

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, JUNE 4, 2003**

FIFTY-NINTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, June 4, 2003, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ron Baker, West Union Church of Christ, West Union, 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:

**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.

To the Committee on Judiciary - Civil Justice.

**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.

To the Committee on Insurance, Commerce and Labor.

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 Harris submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **Am. Sub. H. B. No. 95**-Representative Calvert, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Carnes, Jacobson, Blessing, Goodman.

YES - 12: JAMES E. CARNES, DAVID GOODMAN, JEFF JACOBSON, MARK MALLORY, C. J. PRENTISS, ERIC D. FINGERHUT, RON AMSTUTZ, RAY MILLER, BILL HARRIS, LOUIS W. BLESSING, JOHN A. CAREY , RANDY GARDNER.

NO - 1: JAY HOTTINGER.

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

The report of the committee was accepted.

Senator Spada submitted the following report:

The standing committee on Energy, Natural Resources and Environment, to which was referred **Am. H. B. No. 25**-Representative Gibbs, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Spada.

YES - 6: JAY HOTTINGER, TOM ROBERTS, ROBERT F. SPADA, KEVIN J. COUGHLIN, ROBERT A. GARDNER, ROBERT L. SCHULER.

NO - 0.

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

The report of the committee was accepted.

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 25**-Representatives Gibbs, Grendell, Peterson, Seitz, Otterman, McGregor, Core, Gilb, Hollister, Niehaus, Setzer, Wagner, DeBose, Domenick, Skindell, Carmichael, Aslanides, Buehrer, Cates, Chandler, Cirelli, Clancy, Collier, Flowers, Hoops, Hughes, Kearns, Koziura, S. Patton, Reidelbach, Taylor, Wolpert. -Senator Spada.

To amend sections 307.37 and 711.131 and to repeal section 4740.14 of the

Revised Code to permit counties to include regulations in their building codes to protect existing surface and subsurface drainage, and to eliminate the Residential Construction Advisory Committee, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 25**, 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	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 Spada moved to amend the title as follows:

Add the names : "Amstutz, Armbruster, Austria, Harris, Mumper, Stivers."

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. 404** -Senator Jacobson.

Honoring the Centerville High School Science Olympiad team as the 2003 State Champion and a national qualifier.

**S. R. No. 405** -Senator Fedor.

Honoring Gene and Rose DeAngelis on their Golden Wedding Anniversary.

**S. R. No. 406** -Senator Fedor.

Honoring Filon and Evelyn Grzecki on their Golden Wedding Anniversary.

**S. R. No. 407** -Senator Fedor.

Honoring Frank and Joan Bogdanski 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 House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

**Am. H. B. No. 137** - Representatives G. Smith, Book, Hughes, Setzer, Gibbs, Olman, Wolpert, D. Evans, T. Patton, Fessler, Brown, Callender, Calvert, Carano, Daniels, C. Evans, Faber, Flowers, Hartnett, Jolivette, Kearns, McGregor, Redfern, Reidelbach, Schmidt, Schneider, Skindell, J. Stewart, Willamowski.

To amend sections 3909.09 and 3909.15, to enact new sections 3909.05 and 3927.03, and to repeal sections 3909.05 and 3927.03 of the Revised Code relative to the appointment of agents by foreign insurance companies doing business in Ohio.

**Sub. H. B. No. 142** - Representatives Hagan, Willamowski, Schmidt, Setzer, Husted, Schaffer, Seitz, Kearns, Gilb, McGregor, Hoops, Jolivette, Collier, White, Williams, Hollister, Reinhard, Miller, Otterman, Redfern, Allen, Carano, D. Evans, Barrett, Chandler, Ujvagi, S. Smith, Yates, DeBose, Reidelbach, Taylor, Schneider, Beatty, Aslanides, Boccieri, Brown, Buehrer, Callender, Carmichael, Clancy, Daniels, Domenick, C. Evans, Faber, Hartnett, Harwood, Hughes, Kilbane, Koziura, Niehaus, Oelslager, T. Patton, Price, Schlichter, Seaver, G. Smith, D. Stewart, J. Stewart, Strahorn, Trakas, Webster, Wilson, Woodard.

To enact sections 1713.55, 3332.25, 3345.85, and 3701.133 of the Revised Code regarding meningitis vaccination status of students living in on-campus housing at institutions of higher education.

Attest:

Laura P. Clemens,  
Clerk.

Said bills were considered for 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 adoption of the following concurrent resolution:

**S. C. R. No. 6** - Senators Jacobson, Austria. Representatives Allen, Wilson, Carano, Beatty, Cates.

Honoring Rajesh K. Soin on receiving the Ellis Island Medal of Honor.

Attest: Laura P. Clemens,  
Clerk.

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. 53** - Representative Seitz, et al.

Attest: Laura P. Clemens,  
Clerk.

On motion of Senator Randy Gardner, the Senate recessed until 4:00 o'clock p.m.

The Senate met pursuant to recess.

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:

**Sub. S. B. No. 47** - Senators Stivers, Coughlin, Schuler, Mumper, Dann, Carey, Jacobson, Goodman, Carnes, Schuring, Jordan, Herington, Wachtmann, Fedor, Fingerhut, Harris, Nein, Armbruster, Amstutz, Spada, Miller, White, Randy Gardner, Austria, Robert Gardner. Representatives Kilbane, Blasdel, Carano, Collier, Core, Gilb, Hartnett, Jerse, Latta, McGregor, Niehaus, Raussen, Schaffer, Skindell, Sykes, Taylor, Ujvagi, Yates, Allen, Aslanides, Barrett, Beatty, Book, Brown, Buehrer, Callender, Calvert, Carmichael, Cates, Chandler, Cirelli, Clancy, Daniels, DeBose, DePiero, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Flowers, Gibbs, Hagan, Harwood, Hoops, Hughes, Husted, Jolivette, Kearns, Key,

Koziura, Martin, Mason, Miller, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Redfern, Reidelbach, Schlichter, Schneider, Seaver, Seitz, Setzer, Sferra, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Trakas, Wagner, Walcher, White, Widener, Widowfield, Willamowski, Williams, Wilson, Wolpert, Woodard.

To amend section 5741.02 and to enact sections 323.122 and 3319.284 of the Revised Code and to amend Sections 1.09 and 35.03 of H.B. 675 of the 124th General Assembly and to amend Section 3 of Am. Sub. S.B. 143 of the 124th General Assembly 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, to provide for extension of educator licenses for active duty members, to delay the effective date of certain sales tax law changes, to exempt leased computer equipment and related software from use taxation if it is held temporarily in Ohio by a third party, to amend the version of section 5741.02 of the Revised Code that is scheduled to take effect July 1, 2003, to continue the amendment to that section by this act on and after that date, and to declare an emergency.

As a substitute bill, in which the concurrence of the Senate is requested:

Attest: Laura P. Clemens,  
Clerk.

Said amendments were laid over under the rule.

#### 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. 159** - Representatives Hagan, Oelslager, Seitz, Schaffer, J. Stewart, Callender, Latta, Young, Cirelli, Willamowski, Grendell, DePiero, Boccieri, Carmichael, Domenick, Fessler, Harwood, Hughes, McGregor, T. Patton.

To amend section 2501.011 of the Revised Code to add one additional judge for the Fifth District Court of Appeals.

Attest: Laura P. Clemens,  
Clerk.

Said bill was considered for 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:

**Sub. H. B. No. 53** - Representative Seitz, et al.

**Am. H. B. No. 43** - Representative Core, et al.

**H. C. R. No. 16** - Representative Wolpert, et al.

Attest:

Laura P. Clemens,  
Clerk.

On the motion of Senator Carnes the Senate adjourned until Thursday, June 5, 2003 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.