OHIO

SENATE

JOURNAL

WEDNESDAY, SEPTEMBER 17, 2003

NINETY-THIRD DAY
Senate Chamber, Columbus, Ohio
Wednesday, September 17, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Joe Hotchkiss, Gahanna Community Congregational Church, Gahanna, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION

Senator Carnes reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 85-Representatives Raussen, Raga, Wagner, McGregor, Kearns, Husted, Ujvagi, Allen, Schneider, Reinhard, Schlichter, Daniels.

To amend sections 307.051, 307.055, 505.37, 505.375, 505.72, 4503.49, 4513.263, 4766.01, 4766.02, 4766.03, 4766.04, 4766.05, 4766.06, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 4766.12, 4766.13, and 5503.12 and to enact sections 4766.15, 4766.17, and 4766.20 of the Revised Code to authorize the Ohio Ambulance Licensing Board to license medical service organizations that operate ambulette vehicles for the transportation of persons who require the use of a wheelchair and air medical service organizations that operate air medical transportation, to add four members to the Board, to rename the Board the Ohio Medical Transportation Board, 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.

To the Committee on Highways and Transportation.

Sub. H. B. No. 170-Representatives Callender, Oelslager, Wolpert, Schlichter, Chandler, Daniels, Ujvagi, Wagner, McGregor, C. Evans, Cirelli, Sferra.

To enact section 317.082 of the Revised Code to generally prohibit the inclusion of an individual's social security number on documents submitted for recording in the office of the county recorder and to create an affirmative defense to associated civil liability of a good faith effort to comply with the noninclusion requirement.

To the Committee on Judiciary - Civil Justice.

Am. H. B. No. 179-Representatives Wolpert, McGregor, DeWine, C. Evans, Carano, Schmidt, Flowers, Aslanides, D. Evans, Gibbs, Allen, Seitz, Beatty, Harwood, Book, Schlichter, Willamowski, Grendell, Latta.

To amend section 2913.02 of the Revised Code to permit a suspension of the driver's licenses of certain repeat offenders of theft by causing a motor vehicle to leave the premises of a retail gasoline establishment without full payment for gasoline dispensed into the motor vehicle's fuel tank or another container and to declare that those sections in the Revised Code that regulate theft of gasoline in certain circumstances are general laws.

To the Committee on Judiciary - Criminal Justice.

H. B. No. 67-Representatives Faber, Seitz, Schmidt, Kearns, Reidelbach, Jolivette.

To amend section 513.17 of the Revised Code to remove the limit on the amount of a secured line of credit for which the directors of a joint township hospital district board may contract.

To the Committee on Health, Human Services and Aging.

Sub. H. B. No. 98-Representatives Willamowski, Hughes, Gibbs, Allen, Otterman, J. Stewart, Schneider, Schmidt, Reidelbach.

To amend sections 145.323, 145.46, 145.92, 3105.80, 3105.82, 3307.60, 3307.67, 3307.87, 3309.374, 3309.46, and 3309.92 of the Revised Code to make changes to the optional benefit plans for retirants and the cost-of-living increase in the Public Employee Retirement System, State Teachers Retirement System, and School Employees Retirement System.

To the Committee on Health, Human Services and Aging.

H. B. No. 120-Representatives Grendell, Buehrer, Seitz, Williams, Fessler, Jolivette, Hartnett, Allen, Miller, Distel, McGregor, Calvert, Cates, Daniels, DePiero, Domenick, C. Evans, D. Evans, Flowers, Hughes, Latta, Niehaus, Raga, Raussen, Reidelbach, Schneider, Setzer, J. Stewart.

To amend section 5322.01 and to enact section 5322.05 of the Revised

Code to permit, under specified conditions, the assessment of reasonable late fees for the failure to pay rent when due for the use of a self-service storage facility.

To the Committee on Insurance, Commerce and Labor.

Am. Sub. H. B. No. 130-Representatives Reidelbach, Hagan, McGregor, Kearns, Faber, Otterman, Grendell, Williams, S. Patton, Cirelli, Allen, Clancy, Hollister, Gilb, Willamowski, Boccieri, Buehrer, Carano, Carmichael, Cates, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, Fessler, Flowers, Gibbs, Hughes, Jolivette, Key, Martin, Niehaus, Olman, T. Patton, Price, Schaffer, Setzer, G. Smith, J. Stewart, Taylor, Wagner, Widener, Wolpert, Young.

To amend sections 3313.64, 3313.66, and 3313.672 and to enact sections 3109.51 to 3109.62, 3109.65 to 3109.73, 3109.75 to 3109.81, and 3313.649 of the Revised Code to permit the execution of a power of attorney or caretaker authorization affidavit permitting a grandparent with whom a child resides authority over the care, custody, and control of the child including the authority to make decisions regarding school matters and to consent to the medical, psychological, and dental care for the child.

To the Committee on Judiciary - Civil Justice.

H. B. No. 126-Representatives Brinkman, Blasdel, Buehrer, Callender, Clancy, Collier, Daniels, DeWine, Distel, Driehaus, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hughes, Husted, McGregor, Niehaus, T. Patton, Raga, Raussen, Reidelbach, Reinhard, Schneider, Seaver, Wagner, Schaffer, Seitz, Sferra, Taylor, Widowfield, Willamowski, Williams, White, Young, Kearns, Hoops, Jolivette.

To amend sections 3719.06, 4731.22, and 4731.223 and to enact section 2919.123 of the Revised Code regarding the provision or use of RU-486 (mifepristone) for an abortion.

To the Committee on Health, Human Services and Aging.

Sub. H. B. No. 157-Representatives Seaver, Allen, Aslanides, Barrett, Book, DePiero, C. Evans, Faber, Jolivette, Miller, Price, Redfern, Setzer, Ujvagi, Willamowski, Wilson, Woodard, McGregor, Key, Perry, Hoops, Daniels, Schlichter, Reinhard.

To amend section 4501.21 and to enact section 4503.501 of the Revised Code to create 4-H license plates and to provide that money from contributions for the license plates be used to pay for the educational activities of the 4-H Youth Development Program of the Ohio State University Extension Program.

To the Committee on Highways and Transportation.

H. B. No. 161-Representatives Seitz, Willamowski, Widowfield, Grendell, Oelslager, Harwood, DePiero, Driehaus.

To amend section 2305.19 of the Revised Code to modify the period within which a plaintiff may commence a new action after the reversal of a judgment for the plaintiff or the plaintiff's failure otherwise than upon the merits.

To the Committee on Judiciary - Civil Justice.

Sub. H. B. No. 49-Representatives Hughes, Seitz, McGregor, Husted, Seaver, J. Stewart, Brinkman, Latta, Willamowski, Oelslager, Grendell, D. Evans, Brown, Collier.

To amend section 9.92 of the Revised Code to permit a Board of County Commissioners to enter into an agreement of affiliation with a citizens' reward program and to require the imposition of one dollar in additional court costs to assist in the funding of affiliated citizens' reward programs.

To the Committee on Judiciary - Criminal Justice.

Sub. H. B. No. 133-Representatives Olman, Driehaus, Strahorn, Carmichael, Distel, Hartnett, G. Smith, Niehaus, Schmidt.

To amend sections 4906.06, 4906.08, 4906.10, 4906.98, and 4906.99 and to enact section 4906.97 of the Revised Code to change filing and notice timelines for applications filed with the Power Siting Board; to modify approval standards regarding a major electric generating facility; to authorize the Board or its chairperson to order the suspension of an activity during the Board's consideration of a complaint about the activity; and to authorize the Board to impose a forfeiture for a violation of power siting law.

To the Committee on Public Utilities.

Sub. H. B. No. 6-Representatives J. Stewart, Allen, Aslanides, Barrett, Beatty, Boccieri, Brown, Buehrer, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DePiero, Domenick, Driehaus, C. Evans, Faber, Flowers, Gibbs, Gilb, Hartnett, Harwood, Hollister, Husted, Jolivette, Key, Latta, Martin, Miller, Niehaus, Oelslager, Olman, S. Patton, T. Patton, Perry, Peterson, Price, Raussen, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, Sferra, G. Smith, D. Stewart, Strahorn, Sykes, Taylor, Ujvagi, Walcher, Webster, White, Widowfield, Williams, Wolpert, Woodard, Yates.

To amend sections 149.43, 339.89, 3701.03, 3701.04, 3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 3701.16, 3701.17, 3701.19, 3701.22, 3701.23, 3701.24, 3701.241, 3701.25, 3701.34, 3701.35, 3701.352, 3701.501, 3701.56, 3701.57, 3701.99, 3707.06, 3715.02, 3901.46, and 4736.01; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3701.16 (3701.161), 3701.17 (3701.162), 3701.23 (3701.221), and 3707.33 (3707.38); to enact new sections 3701.16, 3701.17, and 3701.23 and sections 3701.072, 3701.146, 3701.201, 3701.231, 3701.232, 3701.571, and 3707.34 of the Revised Code; to amend the version of section 149.43 of the Revised Code that is scheduled to take effect January 1, 2004; and to amend Section 56.01 of Am. Sub. H.B. 94 of the 124th General Assembly, as subsequently amended, to modify the powers and duties of the Department of Health, Public Health Council, and boards of health relative to bioterrorism and other public health matters.

To the Committee on Finance and Financial Institutions.

H. B. No. 54-Representatives Collier, Aslanides, DeWine, Young, S. Patton, Allen, Schlichter, Schneider, DeBose, Jolivette, J. Stewart, Strahorn, Ujvagi.

To amend section 4507.23 and to enact section 4507.232 of the Revised Code to provide that when a temporary instruction permit is issued, the Registrar of Motor Vehicles or deputy registrar also issue a removable sticker or banner that reads "student driver."

To the Committee on Highways and Transportation.

Sub. H. B. No. 70-Representatives Willamowski, Hughes, Seitz, Distel, Jolivette, Young, Faber, Carano, Fessler, Seaver, Hollister, McGregor, Strahorn, Olman, Grendell, Boccieri, Latta, Harwood, Ujvagi, Webster, Reinhard, Schlichter, Perry, Sferra, Aslanides, Daniels, Key, Hagan, Clancy, Schneider, Raussen, Core, Calvert, J. Stewart, Walcher, Buehrer, Niehaus, D. Evans, Setzer, Trakas, T. Patton, Gibbs, Carmichael, Gilb, Flowers,

Reidelbach, G. Smith, Cates, C. Evans, Skindell, DePiero, Hoops, Allen, DeBose, Jerse, Schmidt, Koziura, S. Patton, Widener, Miller, D. Stewart, Taylor, S. Smith, Kilbane, Brown, Widowfield, Book, Cirelli, Chandler, Otterman, Woodard, Driehaus, Redfern.

To enact sections 5533.241, 5533.69, 5533.70, 5533.71, 5533.72, and 5533.73 of the Revised Code to designate Interstate Route 75 as the "Pearl Harbor Memorial Highway" and to permit the Director of Transportation to erect markers along the highway indicating its name, and to name four roads and a bridge in Butler County.

To the Committee on Highways and Transportation.

Sub. H. B. No. 11-Representatives Jerse, Redfern, Allen, Raga, Miller, Widowfield, S. Patton, Hartnett, Kearns, Seitz, Oelslager, D. Stewart, Hollister, Strahorn, Boccieri, Sykes, Perry, Olman, DePiero, Hagan, Otterman, Raussen, Sferra, Price, Carano, Ujvagi, Koziura, Seaver, Domenick, Yates, G. Smith, Cirelli, Fessler, DeBose, Reidelbach, Barrett, Harwood, Schneider, Blasdel, Hoops, Taylor, White, Beatty, Book, Carmichael, Cates, Chandler, Collier, Daniels, Distel, Driehaus, C. Evans, D. Evans, Faber, Flowers, Gilb, Grendell, Hughes, Jolivette, Key, Kilbane, Mason, McGregor, Niehaus, T. Patton, Schaffer, Schmidt, Setzer, Skindell, S. Smith, Trakas, Wilson, Woodard.

To amend section 5104.011 and to enact sections 2919.223, 2919.224, 2919.225, 2919.226, and 2919.227 of the Revised Code to create the offenses of misrepresentation by a child day-care provider, failure of a child day-care center to disclose the death or serious injury of a child, and failure of a type A or type B family day-care home to disclose the death or serious injury of a child.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 103-Senator Austria.

To amend section 6101.10 and to enact sections 6101.101, 6101.102, and 6101.103 of the Revised Code to increase the membership of the board of directors of a recreational conservancy district from five to eleven members, to decrease the length of the members' terms from five to three years, and to specify that each member is entitled to vote on any matter that comes before the board.

To the Committee on Energy, Natural Resources and Environment.

S. B. No. 104-Senators Fedor, Schuring, Herington, Roberts, Fingerhut, Hagan, Robert Gardner, Carey, Dann.

To amend sections 121.41 and 121.48 and to enact section 121.482 of the Revised Code to authorize the Inspector General to enter into mutual agreements with state agencies for reimbursements of costs of investigation, to create in the state treasury the Inspector General Reimbursement Fund as the repository of those reimbursements, to generally include as state agencies for purposes of investigations by the Inspector General the Ohio Retirement Study Council, Public Employees Retirement System, State Teachers Retirement System, School Employees Retirement System, Ohio Police and Fire Pension Fund, and State Highway Patrol Retirement System, and to supersede the versions of sections 121.41 and 121.48 of the Revised Code as amended by Am. Sub. H.B. 95 of the 125th General Assembly.

To the Committee on Health, Human Services and Aging.

S. B. No. 105-Senators Schuring, Stivers, Spada, Prentiss, Herington, DiDonato, Schuler, Armbruster, Austria, Blessing, Brady, Carey, Coughlin, Dann, Fedor, Fingerhut, Robert Gardner, Goodman, Hagan, Hottinger, Jacobson, Jordan, Nein.

To amend sections 102.02 and 102.022 of the Revised Code to require certain state retirement system officials and employees to file financial disclosure statements with the Ohio Ethics Commission.

To the Committee on Health, Human Services and Aging.

S. B. No. 106-Senators Carey, Mumper, Stivers, Harris, Prentiss.

To amend sections 4735.53, 4735.58, 4735.70, 4735.71, and 4735.72, to enact new sections 4735.56 and 4735.57 and section 4735.181, and to repeal sections 4735.56, 4735.57, and 4735.73 of the Revised Code to modify agency relationships between real estate licensees and customers, including disclosures made to customers, and to establish a penalty for noncompliance with disclosure requirements.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 107-Senators Miller, Fingerhut, Hagan.

To amend sections 5743.02 and 5743.32 of the Revised Code to increase

the cigarette tax and to devote part of the increased revenue to the Tobacco Use Prevention and Control Endowment Fund.

To the Committee on Finance and Financial Institutions.

S. B. No. 108-Senator Spada.

To enact sections 4955.41 to 4955.49 of the Revised Code to authorize the establishment of demonstration railroad quiet zones in specified Ohio cities.

To the Committee on Highways and Transportation.

S. B. No. 109-Senators Dann, Fedor, Miller, Herington.

To amend sections 3313.53, 3319.29, 3319.291, 3319.31, and 3319.51 and to enact section 3319.303 of the Revised Code to require that the State Board of Education adopt rules to establish standards and requirements for issuing permits to individuals who are not licensed educators and who wish to be employed by school districts to direct, supervise, or coach pupil-activity programs.

To the Committee on Education.

S. B. No. 110-Senator Dann.

To enact section 3333.16 of the Revised Code to require public two-year and four-year institutions of higher education to include completion of a specified course in government as a condition of awarding an undergraduate degree, diploma, or other academic certificate.

To the Committee on Education.

S. B. No. 111-Senators Fingerhut, Schuring, Hagan, Dann, Fedor, Herington, Miller.

To amend section 3929.73, to enact section 3929.74, and to repeal section 3929.721 of the Revised Code to re-create and provide for the operation of the Joint Underwriting Association relative to the issuance of medical malpractice insurance and to establish a stabilization reserve fund for the Joint Underwriting Association.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 112-Senators Fingerhut, Hagan, Dann, Fedor, Miller.

To enact section 3937.51 of the Revised Code to establish a term of five years, or to guarantee renewal for five years, for medical malpractice insurance policies and to limit premium increases during that period.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 113-Senators Fingerhut, Hagan, Dann, Fedor, Miller, Herington.

To enact sections 3929.89, 3929.90, 3929.91, and 3929.92 of the Revised Code to create the Medical Malpractice Insurance Review Commission and to provide for the assessment of insurance companies and health insuring corporations to cover the Commission's operating expenses.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 114-Senators Fingerhut, Schuring, Hagan, Dann, Miller.

To enact sections 1732.01 to 1732.05 of the Revised Code to provide for the formation of a nonprofit corporation, controlled by, and a membership consisting exclusively of, physicians, designed to assist its members in obtaining medical malpractice insurance coverage.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 115-Senator Robert Gardner.

To amend sections 711.001, 711.10, 711.131, and 713.22 of the Revised Code to change the definition of "subdivision" in the Platting Law, to change the procedure for the approval of plats by county or regional planning commissions, to provide different methods for implementing the statute authorizing the approval of certain subdivisions without the submission of a plat, and to permit the payment of compensation to the appointive members of county planning commissions.

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

S. B. No. 116-Senator Spada.

To amend section 122.17 and to enact sections 5707.051, 5725.32, and 5729.032 of the Revised Code to extend the job creation tax credit to insurance companies and dealers in intangibles.

To the Committee on Ways and Means and Economic Development.

S. B. No. 117-Senators Randy Gardner, Jacobson.

To amend section 3501.38 of the Revised Code to specify that a board of elections may not invalidate a petition on the ground that its form does not satisfy statutory requirements, if the board originally distributed the petition form and, at the time of distribution, it did not satisfy statutory requirements.

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

S. B. No. 118-Senators Fingerhut, Herington, Fedor, Dann.

To enact section 2309.11 of the Revised Code to specify an attorney's or party's certifications to the court upon the presentation of pleadings or papers and to provide for sanctions for violations of those certifications.

To the Committee on Judiciary - Civil Justice.

S. B. No. 119-Senator Dann.

To amend sections 3714.02, 3714.03, 3714.04, 3714.05, and 3714.06, to enact new section 3714.07 and sections 3714.051, 3714.101, and 3714.30 to 3714.40, and to repeal section 3714.07 of the Revised Code to replace the construction and demolition debris facility license fee with a disposal fee, to revise the siting criteria for a construction and demolition debris facility, to require background checks for the operation of such a facility, and to require post-closure bonding for certain construction and demolition debris facilities.

To the Committee on Energy, Natural Resources and Environment.

S. B. No. 120-Senators Hagan, Prentiss, Miller, Dann, Brady.

To amend section 3314.03 and to enact section 3313.6013 of the Revised Code to require public and chartered nonpublic schools to test students for

dyslexia and related disorders and to provide intervention services to students identified as having dyslexia or a related disorder.

To the Committee on Education.

S. B. No. 121-Senator Dann.

To amend sections 3302.03, 3314.012, 3707.03, 3707.26, 3707.99, and 4736.01, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3707.03 (3707.70) and 3707.26 (3707.71), and to enact sections 3313.86, 3707.72, 3707.721, 3707.73, 3707.74, 3707.75, and 3707.76 of the Revised Code to establish sanitation requirements and standards for indoor air pollutants for schools and to require boards of health or a board's designated representative to conduct inspections of schools and school buildings.

To the Committee on Health, Human Services and Aging.

S. B. No. 122-Senators Dann, Miller, Herington.

To make an additional appropriation to the Department of Education for the biennium that ends on June 30, 2005.

To the Committee on Finance and Financial Institutions.

S. B. No. 123-Senator Hagan.

To amend section 4729.99 and to enact section 4729.50 of the Revised Code to require pharmaceutical drug manufacturers to disclose their advertising and promotional expenses to the State Board of Pharmacy and to require the Board to compile the disclosures into an annual report.

To the Committee on Health, Human Services and Aging.

S. B. No. 124-Senators Amstutz, Nein, Randy Gardner, Carey, Jacobson, Spada, Blessing, Stivers.

To amend section 2305.234 of the Revised Code to modify the civil immunity for health care professionals and health care workers and to amend the version of section 2305.234 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that

date.

To the Committee on Judiciary - Civil Justice.

S. J. R. No. 9-Senator Jordan.

Proposing to enact Sections 3a and 14 of Article XII of the Constitution of the State of Ohio to require that increases in state taxes be approved by a supermajority of the membership of each house of the General Assembly and to prohibit the General Assembly from increasing state expenditures above the rate of inflation except by a supermajority of the membership of each house.

To the Committee on Finance and Financial Institutions.

S. C. R. No. 14-Senators Dann, Fingerhut.

To memorialize the Congress of the United States to enact legislation that would make mortgage insurance payments tax deductible.

To the Committee on Ways and Means and Economic Development.

S. B. No. 126-Senators Schuring, Fedor.

To amend sections 121.41, 121.42, 121.45, 145.27, 171.03, 742.03, 742.41, 3307.20, 3309.22, and 5505.04 and to enact sections 121.421, 121.482, 145.052, 742.042, 3307.072, 3309.071, and 5505.041 of the Revised Code to require the Inspector General to investigate a state retirement system at the request of the Ohio Retirement Study Council, to provide for recall of state retirement system board members, and to make documents regarding filling a board member vacancy open to public inspection.

To the Committee on Health, Human Services and Aging.

S. B. No. 127-Senator Randy Gardner.

To amend sections 2301.02 and 2301.03 and to enact section 2101.023 of the Revised Code to add one judge to the Erie County Court of Common Pleas, to reallocate jurisdictional responsibilities of current judges of the Erie County Court of Common Pleas, to amend the version of section 2301.03 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, and to declare an

emergency.

To the Committee on Judiciary - Civil Justice.

S. B. No. 128-Senators Fedor, Fingerhut, Dann.

To amend section 955.14 of the Revised Code to authorize a board of county commissioners to exempt persons sixty-five years of age or older from an increase in dog license registration fees or to establish a lower increase in fees for those persons.

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

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

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 4-Senators Spada, Amstutz, Goodman, Jacobson, Harris, Austria, Blessing, Schuring, Stivers, Herington, Fedor, Dann, Armbruster, Brady, Carey, Carnes, Coughlin, DiDonato, Fingerhut, Randy Gardner, Robert Gardner, Hagan, Hottinger, Jordan, Mallory, Miller, Mumper, Nein, Prentiss, Roberts, Schuler, Wachtmann, White. -Representatives Reidelbach, Widowfield, Book, Gilb, Harwood, Allen, Aslanides, Barrett, Beatty, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Core, Daniels, DeBose, DePiero, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Hagan, Hartnett, Hollister, Hoops, Hughes, Husted, Jolivette, Kearns, Key, Kilbane, Latta, Martin, Niehaus, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raussen, Redfern, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seaver, Seitz, Setzer, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Taylor, Ujvagi, Wagner, Webster, White, Widener, Willamowski, Wilson, Wolpert, Woodard.

To amend sections 109.572, 313.12, 2108.50, 2151.421, 2311.14, 2930.03,

5120.173, 5123.081, 5123.50, 5123.51, 5123.61, 5123.99, 5126.28, 5126.30, and 5126.33 and to enact sections 107.31, 107.32, 2108.521, 2152.821, 2903.341, 2930.061, 2945.482, 2945.491, 5123.541, 5123.542, 5123.614, 5126.058, 5126.331, 5126.332, and 5126.333 of the Revised Code to implement the recommendations of the MR/DD Victims of Crime Task Force, to make related changes in the law, and to establish provisions regarding the possible closing of state institutional facilities for the purpose of expenditure reductions or budget cuts, and to amend the version of section 5123.50 of the Revised Code that is scheduled to take effect December 31, 2003, to continue the provisions of this act on and after that effective date, were taken up.

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

The yeas and nays were taken and resulted - yeas 14, nays 19, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

Amstutz	Armbruster	Austria	Blessing
Carey	Carnes	Coughlin	Randy Gardner
Robert Gardner	Goodman	Harris	Hottinger
Jacobson	Mumper	Nein	Schuler
Spada	Stivers		White-19.

So the Senate did not concur in the amendments of the House of Representatives.

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 44-Senators Robert Gardner, Blessing, Spada, Dann, Mumper, Prentiss. -Representatives Olman, Hartnett, Hagan, Distel, Schmidt, Cates, C. Evans, McGregor, Niehaus, J. Stewart.

To amend section 4909.171 and to enact section 4909.172 of the Revised Code to authorize, subject to Public Utilities Commission approval, cost-based rate adjustments for water supplied to a waterworks utility by another waterworks utility, rate adjustment authority for a sewage disposal utility similar to the authority of a waterworks utility, and infrastructure improvement surcharges on waterworks or sewage disposal utility rates to cover specified costs associated with, and provide a return on, certain plant investment, were taken up.

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

House of Representatives?"

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 Senate concurred in the amendments of the House of Representatives.

The amendments of the House of Representatives to:

Sub. S. B. No. 55-Senators Randy Gardner, Stivers, Miller, Mumper, Schuler, Prentiss, Mallory, Austria, Carey, Dann, Herington, Fedor, Coughlin, Hagan, Harris, Spada. -Representatives Sferra, Widowfield, Schlichter, McGregor, Wolpert, Daniels, Collier, Chandler, Walcher, Skindell, Wagner, Domenick, C. Evans, Cirelli, Ujvagi, Olman, Price, Fessler, Allen, Beatty, Blasdel, Boccieri, Book, Brown, Buehrer, Callender, Calvert, Carano, Carmichael, Cates, Clancy, DeBose, Distel, Driehaus, D. Evans, Faber, Flowers, Gibbs, Grendell, Hartnett, Harwood, Hoops, Hughes, Jolivette, Key, Niehaus, Otterman, S. Patton, T. Patton, Perry, Raussen, Redfern, Reidelbach, Schmidt, Schneider, Seaver, Seitz, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Webster, Widener, Wilson, Woodard, Yates.

To amend sections 9.833, 3375.40, 3375.41, and 5705.281 and to enact section 3375.392 of the Revised Code to make changes to the law authorizing political subdivisions to self-insure for health care benefits; to revise the bidding threshold for public improvements applicable to free public libraries; to eliminate the monetary restrictions on life insurance coverage offered by free public libraries to their employees while limiting procurements to group term life insurance; to allow a board of library trustees to authorize its employees to use a credit card held by the library to pay for library business expenses; and to allow the county budget commission to waive certain requirements relating to tax budgets or estimates of contemplated revenue and expenditures in any county in which a single library receives all of the county library and local government support fund or receives all of that portion of the fund that is distributed to libraries, were taken up.

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

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 Senate concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

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 109.572, 313.12, 2106.01, 2106.02, 2107.19, 2108.50, 2109.301, 2109.32, 2113.53, 2117.06, 2117.07, 2117.11, 2117.12, 2151.421, 2311.14, 2930.03, 5120.173, 5123.081, 5123.50, 5123.51, 5123.61, 5123.99, 5126.28, 5126.30, and 5126.33 and to enact sections 2101.163, 2108.521, 2152.821, 2903.341, 2930.061, 2945.482, 2945.491, 5123.541, 5123.542, 5123.614, 5126.058, 5126.331, 5126.332, and 5126.333 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, to implement the recommendations of the MR/DD Victims of Crime Task Force, to make related changes in the law, and to amend the version of section 5123.50 of the Revised Code that is scheduled to take effect December 31, 2003, 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. 51**, pass?"

On the motion of Senator Hottinger, **Sub. H. B. No. 51** , was informally passed until Tuesday, October 14, 2003 and retained its place on the calendar.

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. 130-Senator Mumper.

To amend sections 2151.07, 2301.02, and 2301.03 of the Revised Code to create the Domestic Relations-Juvenile-Probate Division of the Logan County Court of Common Pleas and to add one judge to the Logan County Court of Common Pleas to be elected in 2004, to amend the version of section 2301.03 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, and to declare an emergency.

OFFERING OF RESOLUTIONS

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

S.R. No. 924 - Senator Randy Gardner.

Honoring Harborside Healthcare-Swanton on receiving an American Healthcare Association Quality Award.

S.R. No. 925 - Senator Hottinger.

Honoring Ralph and Charlene Woolever on their Golden Wedding Anniversary.

S.R. No. 926 - Senator Nein.

Honoring Dick and Carolyn Fiessinger on their Golden Wedding Anniversary.

S.R. No. 927 - Senator Nein.

Honoring Oscar and Onalene Klatt on their Golden Wedding Anniversary.

S.R. No. 928 - Senator Nein.

Honoring Ray and Gaynol Townsend on their Golden Wedding Anniversary.

S.R. No. 929 - Senator Nein.

Honoring Arnold and Dorothy Blankenship on their Golden Wedding Anniversary.

S.R. No. 930 - Senator Nein.

Honoring Voris and Mary Anna Taulbee on their Golden Wedding Anniversary.

S.R. No. 931 - Senator Nein.

Honoring Wallace and Rubie Blevins on their Golden Wedding Anniversary.

S.R. No. 932 - Senator Nein.

Honoring Robert and Myra Ferber on their Golden Wedding Anniversary.

S.R. No. 933 - Senator Stivers.

Honoring Douglas S. Lowery as the 2004 National Middle Level Principal of the Year.

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

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

August 7, 2003

The Honorable Doug White
Senate President
Statehouse
Columbus, Ohio 43215

Dear President White:

The purpose of this letter is to provide you with official notice that I am resigning from the Senate effective the close of business on September 17, 2003.

I am in my ninth year in the Senate and have had the pleasure of serving longer than most under the current system of term limits. I love this institution and have very much enjoyed my service to the people of the 28th District and the State of Ohio.

The entire experience has renewed my faith in the democratic process. The Ohio legislature is very open and the people of Ohio should be proud of the manner in which their business is carried out in the Statehouse.

Thank you very much for the courtesies extended to me by you and the other members of the Senate. I am a better person for having served with all of you.

Sincerely,

/S/ LEIGH E. HERINGTON
LEIGH E. HERINGTON
Senator, 28th District

September 17, 2003

Senator Leigh Herington

Senate Building
Columbus, Ohio 43215

Dear Senator Herington:

In accordance with Section 101.25 of the Ohio Revised Code, I hereby acknowledge receipt of your letter of resignation from the Ohio Senate effective at the close of business on Wednesday, September 17, 2003.

It has certainly been a pleasure working with you during your time with the Senate and I wish you the best of luck in all your future endeavors.

Sincerely,

/S/ DOUG WHITE
DOUG WHITE
Senate President
14th District

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. 200 - Representatives Willamowski, Schneider, Otterman, S. Patton, Flowers, Hagan, Price, Reidelbach, Schmidt, Beatty, Carano, Chandler, Cirelli, Clancy, Daniels, DePiero, Distel, Domenick, C. Evans, Hartnett, Harwood, Hollister, Hughes, Jolivette, Key, McGregor, Niehaus, T. Patton, Perry, Raussen, Redfern, Schaffer, Schlichter, Seitz, Sferra, J. Stewart, Sykes, Wagner, Widener, Widowfield.

To amend sections 3121.59 and 3121.64, to enact section 3125.141, and to repeal sections 3121.60 and 3121.63 of the Revised Code to allow a child support enforcement agency to contract with a private person or entity to provide service of process or to compensate a sheriff for service of process, to eliminate the Program Income Fund, and to require monthly distributions of administrative charge amounts to each county child support enforcement agency.

Attest: Laura P.Clemens,
Clerk.

Said bill was considered for the first time.

On the motion of Senator Randy Gardner the Senate adjourned until Thursday, September 18, 2003 at 11:00 o'clock a.m.

Attest: MATTHEW T. SCHULER,
Clerk.