# OHIO

# SENATE

# JOURNAL

**WEDNESDAY, JUNE 11, 2003**

SIXTY-SECOND DAY
Senate Chamber, Columbus, Ohio
**Wednesday, June 11, 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 bill, standing in order for second consideration, be referred to committee as recommended:

**S. B. No. 100**-Senators Spada, Jacobson, Fedor.

To amend sections 2151.421, 2317.02, and 2901.13 of the Revised Code to require a member of the clergy, rabbi, priest, minister, or any person or layperson acting as a leader, official, delegate, or other designated function on behalf of any church, religious society, or faith to report the abuse or neglect of a child and to toll the statute of limitations for violations involving abuse or neglect of a child if certain individuals fail to report the abuse or neglect of the child.

To the Committee on Judiciary - Criminal Justice.

JAMES E. CARNES
DOUG WHITE
MARK MALLORY
GREGORY L. DIDONATO

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

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

## REPORTS OF STANDING AND SELECT COMMITTEES

Senator Armbruster submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 33**-Senator Armbruster, having had the same under consideration, reports it back and recommends its passage.

YES - 9: MARK MALLORY, JEFFRY J. ARMBRUSTER, JOHN A. CAREY , JAMES E. CARNES, STEVE STIVERS, MARC DANN, LYNN R. WACHTMANN, J. KIRK SCHURING, ROBERT F. HAGAN.

NO - 0.

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

The report of the committee was accepted.

Senator Armbruster submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 91**-Senators Nein, Coughlin, having had the same under consideration, reports it back and recommends its passage.

YES - 9: MARK MALLORY, JEFFRY J. ARMBRUSTER, JAMES E. CARNES, JOHN A. CAREY , STEVE STIVERS, MARC DANN, LYNN R. WACHTMANN, J. KIRK SCHURING, ROBERT F. HAGAN.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **S. B. No. 80**-Senator Stivers, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: RON AMSTUTZ, STEVE STIVERS, JAY HOTTINGER, DAVID GOODMAN, LYNN R. WACHTMANN, LOUIS W. BLESSING.

NO - 3: ERIC D. FINGERHUT, MARC DANN, LEIGH E. HERINGTON.

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

The report of the committee was accepted.

Senator Schuler submitted the following report:

The standing committee on State and Local Government and Veterans Affairs, to which was referred **H. B. No. 108**-Representative Driehaus, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Roberts, Mumper, Schuler, Robert Gardner, Schuring.

YES - 8: TOM ROBERTS, DANIEL R. BRADY, ROBERT A. GARDNER, J. KIRK SCHURING, LARRY A. MUMPER, ROBERT L. SCHULER, MARC DANN, STEVE STIVERS.

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 was referred the appointment by the Governor of:

**Kenny Delaney**, Democrat, from Riverside, Montgomery County, Ohio, as a Member of the Unemployment Compensation Review Commission for a term beggining January 8, 2003, and ending at the close of business February 27, 2005.

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

YES - 9: DOUG WHITE, RANDY GARDNER, JAY HOTTINGER, JEFF JACOBSON, JAMES E. CARNES, SCOTT R. NEIN, C. J. PRENTISS, MARK MALLORY, GREGORY L. DIDONATO.

NO - 1: TERESA FEDOR.

The question being, "Shall the Senate advise and consent to the appointments 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 | 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 advised and consented to said appointments.

## HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

**Am. Sub. S. B. No. 5**-Senators Jacobson, Amstutz, Austria, Coughlin, Randy Gardner, Goodman, Harris, Hottinger, Spada, Stivers, Herington, Dann, Fedor, Blessing, Carnes, Fingerhut, Jordan, Mumper, Roberts, Schuler, Schuring, Carey, Miller, Armbruster, Nein, Robert Gardner. -Representatives Latta, Callender, Oelslager, DePiero, Faber, D. Evans, Grendell, Gilb, Willamowski, Seitz, Allen, Aslanides, Blasdel, Boccieri, Brown, Buehrer, Calvert, Carano, Carmichael, Cates, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DeWine, Distel, Domenick, C. Evans, Flowers, Gibbs, Hagan, Hartnett, Harwood, Hoops, Hughes, Husted, Jolivette, Martin, McGregor, Olman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Setzer, Sferra, G. Smith, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, Widener, Widowfield, Wolpert, Young.

To amend sections 109.42, 109.57, 325.32, 1923.01, 1923.02, 1923.051, 2152.02, 2152.19, 2152.191, 2152.82, 2152.83, 2152.84, 2152.85, 2743.191, 2743.69, 2901.07, 2907.07, 2919.24, 2929.01, 2929.13, 2929.19, 2929.21, 2935.36, 2950.01, 2950.02, 2950.03, 2950.04, 2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.09, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 2950.99, 2971.01, 3319.20, 3319.31, 5139.13, 5321.01, and 5321.03 and to enact sections 311.171, 2152.811, 2152.851, 2950.021, 2950.031, 2950.041, 2950.091, 2950.111, and 5321.051 of the Revised Code to modify the Sex Offender Registration and Notification Law by adopting most of the recommendations of the Governor's Sex Offender Registration and Notification Task Force, generally conforming the Law to federal guidelines, renaming as "child-victim oriented offenses" certain crimes against children not committed with a sexual motivation that currently subject offenders and delinquent children to the Law, exempting certain sexually oriented offenses committed by a first-time offender delinquent child against a person 18 years of age or older from the registration and related duties under the Law unless a judge removes the exemption, providing a penalty for failing to send a notice of intent to reside, clarifying that habitual sex offenders or habitual child-victim offenders in another jurisdiction are habitual sex offenders or habitual child-victim offenders under Ohio law, clarifying the Law's community notification provisions as applied to multi-unit buildings, specifying that convictions in courts of foreign nations are sexually oriented

offenses or child-victim oriented offenses under the Law, prohibiting an offender who is subject to the Law from establishing a residence within 1,000 feet of any school premises, permitting landlords to evict such an offender from residential premises located within 1,000 feet of school premises, permitting 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 Law, and making other changes in that Law; to eliminate from the offense of "importuning" a prohibition that the Supreme Court found to be unconstitutional; to expand the purposes for which payments may be made from the Reparations Fund; to amend the versions of sections 109.42, 2152.02, 2152.19, 2743.191, 2929.01, 2929.13, 2929.19, 2929.23, 2950.01, 2950.99, and 5321.01 of the Revised Code that are scheduled to take effect on January 1, 2004, to continue the provisions of this act on and after that effective date; and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 9, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Prentiss voted in the negative-1.

So the section, Section 9, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Prentiss voted in the negative-1.

So the Senate concurred in the amendments of the House of

Representatives.

## BILLS FOR THIRD CONSIDERATION

**S. B. No. 33**-Senator Armbruster.

To amend sections 4738.04, 4738.05, and 4738.18 and to enact sections 109.571, 4738.19, and 4738.20 of the Revised Code to establish a two-year renewal cycle for licenses and buyer's identification cards related to salvage motor vehicles, to require a compliance inspection of a licensed motor vehicle salvage dealer as a condition of license renewal and retention of any buyer's identification card, and to establish criminal records check requirements for certain motor vehicle salvage dealers and persons who hold a buyer's identification card, was considered the third time.

The question being, "Shall the bill, **S. B. No. 33**, 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 | 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 Armbruster moved to amend the title as follows:

Add the names : "Robert Gardner, Harris."

The motion was agreed to and the title so amended.

**S. B. No. 91**-Senators Nein, Coughlin.

To amend sections 5511.01, 5511.09, 5541.04, and 5543.04 and to enact section 9.05 of the Revised Code to prohibit naming any state-funded building, highway, road, or other public work for a person who holds any elective office or who held an elective office within five years preceding the proposed naming, was considered the third time.

The question being, "Shall the bill, **S. B. No. 91**, pass?"

The yeas and nays were taken and resulted - yeas 25, nays 7, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Blessing |
| Carey | Carnes | Dann | DiDonato |
| Fedor | Fingerhut | Robert Gardner | Goodman |
| Hagan | Harris | Herington | Hottinger |
| Jordan | Mallory | Mumper | Nein |
| Schuring | Spada | Stivers | Wachtmann |
| | | | White-25. |

Senators Brady, Randy Gardner, Jacobson, Miller, Prentiss, Roberts, and Schuler voted in the negative-7.

So the bill passed.

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

Senator Nein moved to amend the title as follows:

Add the names : "Schuring, White."

The motion was agreed to and the title so amended.

**Sub. H. B. No. 108**-Representatives Driehaus, Seitz, Redfern, Kearns, Hartnett, Skindell, Niehaus, Distel, Olman, Yates, S. Smith, Schneider, DePiero, Webster, Allen, DeBose, Harwood, Barrett, Raussen, Perry, Cirelli, Raga, Jerse, Domenick, Wilson, Hagan, Mason, Key, Book, Brown, Carano, Chandler, Collier, Daniels, Fessler, Flowers, Hollister, Hughes, Miller, Otterman, T. Patton, Price, Reidelbach, Schmidt, Seaver, Sferra, D. Stewart, J. Stewart, Strahorn, Widowfield, Woodard. -Senators Roberts, Mumper, Schuler, Robert Gardner, Schuring.

To amend section 169.03 of the Revised Code to generally require that notice of unclaimed funds be mailed to owners by holders of the funds either by regular or certified mail depending upon the value of the funds and to authorize charges for certain mailings of notices, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 108**, 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 | 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?"

The title was agreed to.

**Sub. S. B. No. 80**-Senators Stivers, Hottinger, Goodman, Wachtmann, Amstutz, Randy Gardner, Austria, Nein, Schuring, Armbruster, Coughlin, Carey, Harris, Mumper, Schuler.

To amend sections 1533.18, 1701.76, 1701.82, 1775.14, 2117.06, 2125.01, 2125.02, 2125.04, 2305.01, 2305.03, 2305.10, 2305.25, 2307.011, 2307.23, 2307.29, 2307.60, 2307.71, 2307.75, 2307.80, 2315.01, 2315.21, 2315.32, 2315.33, 2315.34, 2315.36, 2323.41, 2323.43, 2323.51, 4507.07, 4513.263, and 4705.15; to enact sections 901.52, 1519.07, 2305.131, 2307.711, 2307.91 to 2307.97, and 4705.16; and to repeal sections 2315.41, 2315.42, 2315.43, 2315.44, 2315.45, and 2315.46 of the Revised Code to make changes related to the award of certain damages, collateral benefits evidence, and contributory fault in tort actions; to establish a statute of repose for certain product liability claims and claims based on unsafe conditions of real property improvements and to make other changes related to product liability claims; to provide that the product liability statutes are intended to abrogate common law product liability causes of action; to enact a conflicts of law provision for statutes of limitation in civil actions; to modify the provisions on frivolous conduct in filing civil actions; to prohibit imputing any assurances or assumption of liability regarding public access to premises used for growing agricultural produce; to enact a legal consumer's bill of rights; to limit attorney contingency fees in connection with certain tort actions; to establish minimum medical requirements for filing certain asbestos claims; to establish limitations on successor asbestos-related liabilities relating to corporations; and to make other changes related to civil actions; and to amend the version of section 4513.263 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. S. B. No. 80**, pass?"

Senator Fingerhut moved to amend as follows:

In line 43, after "2305.131," insert "2307.04, 2307.05,"

Between lines 1082 and 1083, insert:

"2307.04 The supreme court shall maintain records regarding the amount of awards granted by a court for punitive or exemplary damages and compensatory damages in a civil action and shall divide those amounts into the following categories based on the type of civil action:

(A) Civil actions for damages based on securities fraud;

(B) Civil actions for damages involving businesses;

(C) Civil actions for damages based on motor vehicle accidents;

(D) Civil actions for damages involving the liability of an owner or lessor of a premises;

(E) Civil actions for damages based on products liability;

(F) Civil actions for damages based on negligence;

(G) Civil actions for damages based on a breach of contract or another agreement between persons;

(H) Civil actions for damages based on real property.

2307.05 A person who enters into a settlement agreement in a tort action, without breaching any confidentiality requirements contained within that settlement agreement, shall report the amount of that settlement agreement to the supreme court."

Senator Randy Gardner moved that the amendment be laid on the table.

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 19, nays 13, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Jacobson | Nein |
| Prentiss | Schuler | Schuring | Spada |
| Stivers | Wachtmann | | White-19. |

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |
| Jordan | Mallory | Miller | Mumper |
| | | | Roberts-13. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 80**, pass?"

Senator Dann moved to amend as follows:

In line 1431, reinsert "division"; delete "divisions"; delete "and (D)"

Delete lines 1514 through 1522

In line 1523, delete "(E)" and insert "(D)"

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

The yeas and nays were taken and resulted - yeas 13, nays 19, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |
| Jacobson | Mallory | Miller | Prentiss |

Roberts-13.

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Jordan | Mumper |
| Nein | Schuler | Schuring | Spada |
| Stivers | Wachtmann | | White-19. |

The amendment was not agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 80**, pass?"

Senator Dann moved to amend as follows:

In line 703, delete "amount" and insert "amounts"

In line 704, after "Code" insert "except as otherwise provided in division (H) of that section"

In line 2409, strike through "A" and insert "Except as provided in division (H) of this section, a"

In line 2463, after "(H)" insert "The court shall not impose the limitations on the amount of compensatory damages that represents damages for noneconomic loss that are provided in divisions (A)(2) and (3) of this section if the court finds that circumstances exist that would create a miscarriage of justice if the limitations are imposed. In that case, the court has jurisdiction to award and shall award the amount of compensatory damages that represents damages for noneconomic loss that is determined by the jury.

(I)"

Senator Randy Gardner moved that the amendment be laid on the table.

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 17, nays 15, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Mumper | Nein |
| Schuler | Spada | Stivers | Wachtmann |
| | | | White-17. |

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |

| | | | |
|---|---|---|---|
| Jacobson | Jordan | Mallory | Miller |
| Prentiss | Roberts | | Schuring-15. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 80**, pass?"

Senator Dann moved to amend as follows:

In line 811, after "(7)" insert "and (D)"

In line 870, after "(D)" insert "(1)(a) Except as otherwise provided in division (D)(2) of this section, a seller of a product shall not be subject to liability in a product liability action if the seller of the product proves by a preponderance of the evidence that the injury that is the subject of the product liability action was caused after the useful safe life of the product had expired.

(b) Examples of evidence that may be introduced to determine whether the useful safe life of a product has expired include all of the following:

(i) The amount of wear and tear the product has been subject to;

(ii) The effect of deterioration from natural causes and from climate and other conditions under which the product was used or stored;

(iii) The normal practices of the user of the product, similar users of the product, and the seller of the product, with respect to the circumstances, frequency, and purposes of the product's use and with respect to repairs, renewals, and replacements of the product;

(iv) Any representations, instructions, or warnings made by the seller of the product concerning proper maintenance, storage, and use of the product or the expected useful safe life of the product;

(v) Any modification or alteration of the product by a user of the product or a third party.

(2) A seller of a product shall be subject to liability in a product liability action for harm caused by a product used beyond the product's useful safe life to the extent that the seller of the product has expressly warranted the product for a longer period than the product's useful safe life.

(3) In a product liability action that involves harm caused more than ten years after the time of delivery of the product, there is a presumption that the harm was caused after the useful safe life of the product expired. This presumption may only be rebutted by clear and convincing evidence.

(4)(a) If a seller of a product makes an express warranty that the product can be utilized safely for a period longer than ten years, the period of repose, after which the presumption created in division (D)(3) of this section arises, shall be extended according to that express warranty.

(b) The ten-year period of repose established in division (D)(3) of this section does not apply if the seller of the product intentionally misrepresents facts or fraudulently conceals information about the product and that conduct was a substantial cause of the plaintiff's harm.

(c) Nothing in division (D) of this section affects the right of any person liable in a product liability action to seek and obtain indemnity from any other person who is responsible for the injury that is the basis of the product liability action.

(5) The ten-year period of repose established in division (D)(3) of this section shall not apply in a product liability action if the injury that is the basis of the action was caused by prolonged exposure to a defective product, if the injury-causing aspect of the product that existed at the time of delivery was not discoverable by a reasonably prudent person until more than ten years after the time of delivery of the product, or if the injury occurred within ten years after the time of delivery of the product, but the injury did not manifest itself until after that time.

(E)"

In line 873, delete "(E)" and insert "(F)"

Between lines 880 and 881, insert:

"(4) "Time of delivery" means the time of delivery of a product to its first purchaser or lessee who was not engaged in the business of either selling that product or using that product as component parts of another product to be sold.

(5) "Useful safe life" means the time of delivery of the product to the time during which the product would normally be likely to perform or be stored in a safe manner."

In line 881, delete "(F)" and insert "(G)"

Senator Randy Gardner moved that the amendment be laid on the table.

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 18, nays 13, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Mumper | Nein |
| Schuler | Schuring | Spada | Stivers |
| Wachtmann | | | White-18. |

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |

| | | | |
|---|---|---|---|
| Jordan | Mallory | Miller | Prentiss<br>Roberts-13. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 80**, pass?"

Senator Jordan moved to amend as follows:

In line 42, after the third comma insert "and"; delete ", and 4705.15"

Delete lines 2814 through 2893

In line 3004, after the fourth comma insert "and"; delete ", and 4705.15"

In line 6 of the title, after the fourth comma insert "and"; delete ", and"

In line 7 of the title, delete "4705.15"

In line 27 of the title, after the semicolon delete the balance of the line

Delete line 28 of the title

In line 29 of the title, delete "actions;"

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

Senator Hottinger moved that the amendment be laid on the table.

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 18, nays 14, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Jacobson | Mumper |
| Nein | Schuler | Spada | Stivers |
| Wachtmann | | | White-18. |

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |
| Jordan | Mallory | Miller | Prentiss |
| Roberts | | | Schuring-14. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 80**, pass?"

Senator Dann moved to amend as follows:

In line 2329, strike through "of which evidence is"

In line 2330, strike through everything before "shall"

In line 2331, strike through "nor shall it be" and insert ", is not"

In line 2332, after "defendant" insert ", and shall not bring an action under any subrogation provision against the plaintiff"

Senator Randy Gardner moved that the amendment be laid on the table.

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 19, nays 13, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Jordan | Mumper |
| Nein | Schuler | Schuring | Spada |
| Stivers | Wachtmann | | White-19. |

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |
| Jacobson | Mallory | Miller | Prentiss |
| | | | Roberts-13. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 80**, pass?"

Senator Herington moved to amend as follows:

In line 45, after "2307.97," insert "3961.01, 3961.02, 3961.03, 3961.04, 3961.05, 3961.06, 3961.07, 3961.08,"

Between lines 2688 and 2689, insert:

"**Sec. 3961.01.** (A) For any coverage for a policy for motor vehicle insurance and any other form of insurance subject to this chapter that is issued or renewed on or after January 1, 2004, every insurer shall reduce its charges to levels that are at least twenty per cent less than the charges for the same coverage that were in effect on January 1, 2003.

(B) Between January 1, 2004, and January 1, 2005, rates and premiums reduced pursuant to division (A) of this section may be increased only if the director of the department of insurance finds, after a hearing, that an insurer is substantially threatened with insolvency.

(C) Commencing January 1, 2005, insurance rates subject to this chapter must be approved by the director prior to their use.

(D) For a person who applies for a motor vehicle insurance policy for the first time on or after January 1, 2004, the rate shall be twenty per cent less than the rate that was in effect on January 1, 2003, for similarly situated risks.

(E) Any separate affiliate of an insurer, established on or after January 1, 2003, shall be subject to the provisions of this section and shall reduce its charges to levels that are at least twenty per cent less than the insurer's charges in effect on that date.

**Sec. 3961.02.** (A) Rates and premiums for a motor vehicle insurance policy, as described in Chapter 3937. of the Revised Code, shall be determined by application of the following factors in decreasing order of importance:

(1) The person's driving safety record;

(2) The number of miles the person drives annually;

(3) The number of years of driving experience the person has;

(4) Any other factors that the director of insurance may adopt by rule pursuant to Chapter 119. of the Revised Code that have a substantial relationship to the risk of loss. The rules shall set forth the respective weight to be given each factor in determining motor vehicle rates and premiums. Notwithstanding any other provision of the Revised Code, the use of any criterion without that approval shall constitute unfair discrimination.

(B)(1) Every person who meets the criteria of section 3961.03 of the Revised Code is qualified to purchase a good driver discount policy from the insurer of the person's choice. An insurer shall not refuse to offer and sell a good driver discount policy to any person who meets the standards described in this division.

(2) The rate charged for a good driver discount policy shall comply with division (A) of this section and shall be at least twenty per cent below the rate the insured would otherwise have been charged for the same coverage. Rates for good driver discount policies shall be approved pursuant to this chapter.

(3)(a) Division (B) of this section does not prevent an insurer that requires membership in a specified voluntary, nonprofit organization, that was in existence prior to January 1, 2004, as a condition precedent to applying for insurance issued to or through those membership groups, including franchise groups, from requiring that membership as a condition to applying for the coverage offered to members of the group, provided that it or an affiliate also offers and sells coverage to those who are not members of those membership groups.

(b) All of the following conditions shall be applicable to the insurance authorized by division (B)(3)(a) of this section:

(i) Membership, if conditioned, is conditioned only on timely payment of membership dues and other bona fide criteria not based upon driving record or insurance.

(ii) Membership dues are paid solely in consideration of the membership and membership benefits and bear a reasonable relationship to the benefits provided. The amount of the dues shall not depend on whether the member purchases insurance offered by the membership organization. None of those membership dues or any portion of the dues shall be transferred by the membership organization to the insurer, or any affiliate of the insurer, attorney-in-fact, subsidiary, or holding company of the insurer, provided that this division does not prevent any bona fide transaction between the membership organization and those entities.

(iii) Membership provides bona fide services or benefits in addition to the right to apply for insurance. Those services shall be reasonably available to all members within each class of membership.

(C) The absence of prior motor vehicle insurance coverage, in and of itself, shall not be a criterion for determining eligibility for a good driver discount policy, or generally for motor vehicle rates, premiums, or insurability.

(D) An insurer may refuse to sell a good driver discount policy insuring a motorcycle unless all named insureds have been licensed to drive a motorcycle for the previous three years.

(E) This section shall become operative on January 1, 2005. The director of insurance shall adopt rules pursuant to Chapter 119. of the Revised Code implementing this section, and insurers may submit applications pursuant to this chapter that comply with those rules prior to that date, provided that no application shall be approved prior to that date.

**Sec. 3961.03.** (A) A person is qualified to purchase a good driver discount policy if the person meets all of the following criteria:

(1) The person was licensed to drive a motor vehicle for the previous three years.

(2) During the previous three years, the person was not the driver of a motor vehicle involved in an accident that resulted in bodily injury or in the death of any person and was not principally at fault. The director of insurance shall adopt rules setting guidelines to be used by insurers for their determination of fault for the purposes of this division.

(3) During the previous seven years the person was not convicted of a violation of section 4511.19 of the Revised Code or of a substantially similar municipal ordinance.

(B) Any person who claims that the person meets the criteria of divisions (A)(1), (2), and (3) of this section based entirely or partially on a driver's license and driving experience acquired anywhere other than in the United States or Canada is rebuttably presumed to be qualified to purchase a good driver discount policy if the person has been licensed to drive in the United States or Canada for at least the previous eighteen months and meets the criteria of divisions (A)(1), (2), and (3) of this section for that period.

**Sec. 3961.04.** (A) The business of insurance shall be subject to the laws of Ohio applicable to any other business.

(B) Nothing in this section prohibits any of the following:

(1) Any agreement to collect, compile, and disseminate historical data on paid claims or reserves for reported claims, provided the data is contemporaneously transmitted to the director of insurance;

(2) Participation in any joint arrangement established by statute or the director to assure availability of insurance;

(3) Any agent or broker, representing one or more insurers, from obtaining from any insurer it represents information relative to the premium for any policy or risk to be underwritten by that insurer;

(4) Any agent or broker from disclosing to an insurer it represents any quoted rate or charge offered by another insurer represented by that agent or broker for the purpose of negotiating a lower rate, charge, or term from the insurer to whom the disclosure is made;

(5) Any agents, brokers, or insurers from utilizing or participating with multiple insurers or reinsurers for underwriting a single risk or group of risks.

(C) Notwithstanding any other provision of the Revised Code, a notice of cancellation or nonrenewal of a policy for motor vehicle insurance shall be effective only if it is based on one or more of the following reasons:

(1) Non-payment of premium;

(2) Fraud or material misrepresentation affecting the policy or insured;

(3) A substantial increase in the hazard insured against.

(D) Upon request, and for a reasonable fee to cover costs, the director of insurance shall provide consumers with a comparison of the rate in effect for each personal line of insurance for every insurer.

**Sec. 3961.05.** (A) No rate shall be approved or remain in effect that is excessive, inadequate, unfairly discriminatory, or otherwise in violation of this chapter. In considering whether a rate is excessive, inadequate, or unfairly discriminatory, no consideration shall be given to the degree of competition, and the director of insurance shall consider whether the rate mathematically reflects the insurance company's investment income.

(B) Every insurer that desires to change any rate shall file a complete rate application with the director. A complete rate application shall include all data as established by rule by the director and any other information that the director may require. The applicant shall have the burden of proving that the requested rate change is justified and meets the requirements of this chapter.

(C) The director shall notify the public of any application by an insurer for a rate change, the application shall be deemed approved sixty days after public

notice unless any of the following occur:

(1) A consumer or the consumer's representative requests a hearing within forty-five days after public notice, and the director grants the hearing, or determines not to grant the hearing, and issues written findings in support of that decision.

(2) The director, on the director's own motions determines to hold a hearing.

(3) The proposed rate adjustment exceeds seven per cent of the then applicable rate for personal lines or fifteen per cent for commercial lines, in which case the director shall hold a hearing upon a timely request.

A rate change application shall be deemed approved one hundred eighty days after the rate application is received by the director unless either of the following occurs:

(a) The application has been disapproved by a final order of the director subsequent to a hearing.

(b) Extraordinary circumstances exist.

(D) As used in this section:

(1) "Extraordinary circumstances" includes the following:

(a) Rate change application hearings commenced during the one hundred-eighty-day period. If a hearing is commenced during the one hundred-eighty-day period, the rate change application shall be deemed approved upon expiration of the one hundred-eighty-day period or sixty days after the close of the record of the hearing, whichever is later, unless disapproved prior to that date.

(b) Rate change applications that are not approved or disapproved within the one hundred-eighty-day period provided in division (D)(1)(a) of this section as a result of a judicial proceeding directly involving the application and initiated by the applicant or an intervenor. During the pendency of the judicial proceedings, the one hundred-eighty-day period is tolled, except that in no event shall the director have less than thirty days after conclusion of the judicial proceedings to approve or disapprove the application. Notwithstanding any other provision of the Revised Code, nothing precludes the director from disapproving an application without a hearing if a stay is in effect barring the director from holding a hearing within the one hundred-eighty-day period.

(c) The hearing has been continued pursuant to Chapter 119. of the Revised Code. The one hundred-eighty-day period shall be tolled during any period in which a hearing is continued pursuant to Chapter 119. of the Revised Code. A continuance pursuant to Chapter 119. of the Revised Code shall be decided on a case-by-case basis. If the hearing is commenced or continued during the one hundred-eighty-day period, the rate change application shall be deemed approved upon the expiration of the one hundred-eighty-day period or one

hundred days after the case is submitted, whichever is later, unless disapproved prior to that date.

(E) The director of insurance shall adopt rules pursuant to Chapter 119. of the Revised Code regarding the data to be submitted with the rate application.

**Sec. 3961.06.** (A) The director of insurance shall adopt rules pursuant to Chapter 119. of the Revised Code governing hearings required by division (C) of section 3961.05 of the Revised Code on or before one hundred twenty days after the effective date of this section. The rules shall, at a minimum, include timelines for scheduling and commencing hearings and procedures to prevent delays in commencing or continuing hearings without good cause.

(B) The director or a court of common pleas shall award reasonable attorney's fees and court costs to any person who demonstrates both of the following:

(1) The person represents the interests of consumers.

(2) The person has made a substantial contribution to the adoption of any order, rule, or decision by the director or a court. If that advocacy occurs in response to a rate application, the award shall be paid by the applicant.

**Sec. 3961.07.** Any insurer may issue any insurance coverage on a group plan, without restriction as to the purpose of the group, occupation, or type of group. Group insurance rates shall not be considered to be unfairly discriminatory, if they are averaged broadly among persons insured under the group plan.

**Sec. 3961.08**. This chapter shall apply to all insurance on risks or on operations in this state."

Senator Randy Gardner moved that the amendment be laid on the table.

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 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Jacobson | Jordan |
| Mumper | Nein | Schuler | Schuring |
| Spada | Stivers | Wachtmann | White-20. |

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |
| Mallory | Miller | Prentiss | Roberts-12. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 80**, pass?"

Senator Herington moved to amend as follows:

In line 707, after "Code" insert "except as otherwise provided in division (G) of that section"

Between lines 2265 and 2266, insert:

"(G) The court shall not impose the limitations on the amount of punitive or exemplary damages as required by this section if the court finds that circumstances exist that would create a miscarriage of justice if the limitations are imposed. In that case, the court has jurisdiction to award and shall award the amount of punitive or exemplary damages that is determined by the jury."

Senator Randy Gardner moved that the amendment be laid on the table.

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 18, nays 14, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Mumper | Nein |
| Schuler | Schuring | Spada | Stivers |
| Wachtmann | | | White-18. |

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |
| Jacobson | Jordan | Mallory | Miller |
| Prentiss | | | Roberts-14. |

The amendment was laid on the table.

The question being, "Shall the bill, **Sub. S. B. No. 80**, pass?"

Senator Herington moved to amend as follows:

In line 39, delete "1701.76, 1701.82,"

In line 44, delete "2307.91,"

In line 45, delete everything before "and"

Delete lines 100 through 260

Delete lines 1529 through 2022

In line 3098, delete "1701.76, 1701.82,"

Delete lines 3486 through 3541

In line 3652, after "(D)" delete the balance of the line

Delete lines 3653 through 3665

In line 3666, delete "(E)"

In line 3674, delete "(F)" and insert "(E)"

In line 3681, after "(A)" delete the balance of the line

Delete lines 3682 and 3683

In line 3684, delete "(B)"

In line 3689, delete "(C)" and insert "(B)"

Delete lines 3691 through 3708

Senator Randy Gardner moved that the amendment be laid on the table.

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 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Jacobson | Jordan |
| Mumper | Nein | Schuler | Schuring |
| Spada | Stivers | Wachtmann | White-20. |

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |
| Mallory | Miller | Prentiss | Roberts-12. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 80**, pass?"

Senator Prentiss moved to amend as follows:

In line 2090, after "persons" insert "or a civil action brought pursuant to Chapter 4112. of the Revised Code"

In line 2499, after "persons" insert "or a civil action brought pursuant to Chapter 4112. of the Revised Code"

Senator Randy Gardner moved that the amendment be laid on the table.

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 18, nays 14, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Mumper | Nein |
| Schuler | Schuring | Spada | Stivers |
| Wachtmann | | | White-18. |

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |
| Jacobson | Jordan | Mallory | Miller |
| Prentiss | | | Roberts-14. |

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 80**, pass?"

The yeas and nays were taken and resulted - yeas 19, nays 13, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---|---|---|---|
| Amstutz | Armbruster | Austria | Carey |
| Carnes | Randy Gardner | Robert Gardner | Goodman |
| Harris | Hottinger | Jordan | Mumper |
| Nein | Schuler | Schuring | Spada |
| Stivers | Wachtmann | | White-19. |

Those who voted in the negative were: Senators

| | | | |
|---|---|---|---|
| Blessing | Brady | Dann | DiDonato |
| Fedor | Fingerhut | Hagan | Herington |
| Jacobson | Mallory | Miller | Prentiss |
| | | | Roberts-13. |

So the bill passed.

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

The title was agreed to.

## MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, June 8, 2003, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

## OFFERING OF RESOLUTIONS

Senator Dann offered the following concurrent resolution :

**S. C. R. No. 7**-Senator Dann.

To memorialize the Congress of the United States to enact legislation that would extend the increase in the child tax credit to low-income families.

The question being, "Shall the concurrent resolution, **S. C. R. No. 7**, be adopted?"

On motion of Senator Randy Gardner, **S. C. R. No. 7**, was referred to the Committee on Reference.

Senator Mumper offered the following concurrent resolution :

**S. C. R. No. 8**-Senators Mumper, Spada, Randy Gardner.

To urge the International Joint Commission to maintain its vigilance in opposing diversion of Great Lakes waters and to support the prompt resolution of all issues related to the finalization of Annex 2001.

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

On motion of Senator Randy Gardner, **S. C. R. No. 8**, was referred to the Committee on Reference.

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

**S.R. No. 413** - Senator Mumper.

Recognizing Youth Sports Day, June 11, 2003.

**S.R. No. 414** - Senator Mumper.

Honoring Rayman and Janice Fritch on their Golden Wedding Anniversary.

**S.R. No. 415** - Senator Mumper.

Honoring Dean and Patsey Leemaster on their Golden Wedding Anniversary.

**S.R. No. 416** - Senator Mumper.

Honoring Dick and Margaret Yuhas on their Golden Wedding Anniversary.

**S.R. No. 417** - Senator Mumper.

Honoring Dale and Phyllis Kent on their Sixtieth Wedding Anniversary.

**S.R. No. 418** - Senator Mumper.

Honoring Dan and Betty Jerew on their Sixtieth Wedding Anniversary.

**S.R. No. 419** - Senator Wachtmann.

Honoring Robert and Jo Winzeler 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 adopted the following concurrent resolution in which the concurrence of the Senate is requested.

**Am. H. C. R. No. 12 -** Representatives Grendell, Trakas, Peterson, Buehrer, Clancy, Flowers, Reinhard, Carmichael, Hughes, Allen, Aslanides, Blasdel, Brinkman, Brown, Callender, Calvert, Carano, Cates, Cirelli, Collier, Core, Daniels, DeBose, DePiero, Distel, Domenick, C. Evans, D. Evans, Faber, Fessler, Gibbs, Gilb, Hagan, Hartnett, Hoops, Jolivette, Kearns, Kilbane, Latta, Martin, Mason, McGregor, Niehaus, Oelslager, Olman, S. Patton, T. Patton, Perry, Price, Raga, Raussen, Reidelbach, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, G. Smith, S. Smith, J. Stewart, Taylor, Wagner, Walcher, Webster, White, Widener, Willamowski, Williams, Wolpert, Woodard, Yates, Young.

To affirm the General Assembly's belief in the constitutionality of the national Pledge of Allegiance, to urge the State of California and the various branches of the government of the United States to act to preserve and protect the current Pledge of Allegiance, and to request the Attorney General of Ohio to support those efforts.

Attest: Laura P. Clemens,
Clerk.

The question being, "Shall the concurrent resolution, **Am. H. C. R. No. 12**, be adopted?"

On motion of Senator Randy Gardner, **Am. H. C. R. No. 12**, was referred to the Committee on Reference.

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. 25** - Representative Gibbs, et al.,

**Am. H.B. No. 72** - Representative Oelslager, et al.

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 passed the following bill in which the concurrence of the Senate is requested:

**Sub. H. B. No. 127 -** Representatives Jolivette, Young, Price, S. Patton, Hartnett, Seitz, Widowfield, Olman, Hagan, Carano, Hollister, Koziura, Hughes, Niehaus, McGregor, Collier, Latta, Taylor, Schaffer, Ujvagi, Kilbane, Allen, Aslanides, Barrett, Beatty, Brown, Chandler, Cirelli, Daniels, DeBose, DePiero, Distel, Driehaus, Flowers, Gilb, Hoops, Key, Miller, T. Patton, Perry, Raussen, Reidelbach, Schlichter, Schmidt, Setzer, Sferra, G. Smith, S. Smith, D. Stewart, Wagner, Webster, Wilson, Wolpert.

To amend sections 323.152, 718.01, 718.14, 4503.065, 5722.01, and 5722.02 and to enact section 5722.21 of the Revised Code to permit municipal corporations and townships to acquire tax-delinquent land for redevelopment free from liens for the unpaid taxes, to revise municipal taxation of non-Ohio source S corporation income, and to change the inflation adjustment rounding for homestead exemption tax reductions.

**Sub. H. B. No. 138 -** Representatives G. Smith, Olman, Sferra, Brown, Gibbs, Driehaus, D. Evans, Setzer, Wolpert, Barrett, Koziura, Fessler, Aslanides, Beatty, Carano, Carmichael, Chandler, Cirelli, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, Flowers, Gilb, Harwood, Hollister, Key, Martin, Miller, Niehaus, Oelslager, S. Patton, T. Patton, Perry, Price, Reidelbach, Schmidt, Schneider, Skindell, D. Stewart, J. Stewart, Wagner, Strahorn, Widener, Widowfield, Wilson, Woodard, Yates.

To amend sections 1731.01 and 1731.03 of the Revised Code to permit an organization comprised of members who are either health care providers or insurance agents to sponsor a small employer health care alliance program for the benefit of the members and their families.

Attest: Laura P. Clemens,
Clerk.

Said bills were considered the first time.

On the motion of Senator Randy Gardner the Senate adjourned until Thursday, June 12, 2003 at 11:00 o'clock a.m.

Attest: MATTHEW T. SCHULER,
Clerk.