OHIO

SENATE

JOURNAL

TUESDAY, JUNE 3, 2003

FIFTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, June 3, 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 and concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 105-Representatives Collier, D. Evans, Hollister, McGregor, Raga, Schaffer, Redfern, Widener, Jerse, Webster, Allen, G. Smith.

To amend sections 4745.01, 4761.02, and 4761.03 and to enact sections 4752.01 to 4752.09 and 4752.99 of the Revised Code to require licensure of home medical equipment services providers by the Ohio Respiratory Care Board.

To the Committee on Health, Human Services and Aging.

Am. Sub. H. B. No. 139-Representatives G. Smith, Gibbs, Barrett, Setzer, Sferra, Driehaus, Koziura, Faber, Cates, Clancy, Daniels, D. Evans, Fessler, Flowers, Gilb, Hughes, Martin, Niehaus, Olman, Raussen, Reidelbach, Schmidt, Schneider, Seitz, J. Stewart, Wolpert.

To amend sections 4509.01, 4509.101, 4509.20, 4509.41, 4509.45, 4509.51, 4509.53, 4509.59, 4509.65, 4509.67, and 4509.80, to enact section 2323.57, and to repeal sections 4509.62 and 4509.63 of the Revised Code to specify that, under the Financial Responsibility Law, motor-vehicle liability policies remain subject to their terms and conditions, to amend minimum coverage requirements for the Financial Responsibility Law, and to limit damage awards to uninsured motorists and to amend the versions of sections 4509.101, 4509.45, and 4509.80 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 Insurance, Commerce and Labor.

H. C. R. No. 14-Representatives Setzer, Brown, Perry, Webster, Calvert, Grendell, White, Domenick, Carano, T. Patton, Latta, DeWine, Kearns, Fessler, Husted, Otterman, Widener, Beatty, Faber, Allen, Harwood, Schmidt, Walcher, Buehrer, Cates, Clancy, Core, D. Evans, Flowers, Gibbs, Hoops, Hughes, Jolivette, McGregor, Olman, Peterson, Raga, Raussen, Reidelbach, Schneider, Seitz, G. Smith, Willamowski, Wolpert.

To proclaim May 24 of each year "Aviation Maintenance Technician Appreciation Day."

To the Committee on Highways and Transportation.

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

BILLS FOR THIRD CONSIDERATION

Am. H. B. No. 72-Representatives Oelslager, C. Evans, Hartnett, Hollister, Miller, Olman, Seitz, Ujvagi, Latta, Book, Harwood, Core, Willamowski, Schlichter, Beatty, Allen, Aslanides, Barrett, Brown, Buehrer, Calvert, Carmichael, Cirelli, Collier, Daniels, DeBose, DePiero, Domenick, Driehaus, Flowers, Gibbs, Hagan, Hoops, Hughes, Jolivette, Kearns, Key, Kilbane, Koziura, Niehaus, S. Patton, T. Patton, Perry, Price, Redfern, Schmidt, Schneider, Setzer, Sferra, Skindell, J. Stewart, Taylor, Walcher, Widener, Widowfield, Woodard, Yates.

To amend sections 1337.11 and 1337.14 and to enact sections 2135.01 to 2135.14 of the Revised Code to permit the execution of a Declaration for Mental Health Treatment, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 72**, 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	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Miller	Nein

Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	White-32.

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 : "Austria, Carnes, Robert Gardner, Roberts, Schuler, Harris."

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 97-Senators Mallory, Brady, Carey, Dann, DiDonato, Fedor, Fingerhut, Goodman, Herington, Prentiss, Schuler, Stivers.

To amend sections 153.59, 153.591, 3911.16, and 3911.17 of the Revised Code to remove the terms "colored persons" and "Negroes" from the Revised Code and to broaden the application of the existing prohibition against discrimination in the sale and cost of life insurance to include all races.

S. B. No. 98-Senators Austria, Stivers, Jacobson.

To amend section 1343.03 of the Revised Code to prohibit an award of prejudgment interest on future damages and to provide that the rate of interest a creditor is entitled to is the federal short-term rate.

S. B. No. 99-Senator Blessing.

To amend sections 1711.09, 1711.11, 3770.02, 3770.03, 3770.05, 3770.06, 3770.07, 3770.08, and 4301.03 and to enact sections 3333.30 and 3770.21 to 3770.30 of the Revised Code to require the State Lottery Commission to establish licensing procedures for electronic lottery sales agents that are horse-racing permit holders and to conduct lotteries that provide immediate prize determinations for individual participants through the use of electronic gaming devices at the permit holders' tracks; to require the Department of Education to implement a scholarship program to provide tuition scholarships to certain high school graduates who enroll in state-assisted or private colleges or universities in Ohio; and to require a portion of the proceeds from the electronic lotteries to be used to support the scholarship program.

OFFERING OF RESOLUTIONS

Senators Blessing, Fingerhut offered the following joint resolution :

S. J. R. No. 8-Senators Blessing, Fingerhut.

Proposing to amend Section 6 of Article XV of the Constitution of the State of Ohio to require an agency of the state conducting lotteries to conduct lottery games, with immediate prize determinations for individual participants, by electronic devices, in those counties where licensed horseracing tracks operated during calendar year 2002, but in no more locations than the number of licensed horseracing tracks that operated in each such county during that year, and to require that the entire net proceeds of those lottery games be used to fund school building construction and scholarships for Ohio students at Ohio institutions of higher education.

The question being, "Shall the joint resolution, **S. J. R. No. 8**, be adopted?"

On motion of Senator Hottinger, **S. J. R. No. 8**, was referred to the Committee on Reference.

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

S. R. No. 388 -Senator Mumper.

Honoring the Adriel girls basketball team as Special Olympics State Champions.

S. R. No. 389 -Senator Herington.

Honoring Paul and Alma Dohse on their Sixtieth Wedding Anniversary.

S. R. No. 390 -Senator Herington.

Honoring Richard and Madelyn Grill on their Fifty-fifth Wedding Anniversary.

S. R. No. 391 -Senator Herington.

Honoring Jack and Marilyn Zeman on their Golden Wedding Anniversary.

S. R. No. 392 -Senator Nein.

Honoring Donald and Mary Long on their Golden Wedding Anniversary.

S.R. No. 393 -Senator Randy Gardner.

Honoring the City of Sylvania on its One Hundred Seventieth Anniversary.

S. R. No. 394 -Senator Hagan.

Honoring Immaculate Heart of Mary Parish on its Fiftieth Anniversary.

S. R. No. 395 -Senator Mumper.

Honoring Tony and Viola Munoz on their Golden Wedding Anniversary.

S. R. No. 396 -Senator Mumper.

Honoring Howard and Beatrice Ann Vallimont on their Golden Wedding Anniversary.

S. R. No. 397 -Senator Mumper.

Honoring Walter and Betty Seckel on their Golden Wedding Anniversary.

S. R. No. 398 -Senator Mumper.

Honoring Bryce and Fern Weiker on their Sixtieth Wedding Anniversary.

S. R. No. 399 -Senator Mumper.

Honoring Jerry and Rosalyn Freeh on their Golden Wedding Anniversary.

S. R. No. 400 -Senator Mumper.

Honoring George and Kaye Cervantes on their Golden Wedding Anniversary.

S. R. No. 401 -Senators White, Carey.

Honoring the Blanchester High School FFA Chapter as the Number One ranked FFA chapter in Ohio.

S. R. No. 402 -Senator Austria.

Honoring the City of Springfield as a 2003 All-America City finalist.

S. R. No. 403 -Senator Nein.

Honoring John and Dorene Dickerson on their Golden Wedding Anniversary.

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

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5 of Am. Sub. HB 138 of the 123rd General Assembly the President of the Senate appoints the following members to serve on the **Commission to Prevent Traumatic Injuries** :

Senator Austria

Senator Hagan

Pursuant to Section 123.151 (C) (4) of the Ohio Revised Code, the President of the Senate recommends, to the Governor, Senator Blessing for appointment to the **Set Aside Review Board** .

On the motion of Senator Randy Gardner the Senate adjourned until Wednesday, June 4, 2003, 1:30 p.m.

Attest: MATTHEW T. SCHULER,
Clerk.