

# **OHIO**

# **SENATE**

# **JOURNAL**

**WEDNESDAY, MARCH 26, 2003**

THIRTY-FIRST DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, March 26, 2003, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend 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 Carnes 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. 50**-Representatives Hughes, Latta, Flowers, J. Stewart, Gilb, McGregor, DePiero, Redfern, Allen, Seaver, Schaffer, Barrett, Young, Schmidt, Grendell, Mason, S. Smith, Brown, Jerse, Oelslager, D. Evans, Beatty, Book, Calvert, Carmichael, Cates, Chandler, Cirelli, Clancy, Daniels, DeBose, Distel, Fessler, Harwood, Hollister, Hoops, Jolivette, Kilbane, Niehaus, Olman, Otterman, S. Patton, T. Patton, Perry, Price, Reidelbach, Schlichter, Schneider, Sferra, G. Smith, D. Stewart, Strahorn, Wagner, Walcher, Webster, Widener, Wilson, Wolpert.

To amend sections 2903.06, 2903.08, 4507.16, and 4549.99 of the Revised Code to increase the penalty for failure to stop after an accident if the violation caused the death of a person, to modify the offenses of aggravated vehicular homicide and aggravated vehicular assault, and to amend the versions of sections 2903.06, 2903.08, 4549.02, and 4549.021 of the Revised Code that are scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

To the Committee on Judiciary - Criminal Justice.

**Am. H. B. No. 81**-Representatives Core, S. Patton, Flowers, Schmidt, Walcher.

To amend section 1724.10 and to enact section 1724.12 of the Revised Code to specify that a community improvement corporation designated as the agency of a political subdivision may be authorized to take certain other actions on behalf of the political subdivision and retains certain statutory powers to do all things necessary or convenient to carry out its organizational purposes and to prohibit a community improvement corporation from providing certain information or cable services in competition with private enterprise.

To the Committee on Judiciary - Civil Justice.

**H. C. R. No. 8**-Representatives S. Patton, McGregor, Hartnett, Sferra, Otterman, Perry, Seitz, Skindell, Jerse, Fessler, Cirelli, Callender, Miller, DeBose, Flowers, Barrett, Allen, Chandler, Key, Schaffer, Latta, Willamowski, Wolpert, S. Smith, Ujvagi, Calvert, Yates, Brinkman, Schlichter, Reidelbach, Setzer, Kearns, Beatty, Brown, Sykes, Redfern, Strahorn, Woodard, Koziura, Carano, Mason, Driehaus, Price, Trakas, Schneider, Clancy, Buehrer, Hughes, Cates, D. Stewart, Boccieri, Blasdel, Book, Carmichael, Daniels, DePiero, Distel, Domenick, C. Evans, D. Evans, Gibbs, Gilb, Hagan, Harwood, Hollister, Hoops, Jolivette, Kilbane, Niehaus, Oelslager, Olman, Reinhard, Schmidt, Seaver, J. Stewart, Taylor, White, Widowfield, Wilson.

To recognize the service of the Black Brigade in the defense of Cincinnati in 1862.

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

**S. B. No. 57**-Senators Jacobson, Armbruster, Randy Gardner, Goodman, Harris, Stivers.

To amend sections 2909.06, 2917.04, 2917.11, and 2917.13 and to enact sections 2917.031 and 5502.61 of the Revised Code to increase the penalty under specified circumstances for failure to disperse, criminal damaging or endangering, disorderly conduct, and misconduct at an emergency and to clarify the required proof for the offenses of riot and aggravated riot.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 58**-Senators Jacobson, Stivers, Goodman, Armbruster, Harris, Carey, Brady, Fingerhut.

To amend section 2919.22 of the Revised Code to expand the offense of endangering children to also prohibit exposing children to an illegal methamphetamine manufacturing laboratory and to amend the version of section 2919.22 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 59**-Senator Blessing.

To amend section 5739.01 of the Revised Code to exclude from the sales tax refundable payments for recreation and sports club service, and to refund sales taxes paid on any refundable initiation fees paid on or after January 1, 1993.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 60**-Senator Armbruster.

To enact sections 1713.55, 3332.25, 3345.85, and 3701.133 of the Revised Code to establish a requirement that institutions of higher education require students living in on-campus housing to be vaccinated for meningitis or obtain a waiver of the vaccination requirement.

To the Committee on Health, Human Services and Aging.

**S. B. No. 62**-Senators Dann, Brady, Miller, Hagan, Fingerhut, Herington.

To enact section 3333.30 of the Revised Code to direct the Ohio board of regents to provide state financial assistance to a community college, technical college, university branch, or state community college that offers noncredit worker retraining courses.

To the Committee on Finance and Financial Institutions.

DOUG WHITE  
TERESA FEDOR

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.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 9**-Senators Coughlin, Hottinger, Harris, Mumper, Carnes, Randy Gardner, Goodman.

To amend section 325.32 and to enact section 311.171 of the Revised Code to permit a sheriff to charge a fee to register, register a change of residence address of, or verify a residence address of an adult offender who is required to register under the Sex Offender Registration and Notification Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 9**, 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	Blessing
Brady	Carey	Coughlin	Dann
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Herington	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	White-32.

So the bill passed.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Amstutz, Carey."

The motion was agreed to and the title so amended.

**Sub. S. B. No. 35**-Senators Nein, Mumper, Spada, Blessing, Miller, Dann, Fingerhut, Prentiss.

To amend sections 4755.40 and 4755.48 and to enact section 4755.481 of the Revised Code to permit, under certain circumstances, the practice of physical therapy other than pursuant to the prescription or referral of a physician, dentist, podiatrist, or chiropractor, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 35**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 2, 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	Harris	Herington	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Nein	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann			White-30.

Senators Goodman and Hagan voted in the negative-2.

So the bill passed.

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

Senator Nein moved to amend the title as follows:

Add the name : "Robert Gardner."

The motion was agreed to and the title so amended.

### OFFERING OF RESOLUTIONS

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

**S. R. No. 208** - Senator Mumper.

Honoring Walter and Katherine Hill on their Sixtieth Wedding Anniversary.

**S. R. No. 209** - Senator Mumper.

Honoring Robert and Gwendolyn Kellerman on their Sixtieth Wedding Anniversary.

**S. R. No. 210** - Senator Jacobson.

Honoring Norman and Joann Siefert on their Golden Wedding Anniversary.

**S. R. No. 211** - Senator Jacobson.

Honoring Ron and June Condon on their Golden Wedding Anniversary.

**S. R. No. 212** - Senator Hagan.

Honoring Albert and Helen Mohr on their Sixtieth Wedding Anniversary.

**S. R. No. 213** - Senator Hagan.

Honoring Edward and Flora Kleese on their Golden Wedding Anniversary.

**S. R. No. 214** - Senator Hagan.

Honoring Emil and Eleanor Shevetz on their Golden Wedding Anniversary.

**S. R. No. 215** - Senator Hagan.

Honoring Robert and Marion Woolford on their Sixtieth Wedding Anniversary.

**S. R. No. 216** - Senators White, Prentiss, Armbruster, Austria, Blessing, Brady, Carey, Carnes, Coughlin, Dann, DiDonato, Fedor, Fingerhut, Randy Gardner, Robert Gardner, Goodman, Hagan, Herington, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Nein, Schuring, Spada, Stivers, Roberts, Wachtmann.

Honoring Peter Yarrow for outstanding service to youth.

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

So the resolutions were adopted.

On motion of Senator Randy Gardner, the Senate recessed until 3:25 p.m.

The Senate met pursuant to recess.

### **MOTIONS**

Senator Jacobson moved that Senators absent the week of Sunday, March 23, 2003, be excused, so long as a written request 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.

### **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 T. Anderson, Democrat, from Girard, Trumbull County, Ohio, as a Member of the Financial Planning and Supervision Commission For the City of Girard for a term beginning August 23, 2002 and serving at the pleasure of the Governor.

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 23rd day of August in the year of our Lord, two thousand and two.

[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, Steven M. Bleser, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the State Chiropractic Board for a new term beginning January 8, 2003 and ending at the close of business November 2, 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 16th day of January in the year of our Lord, two thousand and three.

[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, Larry Brisker, Republican, from Coalton, Jackson County, Ohio, as a Member of the Financial Planning and Supervision Commission for the Village of Coalton for a term beginning January 8, 2003 and serving at the pleasure of the Governor.

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 16th day of

January in the year of our Lord, two thousand and three.

[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, Karmen Clay, Independent, from Trotwood, Montgomery County, Ohio, as a Student Member of the Central State University Board of Trustees for a term beginning September 25, 2002, and ending at the close of business June 30, 2004, replacing Michael Whitfield, 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 17th day of March in the year of our Lord, two thousand and three.

[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, Sharon M. Evans, from Springfield, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a term beginning January 8, 2003, and ending at the close of business November 3, 2008, replacing Donna Hart, 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 16th day of January in the year of our Lord, two thousand and three.

[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, Than Johnson, Republican, from Urbana, Champaign County, Ohio, as a Member of the Clark State Community College Board of Trustees for a new term beginning January 8, 2003 and ending at the close of business November 3, 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 16th day of January in the year of our Lord, two thousand and three.

[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, Keith McNamara, from Columbus, Franklin County, Ohio, as a Member of the Liquor Control Commission for a term beginning March 17, 2003, and ending at the close of business February 8, 2009, replacing Eddie Edwards, 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 28th day of February in the year of our Lord, two thousand and three.

[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, C. William Swank, Republican, from Westerville, Franklin County, Ohio, as a Member of the Central State University Board of Trustees for a term beginning October 25, 2002 and ending at the close of business June 30, 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 25th day of October in the year of our Lord, two thousand and two.

[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 concurred in the passage of the following bill:

**Am. S. B. No. 12** - Senators Randy Gardner, Robert Gardner, Harris, Mumper, Prentiss, Amstutz, Schuring, Stivers. Representatives Hoops, Kearns, Taylor, Hartnett, Book, Niehaus, T. Patton, Setzer, J. Stewart

To amend section 3314.02 of the Revised Code to remove the prohibition on establishing a conversion community school as an Internet- or computer-based community school; to permit school districts and nonpublic schools to count any hours or partial hours after March 1, 2003, that schools are in session beyond the number of hours required by minimum standards, in order to make up "calamity days" missed due to hazardous weather conditions in excess of the sum of the number of days permitted by law and the number of days specified in their contingency plans; and to declare an emergency.

With the following amendment, in which the concurrence of the Senate is requested:

After line 161, insert:

**"Section 3.** A school district or nonpublic school shall not be considered to have failed to comply with division (B) of section 3317.01 of the Revised Code or the state minimum standards during the 2002-2003 school year because a school was closed due to hazardous weather conditions for a number of days exceeding the number permitted under sections 3313.48, 3313.481, and 3317.01 of the Revised Code, if both of the following apply:

(A) In the case of a school district, the district makes up the number of days specified in its contingency plan adopted under division (A) of section 3313.482 of the Revised Code in accordance with that plan or, in the case of a nonpublic school, the school makes up the number of days specified in any contingency plan adopted by the school's governing authority in accordance with that plan;

(B) During the period beginning on March 1, 2003, the school was open for instruction for more hours than the required number of hours on a sufficient number of days to make up all remaining days a school was closed in excess of

the number permitted by sections 3313.48, 3313.481, and 3317.01 of the Revised Code due to hazardous weather conditions.

As used in this section, the "required number of hours" for any school district is five hours per day in the case of students in grades one through six and five and one-half hours per day in the case of students in grades seven through twelve, and for any nonpublic school is five hours per day for students in grades one through twelve. A public school or school district shall be deemed to have "made up" a day under division (B) of this section for each additional five hours its students in grades one through six are in attendance after March 1, 2003, and for each additional five and one-half hours its students in grades seven through twelve are in attendance after March 1, 2003. A nonpublic school shall be deemed to have "made up" a day under division (B) of this section for each additional five hours its students in grades one through twelve are in attendance after March 1, 2003.

**Section 4.** Section 3314.02 of the Revised Code as amended by this act takes effect on the later of April 8, 2003, or the effective date of this act.

**Section 5.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity lies in the fact that immediate action is necessary to provide school districts and nonpublic schools an alternative way to make up days missed in the current school year due to hazardous weather conditions in excess of the number permitted by law. Therefore, this act shall go into immediate effect."

In line 4 of the title, after "school" insert "; to permit school districts and nonpublic schools to count any hours or partial hours after March 1, 2003, that schools are in session beyond the number of hours required by minimum standards, in order to make up "calamity days" missed due to hazardous weather conditions in excess of the sum of the number of days permitted by law and the number of days specified in their contingency plans; and to declare an emergency"

Attest:

LAURA P. CLEMENS,  
Clerk.

Senator Randy Gardner moved that Senate Rule 44 be suspended and that **S. B. No. 12** be brought up for a vote on concurrence.

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

The motion was agreed to.

The question being, "Shall the section, Section 5, 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	Blessing
Brady	Carey	Coughlin	Dann
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Herington	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	White-32.

So the section, Section 5, setting forth the emergency features of the bill, stood as a part of the bill.

The question being, "Shall the Senate concur in the House amendments to S. B. No. 12 ?"

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

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

### MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints Senator Fedor to temporarily replace Senator Mallory on the Senate Reference Committee beginning at 10:00 a.m. and ending at 11:30 a.m. on Wednesday, March 26, 2003.

Pursuant to Section 4121.70 of the Ohio Revised Code, the President of the Senate appoints Senator Nein (as Chair of the Senate Insurance, Commerce, and Labor Committee) to serve on the **Labor-Management Government Advisory Council**.

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

Shawn P. Combs (replacing Timothy M. Stapleton who resigned)

(representing employers - term beginning immediately and ending October 6, 2004)

Pursuant to Section 121.40 (A) of the Ohio Revised Code, the President of the Senate appoints Senator Robert Gardner (as Chair of the Senate Education Committee) to serve on the **Governor's Community Service Commission** .

Pursuant to Section 3773.33 (A) of the Ohio Revised Code, the President of the Senate appoints Senator Jordan to serve on the **Ohio Athletic Commission** .

Pursuant to Section 3301.80 of the Ohio Revised Code, the President of the Senate re-appoints the following public member to serve on the **Ohio School Net Commission** :

Charlie Rhyan

Western Ohio Computer Organization

Pursuant to Section 149.303 of the Ohio Revised Code, the President of the Senate appoints Senator Stivers to serve as a non-voting member on the **National Museum of Afro-American History and Culture Planning Committee** .

On the motion of Senator Randy Gardner the Senate reverted to the Fourth Order of Business.

### REPORTS OF CONFERENCE COMMITTEES

Senator Armbruster submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on **Am. Sub. H. B. No. 87**-Representative Buehrer, et al., having had the same under consideration, recommends to the respective houses as follows:

In line 32, delete "4503.40, 4503.42,".

In line 34, delete "4508.08,".

Between lines 1165 and 1166, insert:

"(6) Notwithstanding division (F) (4) of this section and any contract entered into under this section prior to the effective date of this amendment, a motor vehicle, the legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser as defined in section 4517.01 of the Revised Code, is exempt from the inspection requirements of this section and rules adopted under it for a period of five years commencing on the date when the first certificate of title to the vehicle was issued on behalf of the ultimate purchaser under Chapter 4503. of the Revised Code. A motor vehicle that is exempt from the motor vehicle inspection and maintenance program for a period of five years under this division remains exempt during that five-year period regardless of whether legal title to the motor vehicle is transferred during that period. Division (F) (6) of this section applies to motor vehicles that are

subject to a motor vehicle inspection and maintenance program conducted in accordance with a contract entered into under this section prior to the effective date of this amendment. Division (F) (4) of this section shall have no legal effect on and after the effective date of this amendment."

In line 1864, delete "division (E) of section 4503.042 or". In line 1865, delete ", as applicable,". In line 1918, after "pay" insert "one and one-half times". Delete lines 2171 through 2209. Delete lines 3207 through 3250. In lines 5993 and 5999, delete "July 1, 2003" and insert "August 15, 2004,". In line 5994, 6000, and 6008, after "be" insert "annually". In line 6006, delete "July". In line 6007, delete "1, 2003" and insert "August 15, 2004". In line 6123, after "townships" insert ", as determined annually by the department of transportation,". In line 6126, after "townships" insert ", as determined annually by the records of the bureau of motor vehicles". Delete lines 6127 through 6137 and insert: "Beginning on August 15, 2003, the tax levied by section 5735.29 of the Revised Code shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations: (i) The total statewide amount credited to townships under division (A) of section 5735.291 of the Revised Code divided by the number of townships in the state at the time of the calculation; (ii) Seventy per cent of the formula amount for that township. (c) The total difference between the amount of money credited to townships under division (A) of section 5735.291 of the Revised Code and the total amount of money required to make all the payments specified in division (A)(5)(b) of this section shall be deducted, in from the revenues resulting from the tax levied pursuant to section 5735.29 of the Revised Code prior to crediting portions of such revenues to counties, municipal corporations, and the highway operating fund." In line 6138, delete "(c)" and insert "(d)". In line 6287, after "be" insert "combined with twenty per cent of any amounts transferred from the highway operating fund to the gasoline excise tax fund through biennial appropriations acts of the general assembly pursuant to the planned phase-in of a new source of funding for the state highway patrol and shall be". In line 6288, after "(A)(5)" insert "(b)". In line 6311, delete everything after "(1)" and insert "Effective August 15, 2003, prior to the distribution from the gasoline excise tax fund to municipal corporations of the forty-two and eighty-six hundredths per cent of the specified portion as provided in division (A) of this section, the department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section. (2) Effective August 15, 2003, prior to the distribution from the gasoline excise tax fund to counties of the thirty-seven and fourteen hundredths per cent of the specified portion as provided in division (A) of this section, the department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section. (3) Effective August 15, 2003, prior to crediting an revenue resulting from the tax levied by section 5735.29 of the Revised Code to the highway operating fund, the department of taxation shall deduct thirty-three and one-third per cent of the

amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section." Delete lines 6312 through 6374. In line 6406, delete "4503.40, 4503.42". In line 6408, delete "4508.08". In line 7766, delete "2004" and insert "2005". Delete lines 7772 through 7787. In line 7807, delete "\$482,556,689 \$444,301,790" and insert "\$485,577,430 \$442,367,300". In line 7815, delete "\$1,413,863,389 \$1,366,156,890" and insert "\$1,416,884,130 \$1,364,222,400". In line 7825, delete "\$1,675,363,389 \$1,629,156,890" and insert "\$1,678,384,130 \$1,627,222,400". In line 7848 and 7849, delete "\$675,000" and insert "\$1,000,000". In line 7851, delete "15,675,000" and insert "\$16,000,000". In line 7880, delete "\$2,040,662,939 \$2,017,610,890" and insert "\$2,043,683,680 \$2,015,67,400". In line 7886, delete "\$680,000" and insert "\$1,005,000". In line 7887 delete "\$2,301,342,939 \$2,277,615,890" and insert "\$2,304,688,680 \$2,275,681,400". In line 8065, delete "\$675,000" and insert "\$1,000,000". In line 8100, delete everything after the period. Delete line 8101. In line 8012, delete everything before "The". In line 8157, after the period insert "The Department of Transportation shall hold the contract with the neutral third party entity, and the contract shall be subject to Controlling Board Approval under division (C) (8) of section 5526.01 of the Revised Code." In line 8192, after the period insert "The council shall select the neutral third party entity and shall determine the scope of the study not later than September 1, 2003." In line 8193, after "days" insert "to direct and monitor the work of the neutral third party entity, including responding to any questions raised by the neutral third party entity". In line 8197, after the period insert "The advisory council shall allow a comment period of not less than 30 days before a final report is issued." In line 8286, delete "\$212,806,193 \$221,449,111" and insert "\$208,447,118 \$217,516,933". In line 8300, delete "\$254,051,365 \$263,112,680" and insert "\$249,692,290 \$259,180,502". In line 8306, delete "\$254,283,519 \$263,349,890" and insert "\$249,924,444 \$259,417,712". In line 8465, delete "\$437,621,492 \$453,231,076" and insert "\$433,262,417 \$449,298,898". In line 8477, delete "\$595,849,407 \$609,721,356" and insert "\$591,490,332 \$605,789,178". In line 8499, after "in" insert "eleven". In line 8500, delete "monthly"; delete "in fiscal year" and insert "from August 15, 2003, through June 30,"; after "2004" insert a comma. In line 8501, after "\$94,359,250" insert "in equal monthly increments". In line 8513, after "(A) (5)" insert "(b)". Delete line 8552. In line 8553, delete "\$250,000 in each fiscal year of the biennium of" and insert "Of". In line 8554, after the second comma insert "\$250,000 in each fiscal year of the biennium". In line 8556, delete "Lorain,". In line 8557, delete "Montgomery,". In line 8614, delete "had" and insert "have". In line 8615, delete "and" and insert "or other". In line 8618, delete "timber". In line 8619, delete "salvage and"; delete "and agreement" and insert "that is authorized under division (A) of this section". In line 8625, delete "state forest fund" and insert "State Forest Fund". In line 8627, delete "The" and insert "That portion of". In line 8631, after the period insert "The remaining seventy per cent of the moneys received shall be credited to the State Forest Fund for distribution under division (D) of this section." In line 8660, after "credit" insert "and allocate". In line 8661, delete "proportion" and insert "portion of moneys from the sale"; delete "as it applies in" and insert "in accordance with". In line 8662, delete "undamaged

proportion" and insert "Chief"; delete "be". In line 8663, delete "allocated according to" and insert "credit and allocate the portion of moneys from the sale of damaged timber in accordance with". In line 9037, delete "seven" and insert "eight". In line 9048, after "Development" insert "; (6) One member appointed by the Chairperson of the Ohio Air Quality Development Authority". In line 3 of the title, delete "4503.40, 4503.42,". In line 7 of the title, delete "4508.08,".

Managers on the Part of the  
House of Representatives

/S/ CHARLES E. CALVERT  
CHARLES E. CALVERT

/S/ STEPHEN BUEHRER  
STEPHEN BUEHRER

/S/ EDWARD JERSE  
EDWARD JERSE

Managers on the Part of the  
Senate

/S/ BILL HARRIS  
BILL HARRIS

/S/ JEFFRY ARMBRUSTER  
JEFFRY ARMBRUSTER

/S/ MARK MALLORY  
MARK MALLORY

The question being, "Shall the report of the Committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Blessing	Carey
Fedor	Fingerhut	Randy Gardner	Robert Gardner
Goodman	Harris	Hottinger	Jacobson
Mallory	Miller	Prentiss	Roberts
Schuler	Schuring	Wachtmann	White-20.

Those who voted in the negative were: Senators

Austria	Brady	Coughlin	Dann
DiDonato	Hagan	Herington	Jordan
Mumper	Nein	Spada	Stivers-12.

So the report of Committee of Conference was agreed to.

#### CLERK'S NOTATION

This will acknowledge receipt of the collective bargaining agreement between the Office of the Treasurer of State and OCSEA, Local 11 AFSME on March 25, 2003 pursuant to Section 4117.10 (B) of the Ohio Revised Code.

On motion of Senator Randy Gardner the Senate adjourned until Thursday, March 27, 2003, 9:30 a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.