C. R. No. 9-Representatives Trakas, Ujvagi, McGregor, Kearns, DeGeeter, Martin, Miller, Carano, Willamowski, Skindell, Distel, Buehrer, Boccieri, Cassell, Collier, Combs, DeBose, Dolan, Domenick, C. Evans, D. Evans, Faber, Flowers, Hagan, Hoops, Hughes, Key, Law, Mason, Reidelbach, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, G. Smith, White, Widowfield.

To urge the President of the United States and the Congress of the United States to include in the United States Department of State's Visa Waiver Program those members of the North Atlantic Treaty Organization that are not currently participating in the Program.

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

S. B. No. 149-Senator Grendell.

To amend sections 107.08, 1901.06, 1907.13, 2101.02, 2101.021, 2301.01, 2301.02, 2301.03, 2501.02, 2503.01, 2503.02, and 2503.03, to enact sections 2501.021 and 2503.51, and to repeal sections 2501.011, 2501.012, and 2501.013 of the Revised Code to increase the terms of office for judges of the courts of common pleas, courts of appeals, and the Supreme Court, to change the qualifications for all judges, and to require the Supreme Court to establish a qualification program for candidates for judicial office.

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

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 Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 145**-Senator Armbruster, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, STEPHEN C. AUSTRIA, DAVID GOODMAN, MARC DANN, MARK MALLORY, KIMBERLY A. ZURZ, J. KIRK SCHURING.

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 Spada offered the following concurrent resolution:

S. C. R. No. 16-Senators Spada, Armbruster, Coughlin, Schuler, Dann, Fingerhut, Zurz, Grendell.

To recognize June 26, 2006, as "Viktor Schreckengost Day."

WHEREAS, The members of the 126th General Assembly of the State of Ohio are pleased to recognize June 26, 2006, Viktor Schreckengost's 100th birthday, as Viktor Schreckengost Day; and

WHEREAS, Viktor Schreckengost was born and raised in Sebring, Ohio. In 1929, he graduated from the Cleveland School of Art (now the Cleveland Institute of Art) and, one year later, became a faculty member there. During the early 1930's, he won several awards for excellence in ceramics at the Cleveland Museum of Art and created some of his most enduring work in ceramics. His 1930's Jazz Bowl series, commissioned for the White House, was instrumental in reshaping American ceramic art; and

WHEREAS, By the mid-1930's, Viktor had started to pursue his interest in industrial design. He created the first modern mass-produced dinnerware called "Americana." In cooperation with engineer Ray Spiller, he designed the first cab-over-engine truck for Cleveland's White Motor Company, which has been called "the greatest development in truck transportation." Finally, he revolutionized the manufacture of children's pedal cars by applying unibody technology to create affordable pedal cars; and

WHEREAS, Viktor was also a patriot, serving with the United States Navy during World War II. His creative work produced terrain models to guide bombing missions and improvements in fitting artificial limbs for veterans. He left the Navy with a commendation from the Secretary of the Navy; and

WHEREAS, Viktor dedicated his life's work to the conviction that good design must be available to all. He incorporated fine design elements into mass-produced goods such as bicycles, dinnerware, and children's toys to give America's citizens access to well-made, functional, and aesthetically pleasing products; now therefore be it

RESOLVED, That we, the members of the 126th General Assembly of the State of Ohio, in adopting this resolution, proclaim June 26, 2006, as Viktor Schreckengost Day; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to Viktor Schreckengost and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 16**, be adopted?"

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 concurrent resolution was adopted.

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

Senator Spada moved to amend the title as follows:

Add the names: "Gardner, Fedor."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 145-Senator Armbruster.

To amend sections 2101.01, 2301.02, and 2301.03 of the Revised Code to give the judges of the Domestic Relations Division of the Lorain County Court of Common Pleas jurisdiction over probate matters, to designate the

successors to the Lorain County probate judge as judges of the Domestic Relations Division of the Lorain County Court of Common Pleas, to create and additional General Division judgeship for the Lorain County Court of Common Pleas to be filled initially at the 2006 general election, and to create an additional judgeship for the Morrow County Court of Common Pleas to be filled initially at the 2006 general election, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 145**, pass?"

Senator Coughlin moved to amend as follows:

In line 329, strike through "eleven" and insert "twelve"

In line 335, strike through "and"

In line 336, after "1993" insert "and one to be elected in 2006, term to begin January 3, 2007"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 145**, pass?"

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 passed.

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

Senator Coughlin moved to amend as follows:

In line 8 of the title, delete "and" and insert "an"

In line 11 of the title, delete "and"

In line 14 of the title, after "election" insert ", and to create an additional judgeship for the Summit County Court of Common Pleas to be filled initially at the 2006 general election"

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

The motion was agreed to.

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

Senator Armbruster moved to amend the title as follows:

Add the names: "Coughlin, Grendell, Harris, Spada, Zurz."

The motion was agreed to and the title so amended.

MOTIONS

Senator Hottinger moved that Senators absent the week of Sunday, May 22, 2005, 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. 77-Senator Spada.

Honoring the Dominican Sisters of St. Mary of the Springs on their One Hundred Seventy-fifth Anniversary.

S. R. No. 78-Senator Schuler.

Honoring the Cincinnati Royals girls U-11 basketball team as the 2005 GBA State Champion.

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:

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.

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 concurred in the Senate amendments to:

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

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 bills:

Sub. H. B. No. 4 - Representative Dolan - et al.

S. B. No. 41 - Senator Clancy- et al.

Am. S. B. No. 81 - Senator Armbruster- et al.

Attest: Laura P. Clemens,
Clerk.

The President signed said bills.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4121.70 (2) of the Ohio Revised Code, the President of the Senate appoints Senator Hottinger (as Chair of the Senate Insurance, Commerce, and Labor Committee) to serve as an ex-officio member on the Labor-Management Government Advisory Council.

Pursuant to Section 4121.70 (4) of the Ohio Revised Code, the President of the Senate reappoints the following public member to serve on the Labor-Management Government Advisory Council:

Shawn P. Combs
(representing employers - term beginning immediately and ending October 6, 2010)
Lewis Center, Ohio

On the motion of Senator Jacobson, the Senate adjourned until Thursday, May 26, 2005 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.