

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, APRIL 9, 2003**

THIRTY-SEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, April 9, 2003, 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 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. 51**-Representatives Hughes, Willamowski, Oelslager, Harwood, Book, Brown, Carmichael, C. Evans, Fessler, Flowers, Gilb, Hartnett, Latta, Martin, McGregor, T. Patton, Perry, Reidelbach, Schmidt, Schneider, Skindell, S. Smith, D. Stewart, Yates.

To amend sections 2106.01, 2106.02, 2107.19, 2109.301, 2109.32, 2113.53, 2117.06, 2117.07, 2117.11, 2117.12, and 5731.21 and to enact section 2101.163 of the Revised Code relative to the election by a surviving spouse, notice of admission of a will to probate, accounts of administrators and executors, distribution of estate assets, presentation of creditors' claims to distributees, dispute resolution procedures in probate court, time for presenting claims against an estate, and elimination of the duty to file an estate tax return in specified circumstances.

To the Committee on Judiciary - Civil Justice.

**Am. H. B. No. 82**-Representatives DePiero, Boccieri, Price, Kearns, Carano, Hughes, Harwood, Distel, Setzer, Cirelli, Wolpert, Hollister, Miller, Young, Barrett, Oelslager, Seaver, Perry, Strahorn, S. Smith, C. Evans, Willamowski, Allen, Seitz, Sferra, D. Evans, DeBose, Brown, Skindell, Beatty, Book, Chandler, Clancy, Collier, Core, Daniels, Driehaus, Flowers, Gibbs, Hagan, Hoops, Jerse, Jolivette, Key, Martin, Mason, Niehaus, S. Patton, Reidelbach, Schlichter, Schmidt, Schneider, D. Stewart, J. Stewart, Sykes, Taylor, Ujvagi, Wilson, Woodard, Yates.

To amend section 2313.16 of the Revised Code to permit a person who is 75 years of age or older to be excused from jury duty.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 67**-Senators Mumper, Wachtmann, Randy Gardner, DiDonato, Coughlin, Stivers, Austria, Goodman.

To amend section 901.99 and to enact section 901.511 of the Revised Code to prohibit damaging or destroying crops, timber, livestock, or equipment.

To the Committee on Agriculture.

**S. B. No. 68**-Senators Hagan, Prentiss, Fedor, Brady.

To amend sections 4715.30, 4730.25, 4731.22, and 4760.13, to enact new section 2951.041 and sections 2951.042, 2951.043, and 2951.044, and to repeal section 2951.041 of the Revised Code, and to repeal section 2951.041 of the Revised Code as amended by Am. Sub. H.B. 490 of the 124th General Assembly effective January 1, 2004, relative to treatment of certain drug offenders and to make an appropriation.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 69**-Senators Herington, Dann, Fedor, Fingerhut, Mallory, Miller.

To amend sections 2929.01, 2929.13, 2929.21, and 4511.99 and to enact sections 2941.1413 and 2941.1414 of the Revised Code to provide an additional prison term or term of imprisonment for certain repeat OMVI or OMVUAC offenders and to maintain the provisions of this act on and after January 1, 2004, by amending the versions of sections 2929.01, 2929.13, and 4511.19 of the Revised Code that take effect on that date.

To the Committee on Judiciary - Criminal Justice.

JAMES E. CARNES  
DOUG WHITE  
BILL HARRIS

MARK MALLORY  
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.

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Austria submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 11**-Senator Goodman, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schuring, Stivers, Dann.

YES - 9      JIM JORDAN, LOUIS W. BLESSING, DAVID  
GOODMAN, J. KIRK SCHURING, STEVE STIVERS,  
STEPHEN C. AUSTRIA, LEIGH E. HERINGTON,  
MARC DANN, TERESA FEDOR.

NO - 0.

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

The report of the committee was accepted.

Senator Austria submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 57**-Senator Jacobson, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Herington.

YES - 9      JIM JORDAN, LOUIS W. BLESSING, DAVID  
GOODMAN, J. KIRK SCHURING, STEVE STIVERS,  
STEPHEN C. AUSTRIA, LEIGH E. HERINGTON,  
MARC DANN, TERESA FEDOR.

NO - 0.

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

The report of the committee was accepted.

Senator Carnes submitted the following report:

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

Pamela Rose, Democrat, from Maumee, Lucas County, Ohio, as a member of the State Auctioneer's Commission for a new term beginning January 23, 2003 and ending at the close of business October 9, 2005.

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

YES - 10 DOUG WHITE, RANDY GARDNER, JAY  
HOTTINGER, JAMES E. CARNES, BILL HARRIS,  
SCOTT R. NEIN, C. J. PRENTISS, TERESA FEDOR,  
MARK MALLORY, GREGORY L. DIDONATO.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment 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	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	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 advised and consented to said appointments.

#### **RESOLUTIONS REPORTED BY COMMITTEE**

**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. -Senators Coughlin, Schuler, Brady, Roberts, Dann, Mumper, Stivers.

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

WHEREAS, In September 1862, when Confederate forces were threatening Cincinnati, the commander of Union forces for the defense of Cincinnati, Major General Lew Wallace, ordered all men of the city, including African Americans, to build defenses for the city; and

WHEREAS, Initially, the African-American men were treated poorly by the city government and Union troops protecting the city, but this soon changed

when William Dickson, a respected citizen of Cincinnati, was given command of the African-American men and organized them into the Black Brigade; and

WHEREAS, The members of the Black Brigade were recognized by the engineers in charge of building the defenses as the hardest working and most efficient of all the laborers who were involved in that effort. After the threat to the city had ended, the Black Brigade was disbanded, and many of the former members of the Black Brigade entered military service and served in the first Union military units for African Americans; and

WHEREAS, Although other citizens who participated in the defense of Cincinnati were recognized at the time by the General Assembly, the members of the Black Brigade received no such recognition. It is only fitting that they finally be recognized for their significant contributions to defending their city, their state, and their country; and

WHEREAS, The distinguished members of the Black Brigade included:

William M. Dickson.....	Commandant
Timothy C. Day.....	Ass't Adjutant General
J. Stacey Hill.....	Quartermaster
William Woods.....	Commissary
Jas. Lupton.....	Volunteer Aide and Acting Camp Commandant
	Volunteer Aides:
Jacob Resor, Jr.	William J. Dickson
James M. Canfield	William H. Chatfield
John W. Hartwell	Alexander Neave
David A. James	

#### FIRST REGIMENT

	Co. A - 44 Men	
Wm. W. Powell, Captain	John Bond	William Brown
Charles Briscoe	Thomas Holberson	Thomas Berkshiers
Albert Shaw	George Brown	Thomas Jenkins
S. Davis	Silas Bond	O. C. Harris
Sandy Mix	William Parker	Harry Davenon
Joseph Hunster	William Woodyer	Joseph Lucas
Thomas Williams	Levi Ward	Balak Middleton
Albert Warrick	P. Askins	Robert Butler
David Anderson	Benjamin Robinson	Abraham Mason
Henry Allis	William Henry	Daniel Davenon
Charles Williams	Isaac Newton	Robert Henderson
Hercules Brown	Minor Williams	William Grandstaff
Luke Green	C. W. Thomas	Virgil Payne
Madison Taylor	William W. Neal	Benjamin Butler
Frank Gordon	Dennis Lewis	
	Co. B - 51 Men	
James Vansant, Captain	George Frey	William Ross

Thomas Holmes  
 J. C. Crowder  
 J. H. Jackson  
 John Burris  
 James Ghee  
 Hanse Bailey  
 William Hastie  
 Samuel Coleman  
 William Boon  
 William Simonton  
 L. Erskines  
 S. C. Tilman  
 Henry Casey  
 William Steers  
 William Webb  
 Mason Spencer  
  
 Isaac N. Delaney, Captain  
 John R. Tinsley  
 Henry Porter  
 Samuel Jones  
 Milton Franklin  
 Simeon Tate  
 John Black  
 Young, Rice  
 Joseph Patterson  
 Frank Love  
 William H. Taylor  
 Daniel Decker  
 Richard Toney  
 Isaac Craft  
 John Shelby  
 John Green  
 Adam Seaton  
 Albert Moore  
 George Weaver  
 Caleb Calloway  
 Jerry Mason  
  
 H. B. Alger, Captain  
 James S. Fremont  
 Edward Benedict  
 Charles Henry  
 William Williams  
 Samuel Washington  
 George Hall  
 William Stevens

O. C. Donley  
 William Washington  
 Green Wilson  
 W. Gardner  
 Job Thompson  
 James Baylis  
 Albert Grey  
 Burke Smith  
 Benjamin Barbee  
 Luther Griggs  
 William Cooper  
 Lewis Harris  
 Washington, Shelton  
 Henry Holmes  
 William Hill  
 George Harris  
 Co. C - 63 Men  
 William H. Clark  
 Nathaniel Ferrell  
 George Lee  
 Allen Robertson  
 Sylvester Moore  
 Benjamin Smith  
 Amos Freeman  
 James Buckner  
 Nelson Mosee  
 Harvey Wilson  
 Samuel Grant  
 Charles, Ferguson  
 Robert Burbage  
 James Clarkson  
 John Morgan  
 John Price  
 Jerry Hall  
 James Abrams  
 Thomas Hill  
 Samuel Harris  
 Isaac Turner  
 Co. D - 44 Men  
 J. H. Johnson  
 Benjamin Calamese  
 Henry Baxter  
 Benjamin Lee  
 M. Brown  
 William Spotswood  
 Frank Werk  
 J. M. Conrad

Monroe Harris  
 Richard Rose  
 James Conrad  
 John Freeman  
 Thomas Johnston  
 J. Lewis  
 J. Brown  
 Robert Story  
 George Roots  
 Thomas Riley  
 Green Hill  
 William Lancaster  
 Jasper Beadle  
 W. N. Irons  
 Jesse Reynolds  
 Henry Benson  
  
 Simon Wright  
 John Palmer  
 John H. Wilson  
 J. Turner  
 Joseph Henry  
 Tabbs Gross  
 R. C. Ball  
 Henry W. Smith  
 Richard Griffin  
 Arthur Brown  
 Isaac Jenkins  
 Jerry Ross  
 Littleton Jones  
 Jacob Brown  
 John T. Johnston  
 William Wilson  
 Thomas Hickey  
 Charles Barkley  
 Charles Ross  
 David H. Baird  
 Charles Watkins  
  
 E. Hinsley  
 John Williamson  
 Aaron Rankin  
 Charles Wyatt  
 Constant Perkins  
 James W. Williams  
 H. D. Conrad  
 John Williams

Andy Edmundson	Jerry Dean	W. F. Scott
Sanders M. Pinn	William Lewis	G. O. Williams
George Snowden	Peter Cluff	John Ross
Nelson Hudson	G. W. Armstrong	John Wilson
James Spotswood	A. Baker	Isaac Smith
Walker Calloway	Isaiah Smith	Willis Bryant
John Edmundson	W. B. Hudson	
	Co. E - 34 Men	
William Scott,	Charles H. Taylor	William Stanton
Captain		
Albert White	George Burgess	Charles Smith
Alexander Hubbard	James Marshall	J. James
John Easton	Lewis Marshall	James Hartgrove
Converse Roots	John Buxton	Moses Carr
Alex. McAllister	Austin Smith	Jesse Wilson
Caleb Bell	Martin Wadsworth	John Reeder
Nicholas Perkins	W. Lockwood	James Burton
William Buckner	John Liggins	Edward Casey
Lloyd B. Taylor	John Turner	Charles Taylor
Alonzo Anderson	Albert Bragg	W. J. Brown
John Black		
	Co. F - 42 Men	
J. H. Dixon, Captain	Edward Butler	Thomas Bowman
Samuel Lewis, Sr.	Henry Campbell	Robert B. Troy
Thomas Price	Thomas Wesley	Jerry Butler
Edward Booker	William Parram	Joshua Liverpool
Moses Gale	James Simpson	Berkley Jones
Samuel Rhodes	Robert H. Smith	Milton Bentley
Thomas M. Coy	John W. Saunders	James Scott
Charles Farrow	John E. Bell	William Steele
Peter B. Bartlett	Isham J. Brown	Reuben Shipley
Philip B. Ferguson	Charles Lloyd	Allen Cruse
London Lucas	Jamuel Lewis, Jr.	George W. Bail
Archer Lewis	Edward Harris	George Bradshaw
James Johnston	Jesse Woodson	James Townsend
Peter Wilson	Henry Griffin	Henry Sullivou
	Co. I - 39 Men	
Charles Hall, Captain	John Newsome	Branch Goode
John Wilkinson	James Morgan	Isaac Blakesley
William Lindsay	Nelson Briggs	Benjamin Scott
Harvey Brown	Noah Brown	Jackson Murray
H. H. Pettigrew	Henry Simpson	Martin Tilman
Joseph Holmes	John Valentine	Matthew Busby
Thomas Jones	William P. West	Thomas Tilman
James Price	Samuel Wells	Henry Tivis
John Kelley	George Bell	Benjamin Mason
Dangerfield Early	Liston L. Crewett	Robert Johnson



Wingfield Early  
Alexander Jackson  
Joseph Early

John Lott  
Amos Bowman  
Greene Buster  
SECOND REGIMENT  
Co. B - 37 Men

William Lawson  
John Simms  
James Monroe

James Mason, Captain  
B. Lee  
P. H. Kinney  
C. S. Shorter  
R. F. Cousins  
P. Johnson  
J. Kinney  
D. A. Norris  
L. Ellis  
W. Ellis  
John Brown  
W. H. Hill  
James Rolls

A. Bently  
J. Tompkins  
R. Boner  
F. Livins  
A. Graham  
W. H. Harrison  
W. Bailey  
R. Goines  
George Wilson  
Frank Holmes  
George Merchant  
A. Logan

W. Jones  
George Hayes  
J. Jonas  
S. Pool  
W. Williams  
F. Limus  
D. R. Kinney  
George Leonard  
M. Smith  
M. Tate  
E. Cousins  
George Allen

M. Bowdree, Captain  
D. Curtis  
Henry Hawkins  
Daniel Mundowney  
Thomas Mercer  
John Farrow  
Charles Johnson  
David Liggins  
Daniel Harris  
John Taylor  
A. Hiller  
Robert Lewis  
John Webb  
J. C. McDougal  
James Harris

Co. C - 45 Men  
William Cooper  
John Johnston  
James Martin  
Alexander Scruggs  
John Hill  
George Harris  
George Tenbrock  
John Crow  
H. Campbell  
Robert Kite  
John Green  
R. Stewart  
Anthony Cherry  
John Arnold  
Samuel Moss  
Co. D - 40 Men

S. Hollandworth  
Charles Fields  
Marcus Rankill  
S. Richardson  
Adam Riley  
John Hubbard  
James Cox  
Elijah Kite  
Sanuel W. Nickens  
R. Turpin  
Alfred Stevens  
Charles Harris  
William Rankill  
James King, Jr.  
Robert G. Jones

Charles Austin, Captain  
William Thomas  
Fredrick Somers  
Elder Willis  
Enos Parker  
Riley M. Truss  
John Ducker  
David Nickens  
Daniel Keith  
Abraham Jones  
James Morton  
James McAllister

Wilson Casey  
Tilford Sneed  
Benjamin Davis  
Charles Armstead  
Richard Sims  
Emmanuel Patterson  
John Keith  
Charles Shelton  
Henry Henderson  
Richard Armstead  
Robert Crow  
James Bartlett

Frank Hays  
Augustus Gaines  
George Kinney  
G. F. Butler  
Nicholas Saulsbury  
Nathaniel Lytle  
James Ferguson  
David Long  
Wesley Turner  
Benjamin Franklin  
John Alexander  
James Battise

John Liggins	Charles Williams	Wesley Jones
Benjamin Cheek		
	Co. E - 41 Men	
John McAllister, Captain	William Wilson	Morton Brown
John Haskins	A. W. Hays	David Scott
Albert Lindsey	D. F. Carter	Johnson Howard
William Stewart	Cyrus Brown	Vernon Woods
James Carr	Frank Noton, or Knowlton	
Richard Blackburn	Joshua Eddy	Isaac Jones
John Lucas	P. Powell	C. F. Buckner
Nathaniel Goines	Emmanuel Davis	Robert Lewis
James Morris	Elim Miller	William Buckner
Warner Durett	William Jones	George Collins
M. W. Jackson	Charles Tirley	Eli Covington
N. W. Hagerman	B. D. Payne	John Hill
Hamilton Baker	Jacob Fredrick	Joseph Hagerman
Joseph Johns	William Griggs	John R. Henry
	Co. F - 29 Men	
Peter F. Fossett, Captain	John Harris	John Webb
W. B. Scott	Thomas Dixon	Marshall Jordan
John Lewis	Jessee Oliver	J. Williams
William Lewis	G. W. Kinney	Charles Johnston
W. H. Baltimore	A. J. Mosby	John Mann
Daniel Thomas	William H. Mills	Benjamin Dabney
Asa Butcher	Stephen Irwin	Allen Foster
Nathan Williams	Charles Points	Harry Hodrick
Lloyd Johnston	P. Templeton	Wallace Shelton
Chapman Vinee	Randolph Jones	
	THIRD REGIMENT	
	Co. No. 1 - 37 Men	
Simon Shepherd, Captain	James Copely	William Smith
Marshal P.H. Jones	C. W. Williams	John Collier
William Flewellan	L. W. Crewitt	William Carr
Robert Blackstone	W. I. Toney	Sanford Lewis
Alfred Keith	G. Strange	Martin Scott
Charles Harrison	Alfred Harrison	Henry Johnston
Henry Kizer	Isaac Smith	Lloyd Lewis, Jr.
Francis Jones	Solomon Anderson	Lloyd Lewis, Sr.
James Kirk	Shadrach Kirke	William Porter
James Ellis	George Trimble	James King
Thomas Stewart	Francis Bond	Isaac Lancaster
Powhatan Beatty	S. Napier	Isaiah Mitchell
Moses Johnston		
	Co. No. 2 - 44 Men	
George Mack, Captain	Newton Garrison	James Towles
Charles Carter	D. Harris	Benjamin Stewart
C. C. Hubbard	David Pleasants	Harry Green

William Sanders  
 Ranly Miles  
 S. P. Dorsey  
 William Page  
 David Ellis  
 Samuel Taylor  
 Lewis Scott  
 Samuel Scott  
 Henry Cooper  
 Albert Jenkins  
 Alex Sanders  
 Richard Corbin

W. H. Looker, Captain  
 L. Bruce  
 H. Bryant  
 G. Ware  
 W. Wilson  
 M. Rust  
 S. Holloway  
 L. Holloway  
 O. Madden  
 P. Alexander  
 J. Mundowney  
 H. Boyer  
 J. Gates  
 S. Riddle

T. Perry, Captain  
 William Hudson  
 Charles H. Payne  
 Charles Mazee  
 Daniel Early  
 Charles St. John  
 Philip Willis  
 John Campbell  
 Clark Powell  
 Lewis Hughes

M. Jackson, Captain  
 T. J. Goode  
 W. Wilson  
 W. Fisher  
 S. Burgess  
 F. Marshall  
 B. Simmons  
 N. Dolsby

Robert Gaines  
 Henry Casey  
 Miller Merchant  
 David P. Jones  
 Marshal Ditcher  
 Norvall Jackson  
 Samuel Hines  
 James James  
 Martin Morris  
 Robert Smith  
 Henry Allen  
 Amos Brown

## Co. No. 3 - 42 Men

A. J. Holloway  
 W. Holloway  
 W. Satchell  
 B. Hogan  
 B. Hamilton  
 M. Johnson  
 C. Corral  
 J. Dermegall  
 J. Bates  
 W. H. Anderson  
 W. H. Steinway  
 Lewis Scott, Jr.  
 Andrew Tait  
 Peter Custello

## Co. No. 4 - 30 Men

Aston Wilson  
 John Hill  
 Willis Bryant  
 John Findley  
 Lewis Johnson  
 Henry Johnson  
 James H. Wilson  
 H. Brown  
 William Hudson, Jr.  
 M. Reynolds

## Co. No. 5 - 44 Men

G. Ralton  
 M. J. Epps  
 J. Gibbs  
 W. Smith  
 F. Buckner  
 G. Henry  
 W. H. Mann  
 B. Wilkinson

Samuel Smith  
 Albert Chapman  
 J. Mernro  
 W. Early  
 George S. Allen  
 Andy Wilkinson  
 Walter Scott  
 Thomas Casey  
 John Cousins  
 George Burgess  
 Edward March

W. Satchell, Sr.  
 G. F. Butler  
 Isaac Mitchell  
 J. Turner  
 E. Bates  
 H. B. Renson  
 Amos Brown  
 Augustus Gaines  
 Martin Tilman  
 Thomas Tilman  
 Henry Tivis  
 Arthur Brown  
 George Whitcomb  
 Richard Tostson

J. Battise  
 William Spriggs  
 Samuel Ray  
 Jackson M. Moore  
 Lewis Stratton  
 E. Miller  
 W. H. Washington  
 W. H. Bush  
 Sylvester Bird  
 William Lawson

William Fisher  
 H. Patterson  
 W. Smith  
 E. Solomon  
 B. Turner  
 C. Jones  
 L. Griggs  
 George Harvey

L. Cooper	S. Blakey	L. G. Hilton
W. Peyton	W. Sanders	Henry Casey
C. Jones	H. Smith	Robert Butler
R. Goines	L. Alexander	G. Leonard
A. Posey	L. Givens	Charles Raglan
M. Raglin	J. W. Wilson	William Davis
E. Ferguson	A. Triplett;	

now therefore be it

RESOLVED, That the members of the 125th General Assembly of the State of Ohio, in adopting this resolution, commend the members of the Black Brigade for their activities in building defenses for Cincinnati in 1862 during the threat of invasion from Confederate forces; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the Governor, the Adjutant General, and the news media of Ohio.

The question being, "Shall the resolution, **H. C. R. No. 8**, be adopted?"

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	Carnes	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-33.

So the concurrent resolution was adopted.

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

Senator Miller moved to amend the title as follows:

Add the names : "Miller, Austria, Blessing, Carey, Fedor, Fingerhut, Randy Gardner, Robert Gardner, Goodman, Hagan, Harris, Herington, Hottinger, Jacobson, Jordan, Nein, Prentiss, Schuring, Wachtmann, White, Armbruster, Carnes, Spada."

The motion was agreed to and the title so amended.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 11**-Senators Goodman, Blessing, Hottinger, Harris, Jacobson, Randy Gardner, Coughlin, Carey, Prentiss, Spada, Herington, Schuring, Stivers, Dann.

To amend sections 109.573, 2953.21, and 2953.23 and to enact sections

2953.71 to 2953.83 of the Revised Code to establish a mechanism and procedures for the DNA testing of certain inmates serving a prison term for a felony or under a sentence of death, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 11**, 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	Carnes	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-33.

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the names : "Brady, Carnes, Miller, Nein, Roberts, Schuler, Austria."

The motion was agreed to and the title so amended.

**Sub. S. B. No. 47**-Senators Stivers, Coughlin, Schuler, Mumper, Dann.

To enact section 323.122 of the Revised Code to extend the time within which members of the National Guard and reserve components of the Armed Forces of the United States who have been called to active duty must pay real property and manufactured home taxes, and to declare an emergency, was considered the third time.

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

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	Carnes	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-33.

So the section, Section , 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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	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-33.

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

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

Senator Stivers moved to amend the title as follows:

Add the names : "Carey, Jacobson, Goodman, Carnes, Schuring, Jordan, Herington, Wachtmann, Fedor, Fingerhut, Harris, Nein, Armbruster, Amstutz, Spada, Miller, White, Randy Gardner, Austria, Robert Gardner."

The motion was agreed to and the title so amended.

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

To amend sections 2917.04 and 2917.13 and to enact section 2917.031 of the Revised Code to increase the penalty under specified circumstances for failure to disperse and misconduct at an emergency and to clarify the required proof for the offenses of riot and aggravated riot, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 57**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Harris
Herington	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann		White-31.

Senators Hagan and Prentiss voted in the negative-2.

So the bill passed.

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

Senator Jacobson moved to amend the title as follows:

Add the names : "Amstutz, Austria, Blessing, Carnes, Dann, Robert Gardner, Hottinger, Mumper."

The motion was agreed to and the title so amended.

**Sub. H. B. No. 24**-Representatives Wolpert, McGregor, Flowers, Reidelbach, Seitz, Husted, Widowfield, Fessler, Olman, Daniels, Walcher, Ujvagi, Collier, Cirelli, Wagner, C. Evans, Schlichter, Sferra, Price, Cates, Hughes, Kearns, Schneider, D. Stewart, J. Stewart. -Senators Stivers, Mumper, Robert Gardner.

To amend sections 703.21 and 1905.01 and to enact section 703.201 of the Revised Code to permit the dissolution of a village under certain conditions, to limit mayors courts to municipal corporations with a population of over 100 persons, and to amend the version of section 1905.01 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, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 24**, pass?"

Senator Dann moved to amend as follows:

In line 68, after the underlined period insert " If the court determines that all these criteria have been met, the court shall determine whether the village continues to serve a legitimate public purpose.

If the court determines the village serves a legitimate public purpose, it shall weigh the totality of the circumstances presented in evidence to determine whether to order the dissolution of the village. "; delete " so ".

In line 69, after " finds " insert " that the village serves no legitimate public purpose ".

In line 70, after "powers" insert " and disposition of assets ".

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 10, nays 23, as follows:

Those who voted in the affirmative were: Senators

Dann	DiDonato	Fedor	Fingerhut
Hagan	Herington	Mallory	Miller
Prentiss			Roberts-10.

Those who voted in the negative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Randy Gardner	Robert Gardner	Goodman	Harris
Hottinger	Jacobson	Jordan	Mumper
Nein	Schuler	Schuring	Spada
Stivers	Wachtmann		White-23.

The motion was not agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 24**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
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.

Senator Dann voted in the negative-1.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names : "Goodman, Jacobson, Harris, Miller, Austria, Randy Gardner, Amstutz."

The motion was agreed to and the title so amended.

### MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, April 6, 2003, 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 bill was introduced and considered the first time:

**S. B. No. 70**-Senators Fedor, Brady, Dann, Miller, Roberts, Herington, Hagan, Prentiss, DiDonato, Fingerhut.

To require the Legislative Service Commission to conduct a study of state agencies to determine the amount of federal assistance available for which



agencies have not applied and to submit a report of the findings to various members of the General Assembly, and to declare an emergency.

#### MESSAGE FROM THE PRESIDENT

Pursuant to Section 3109.15 of the Ohio Revised Code, the President of the Senate appoints **Senator Schuring** to serve as **Chair** of the **Ohio Children's Trust Fund Board**.

Pursuant to Section 4112.12(A) of the Ohio Revised Code, the President of the Senate appoints **Senator Stivers** to replace **Senator Goodman** on the **Commission on African American Males**.

Pursuant to Section 92.10 of House Bill 117 of the 121st General Assembly, the President of the Senate appoints the following members to serve on the **Central State University Financial Review Committee**:

Senator Harris

Senator Roberts

Pursuant to Section 5149.22 of Sub. HB 269 of the 124th General Assembly, the President of the Senate appoints Senator Jordan to serve on the **Ohio Council of the Interstate Compact for Adult Offender Supervision**.

On the motion of Senator Randy Gardner the Senate adjourned until Thursday, April 10, 2003 at 9:30 a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.