

OHIO

SENATE

JOURNAL

CORRECTED VERSION
WEDNESDAY, OCTOBER 15, 2003

ONE HUNDRED SECOND DAY
Senate Chamber, Columbus, Ohio
Wednesday, October 15, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Simeon Kolko, Beth Israel Temple Center, Warren, 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. 163-Representatives Oelslager, Olman, Hagan, Raussen, Williams, Barrett, D. Evans, C. Evans, Fessler, Latta, McGregor, Perry, Hollister, Willamowski, Brown, Allen, Aslanides, Beatty, Boccieri, Buehrer, Calvert, Carmichael, Cates, Chandler, Cirelli, Clancy, Core, DeBose, DePiero, Distel, Domenick, Flowers, Gibbs, Gilb, Harwood, Hoops, Hughes, Husted, Jerse, Jolivette, Key, Koziura, Martin, Mason, Niehaus, Otterman, S. Patton, T. Patton, Price, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Setzer, Skindell, D. Stewart, J. Stewart, Strahorn, Taylor, Trakas, Wagner, Webster, White, Widener, Wilson.

To amend sections 1901.41, 2903.08, 2929.01, 2929.13, 2929.21, 4511.99, and 4513.39 and to enact sections 1907.231, 2301.141, 2941.1413, and 2941.1414 of the Revised Code to provide an additional prison term or term of imprisonment for certain repeat OMVI or OMVUAC offenders, to require municipal, county, and common pleas court clerks to retain admissible evidence of criminal convictions for fifty years after the entry of judgment of that conviction, to give the police force of a township with a population of greater than fifty thousand the same authority to make arrests for specified traffic offenses on interstate highways as now exists for the police force of a township with a population greater than sixty thousand, to increase the penalty for vehicular assault when the offender also fails to stop at the scene of the accident resulting in that offense, and to maintain the provisions of this act on and after January 1, 2004, by amending the versions of sections 2929.01, 2929.13, and 4511.19 of the Revised Code that take effect on that date.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 135-Senator Fingerhut.

To amend section 4301.13 of the Revised Code to eliminate the Liquor Control Commission's authority to set minimum mark-ups on wine sales, to prohibit wholesale distributors and retailers of wine from selling wine below the prevailing cost of the wine, and to create the State Wine Sales Study Committee to study potential strategies for supporting and promoting the sale of wine produced in this state.

To the Committee on Agriculture.

S. B. No. 136-Senators Wachtmann, Schuring, Mumper, Fingerhut, Dann.

To amend sections 1731.05, 1739.05, 1751.17, 1751.18, 3923.57, 3924.08, 3924.09, 3924.11, and 3924.73, to enact sections 3923.81 to 3923.94, and to repeal sections 1751.15, 3923.58, 3923.581, and 3923.59 of the Revised Code to establish and operate the Ohio Health Insurance Risk Pool and repeal existing open enrollment provisions.

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 Coughlin submitted the following report:

The standing committee on State and Local Government and Veterans Affairs, to which was referred **S. B. No. 99**-Senator Blessing, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: ROBERT A. GARDNER, DAVID GOODMAN, J. KIRK
 SCHURING, DANIEL R. BRADY, KEVIN J.
 COUGHLIN, LARRY A. MUMPER, TOM ROBERTS.

NO - 1: KIMBERLY A ZURZ.

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

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on State and Local Government and Veterans Affairs, to which was referred **S. J. R. No. 8**-Senators Blessing, Fingerhut, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: ROBERT A. GARDNER, J. KIRK SCHURING, DAVID GOODMAN, KIMBERLY A ZURZ, TOM ROBERTS, DANIEL R. BRADY, KEVIN J. COUGHLIN.

NO - 1: LARRY A. MUMPER.

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

The report of the committee was accepted.

Senator Robert Gardner submitted the following report:

The standing committee on Education, to which was referred **S. B. No. 2**-Senator Robert Gardner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: ROBERT A. GARDNER, C. J. PRENTISS, STEPHEN C. AUSTRIA, LARRY A. MUMPER, DANIEL R. BRADY, TERESA FEDOR, RON AMSTUTZ, RANDY GARDNER, BILL HARRIS.

NO - 0.

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

The report of the committee was accepted.

Senator Robert Gardner submitted the following report:

The standing committee on Education, to which was referred **S. B. No. 81**-Senator Fedor, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Robert Gardner, Randy Gardner, Prentiss.

YES - 9: ROBERT A. GARDNER, STEPHEN C. AUSTRIA,
RANDY GARDNER, RON AMSTUTZ, DANIEL R.
BRADY, TERESA FEDOR, C. J. PRENTISS, LARRY A.
MUMPER, BILL HARRIS.

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. 58-Senator Jacobson, et al., having had the same under
consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Hottinger.

YES - 8: STEVE STIVERS, JAY HOTTINGER, LYNN R.
WACHTMANN, RON AMSTUTZ, DAVID GOODMAN,
ERIC D. FINGERHUT, MARC DANN, KIMBERLY A
ZURZ.

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
H. B. No. 86-Representative Hoops, et al., having had the same under
consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Blessing.

YES - 7: DAVID GOODMAN, STEVE STIVERS, JAY
HOTTINGER, LOUIS W. BLESSING, KIMBERLY A
ZURZ, MARC DANN, ERIC D. FINGERHUT.

NO - 2: LYNN R. WACHTMANN, RON AMSTUTZ.

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

The report of the committee was accepted.

Senator Harris submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **Sub. H. B. No. 6**-Representative J. Stewart, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Carnes.

YES - 9: JAMES E. CARNES, RON AMSTUTZ, LOUIS W. BLESSING, RANDY GARDNER, JOHN A. CAREY , STEVE STIVERS, BILL HARRIS, JEFF JACOBSON, JAY HOTTINGER.

NO - 3: C. J. PRENTISS, MARK MALLORY, ERIC D. FINGERHUT.

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

The report of the committee was accepted.

Senator Carnes submitted the following report:

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

Warren J. Arthur , Republican, from Middlefield, Geauga County, Ohio, as a Member of the Forestry Advisory Council for a term beginning August 1, 2003 and ending at the close of business February 28, 2007, replacing Harvey Graves, whose term expired.

Joseph Balog , Democrat, from Independence, Cuyahoga County, Ohio, as a Member of the Ohio Turnpike Commission for a term beginning June 27, 2003 and ending at the close of business June 30, 2007, replacing Stephen Strnisha.

James L. Barney , Democrat, from Bellville, Richland County, Ohio, as a Member of the Ohio Quarter Horse Development Commission for a new term beginning August 1, 2003 and ending at the close of business June 30, 2007.

Debora Batta , Democrat, from Westerville, Franklin County, Ohio, as a Member of the Ohio Water Development Authority for a term beginning August 1, 2003 and ending at the close of business July 1, 2008, replacing Raymond E. Sines, who resigned.

David Benjamin , Democrat, from Aurora, Geauga County, Ohio, as a Member of the Ohio Air Quality Development Authority for a term beginning August 1, 2003 and ending at the close of business June 30, 2011, replacing Edward J. Kizer, whose term expired.

Duane Cable , Independent, from Columbus, Franklin County, Ohio, as a Member of the Petroleum Underground Storage Tank Release Compensation Board for a new term beginning August 1, 2003 and ending at the close of

business July 11, 2006.

Caroleta Colburn , Democrat, from Bremen, Fairfield County, Ohio, as a Member of the Ohio Parks and Recreation Council for a term beginning March 25, 2003 and ending at the close of business January 31, 2004, replacing Jean Call, whose term expired.

Elaine Collins , Republican, from Manchester, Adams County, Ohio, as a Member of the Southern Ohio Agricultural and Community Development Foundation for a new term beginning June 4, 2003 and ending at the close of business June 3, 2008.

Robert J. D'Anniballe , Democrat, from Steubenville, Jefferson County, Ohio, as a Member of the Advisory Board on Amusement Ride Safety for a term beginning June 27, 2003 and ending at the close of business January 1, 2009, replacing Gregory P. Held, whose term expired.

Dean P. DeRolph , Republican, from Lancaster, Fairfield County, Ohio, as a Member of the Board of Motor Vehicle Collision Repair Registration for a new term beginning April 28, 2003 and ending at the close of business January 1, 2006.

Mary V. Derry , from Bridgeport, Belmont County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning July 15, 2003 and ending at the close of business June 30, 2006.

Carol N. Drake , Republican, from Columbus, Franklin County, Ohio, as a Member of the State Employment Relations Board for a term beginning January 6, 2003 and ending at the close of business October 6, 2008, replacing Sue Pohler, whose term expired.

Larry D. Fox , Independent, from Rushsylvania, Logan County, Ohio, as a Member of the Ohio Quarter Horse Development Commission for a new term beginning August 1, 2003 and ending at the close of business June 30, 2007.

David J. Gilmore , Democrat, from Coshocton, Coshocton County, Ohio, as a Member of the Ohio Soil and Water Conservation Commission for a new term beginning July 1, 2003 and ending at the close of business June 30, 2007.

Carole Grimes , from Dayton, Montgomery County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning July 15, 2003 and ending at the close of business June 30, 2006.

Owen Hall , Republican, from Celina, Mercer County, Ohio, as a Member of the Ohio Parks and Recreation Council for a new term beginning March 25, 2003 and ending at the close of business January 31, 2005.

Margaret A. Hambleton , Republican, from Columbus, Franklin County, Ohio, as a Member of the Real Estate Appraisers Board for a new term beginning July 15, 2003 and ending at the close of business June 30, 2006.

Dennis I. Heebink , Republican, from Rockbridge, Hocking County, Ohio, as a Member of the Ohio Thoroughbred Race Fund Advisory Council for a

term beginning August 1, 2003, and ending at the close of business January 31, 2005, replacing Theodore Classen, who resigned.

Della M. Heitkamp , from Cincinnati, Hamilton County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning June 27, 2003, and ending at the close of business June 23, 2005.

Brian K. Hicks , Republican, from Hilliard, Franklin County, Ohio, as a Member of the Ohio Water Development Authority for a term beginning August 1, 2003 and ending at the close of business July 1, 2011, replacing Verna Riffe, whose term expired.

Stephen D. Hill , from Mason, Warren County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning June 27, 2003, and ending at the close of business June 23, 2005.

Cheryl A. Hilvert , Republican, from Montgomery, Montgomery County, Ohio, as a Member of the Petroleum Underground Storage Tank Release Compensation Board for a term beginning August 1, 2003 and ending at the close of business July 11, 2006, replacing L. Craig Foltin, whose term expired.

Douglas Holdridge , from Perrysburg, Wood County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning July 15, 2003 and ending at the close of business June 30, 2006.

Leon Humphries , Independent, from Columbus, Franklin County, Ohio, as a Member of the State Board of Examiners of Architects for a term beginning August 1, 2003 and ending at the close of business October 2, 2007, replacing John Spencer, whose term expired.

Sadhu Johnston , from Cleveland, Cuyahoga County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning July 15, 2003 and ending at the close of business June 30, 2006, replacing Caroline Sahley, whose term expired.

Harry Kaneshige , Democrat, from Athens, Athens County, Ohio, as a Member of the Ohio Water Advisory Council for a new term beginning March 25, 2003 and ending at the close of business February 1, 2005.

Lawrence A. Kell , Independent, from Bay Village, Cuyahoga County, Ohio, as a Member of the Real Estate Appraisers Board for a new term beginning July 15, 2003 and ending at the close of business June 30, 2006.

Paul Labovitz , Democrat, from Akron, Summit County, Ohio, as a Member of the Ohio Water Advisory Council for a new term beginning March 25, 2003 and ending at the close of business February 1, 2005.

Maurice M. Leiser , Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Motor Vehicle Salvage Dealers' Licensing Board for a new term beginning August 1, 2003 and ending at the close of business July 31, 2006.

Sean D. Logan , from Salineville, Columbiana County, Ohio, as a Member

of the Solid Waste Management Advisory Council for a new term beginning June 27, 2003, and ending at the close of business June 23, 2005.

Michael D. Long , from Grove City, Franklin County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning June 27, 2003, and ending at the close of business June 23, 2005.

Richard K. Mavis , from Mount Vernon, Knox County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning June 27, 2003, and ending at the close of business June 23, 2005.

Kimberly McConville , Republican, from Columbus, Franklin County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a term beginning August 13, 2003 and ending at the close of business November 18, 2003, replacing Mark Gibson, who resigned.

Lawrence B. Mixon , Democrat, from Columbus, Franklin County, Ohio, as a Member of the Wildlife Council for a term beginning April 15, 2003 and ending at the close of business January 31, 2005, replacing Jesse Hopkins, who resigned.

Thomas Noe , Republican, from Maumee, Lucas County, Ohio, as a Member of the Ohio Turnpike Commission for a term beginning July 1, 2003 and ending at the close of business June 30, 200 replacing Tim Greenwood, whose term expired.

Robert Pitts , from Athens, Athens County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning July 15, 2003 and ending at the close of business June 30, 2006.

Vincent T. Ricca , Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Water Advisory Council for a new term beginning March 25, 2003 and ending at the close of business February 1, 2005.

Gwen Robinson , from Cincinnati, Hamilton County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning July 15, 2003 and ending at the close of business June 30, 2006.

Ronald J. Rudd , Republican, from Moscow, Clermont County, Ohio, as a Member of the Southern Ohio Agricultural and Community Development Foundation for a new term beginning June 4, 2003 and ending at the close of business June 3, 2008.

Melissa M. Schilling , Republican, from Johnstown, Licking County, Ohio, as a Member of the Environmental Review Appeals Commission for a term beginning July 27, 2003 and ending at the close of business October 22, 2008, replacing Jeffrey Cabot, who resigned.

Robert Schmitz , Republican, from Bexley, Franklin County, Ohio, as a Member of the Ohio Standardbred Development Commission for a new term beginning August 13, 2003 and ending at the close of business June 30, 2007.

Thomas W. Stanley , Independent, from Chagrin Falls, Geauga County,

Ohio, as a Member of the Ohio Natural Areas Council for a new term beginning July 15, 2003 and ending at the close of business February 1, 2007.

Antoinette Starkey , from Medina, Cuyahoga County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning June 27, 2003, and ending at the close of business June 23, 2005.

Thomas Stephenson , Republican, from Hamilton, Butler County, Ohio, as a Member of the Petroleum Underground Storage Tank Release Compensation Board for a new term beginning August 1, 2003 and ending at the close of business July 11, 2006.

Dennis N. Sterwerf , Republican, from Fairfield, Butler County, Ohio, as a Member of the Board of Motor Vehicle Collision Repair Registration for a new term beginning April 28, 2003 and ending at the close of business January 1, 2006.

E.J. Thomas , Republican, from Columbus, Franklin County, Ohio, as a Member of the Unemployment Compensation Review Commission for a term beginning May 5, 2003 and ending at the close of business February 27, 2009, replacing William W. Milligan, whose term expired.

Paul E. Tomes , Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio River Valley Water Sanitation Commission for a term beginning August 13, 2003 and ending at the close of business June 29, 2009, replacing Richard Miller, whose term expired.

William A. Tomko , Republican, from Chagrin Falls, Cuyahoga County, Ohio, as a Member of the Ohio Natural Areas Council for a new term beginning July 15, 2003 and ending at the close of business February 1, 2007.

John P. Vimmerstedt , Democrat, from Wooster, Knox County, Ohio, as a Member of the Forestry Advisory Council for a term beginning August 1, 2003 and ending at the close of business February 28, 2007, replacing John Gerlach, whose term expired.

Steven Weber , Republican, from Lowell, Washington County, Ohio, as a Member of the Ohio Parks and Recreation Council for a new term beginning March 25, 2003 and ending at the close of business January 31, 2005.

Walter White , Independent, from Mentor, Lake County, Ohio, as a Member of the Ohio Standardbred Development Commission for a new term beginning August 13, 2003 and ending at the close of business June 30, 2007.

Richard S. Williams, from Oberlin, Lorain County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning June 27, 2003, and ending at the close of business June 23, 2005.

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

YES - 10: DOUG WHITE, JAY HOTTINGER, JEFF JACOBSON,

JAMES E. CARNES, BILL HARRIS, SCOTT R. NEIN,
C. J. PRENTISS, TERESA FEDOR, MARK MALLORY,
GREGORY L. DIDONATO.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor ?"

Pursuant to Senate Rule No. 98, Senator Hagan, moved that the appointment of Brian K. Hicks be removed from the list and voted on seperately.

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

With leave of the Senate, Senator Hagan withdrew his motion.

The question recurred, "Shall the Senate advise and consent to the appointments by the Governor ?"

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	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

So the Senate advised and consented to said appointments.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 82-Senators Amstutz, Randy Gardner, Jacobson, Mumper, Stivers, Harris, Spada, DiDonato, Schuler, Hagan, Robert Gardner, Schuring, Brady, Carnes, Herington, White. -Representatives Wolpert, Daniels, Cirelli, Collier, Domenick, Flowers, McGregor, Price, Schlichter, Sferra, Skindell, Ujvagi, Wagner, Walcher, Aslanides, Book, Callender, Calvert, Carmichael, Chandler, DeBose, C. Evans, D. Evans, Gibbs, Hagan, Hartnett, Hughes, Jolivette, Niehaus, Olman, Otterman, S. Patton, Schaffer, Schmidt, Schneider, Seitz, Setzer, J. Stewart, Taylor, Webster, Young.

To amend sections 122.17, 135.35, 301.27, 505.10, 2913.01, 5575.01, 5705.41, 5709.62, 5709.63, 5709.67, and 5709.82 and to enact sections 9.361 and 301.29 of the Revised Code to modify the authority of a county treasurer to invest public moneys in securities lending agreements, to authorize boards

of county commissioners to approve the use of procurement cards for certain work-related purchases, to make changes pertaining to the exemption of county expenditures from the certification of available funds, to make changes to the County Credit Card Law, to allow counties to authorize a payroll deduction program to provide for certain employee transportation benefits, to extend the term of enterprise zone tax exemptions from ten to fifteen years for uranium-related projects under certain conditions, to authorize the reimbursement of taxing units for tax revenue foregone as a result of certain tax exemptions, to change the definition of "new employee" for purposes of the job creation tax credit, to permit the disposal of certain unneeded, obsolete, or unfit for use township property by sealed bid, and to exempt certain township road projects from the force account assessment form requirement, 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	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

So the Senate concurred in the amendments of the House of Representatives.

Senator Randy Gardner moved that the Senate advance to the Sixth Order of Business, Bills for Third Consideration.

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

The motion was agreed to.

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?"

Senator Randy Gardner moved that **H.B. No. 51** be informally passed until November 12, 2003 and retain its place on the calendar.

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

The motion was agreed to.

Sub. H. B. No. 86-Representatives Hoops, Willamowski, Widowfield, Raga, Buehrer, Daniels, Flowers, Latta, T. Patton, Redfern, Schlichter, Walcher, Webster. -Senator Blessing.

To amend sections 2151.07, 2301.02, 2301.03, and 3501.38 and to enact sections 2101.023 and 2101.024 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 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 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, and 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, was considered the third time.

The question being, "Shall the section, Section 8, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Randy Gardner moved to amend as follows:

In line 1586, after the underlined comma delete the balance of the line
Delete line 1587

In line 1588, delete "when the petition is required to be filed."

In line 1591, delete "does not apply" and insert "applies only"

In line 1592, delete "fails to file the petition with the board" and insert "received the petition from the board"

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

The motion was agreed to.

The question recurred, "Shall the section, Section 8, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

So the section, Section 8, setting forth the emergency features of the bill stood as a part of the bill.

The question being "Shall the bill, **Sub. H.B. No. 86**, pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

So the bill passed as an emergency measure.

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

Senator Randy Gardner moved to amend the title as follows:

Add the names : "Randy Gardner, Mumper."

The motion was agreed to and the title so amended.

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. -Senator Carnes.

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, 3707.99, 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); and 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 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, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 6**, pass?"

Senator Stivers moved to amend as follows:

In line 653, delete "(2)"

In line 748, delete "maintained"

In line 749, delete "under" and insert "authorized by"

In line 912, reinsert "authorized by"; delete "maintained"

In line 913, delete "pursuant to"

In line 1321, reinsert "authorized"; delete "maintained"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 6**, pass?"

Senator Fingerhut moved to amend as follows:

In lines 645 and 646, delete "a person" and insert "an individual"

In line 661, delete "person" and insert "individual"

Senator Harris 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 14, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

Brady	Dann	DiDonato	Fedor
Fingerhut	Goodman	Hagan	Hottinger
Mallory	Miller	Prentiss	Roberts
Schuring			Zurz-14.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 6**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

So the bill passed.

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

Senator Harris moved to amend the title as follows:

Add the names : "Harris, Stivers, Mumper."

The motion was agreed to and the title so amended.

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

To amend sections 4509.51 and 4509.53 of the Revised Code to specify that policies under the Financial Responsibility Law remain subject to their terms and conditions, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 139**, pass?"

On motion of Senator Randy Gardner, the Senate recessed until 3:25 p.m.

The Senate met pursuant to recess.

The question recurred, "Shall the bill, **Sub. H. B. No. 139**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

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 : "Mumper, White, Nein, Harris."

The motion was agreed to and the title so amended.

Senator Randy Gardner moved that the Senate revert to the Fifth Order of Business, Resolutions Reported by Committee.

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

The motion was agreed to.

RESOLUTIONS REPORTED BY COMMITTEE

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

Proposing to amend Section 6 of Article XV of the Constitution of the State of Ohio to require an agency of the state, if approval of the voters of the state is obtained, to conduct games that make immediate prize determinations for individual participants by electronic devices at no more than, and only at, seven licensed commercial horseracing tracks in counties where licensed commercial horseracing tracks operated during calendar year 2003 and to require that the entire net proceeds of the games be used solely for scholarships for Ohio residents who are students at institutions of higher education located in Ohio and for primary, secondary, vocational, and special education school building construction.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be

submitted to the electors of the state in the manner prescribed by law at a special election to be held on March 2, 2004, a proposal to amend Section 6 of Article XV of the Constitution of the State of Ohio to read as follows:

If adopted by a majority of the electors voting on this proposal, the amendment takes effect April 1, 2004, and existing Section 6 of Article XV of the Constitution of the State of Ohio is repealed from that effective date.

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

The yeas and nays were taken and resulted - yeas 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Armbruster	Austria	Blessing	Brady
Carnes	Coughlin	Dann	DiDonato
Fingerhut	Robert Gardner	Goodman	Hagan
Harris	Mallory	Miller	Mumper
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Zurz	White-24.

Those who voted in the negative were: Senators

Amstutz	Carey	Fedor	Randy Gardner
Hottinger	Jacobson	Jordan	Nein
			Wachtmann-9.

So the joint resolution was adopted.

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

The title was agreed to.

BILLS FOR THIRD CONSIDERATION**Sub. S. B. No. 99**-Senator Blessing.

To amend sections 3770.02, 3770.03, 3770.05, 3770.06, 3770.07, 3770.08, and 4301.03 and to enact sections 3333.30, 3333.301, 3770.061, and 3770.21 to 3770.30 of the Revised Code to require the State Lottery Commission to establish licensing procedures for electronic lottery sales agents that are horseracing permit holders and to conduct lotteries that provide immediate prize determinations for individual participants through the use of electronic gaming devices at not more than seven licensed commercial horseracing tracks; to require the Board of Regents to implement the Ohio Scholarship Program to provide specified scholarships to certain high school graduates who meet certain academic standards and enroll in specified Ohio institutions of higher education; to require the Board of Regents to implement the Ohio Learn and Earn Scholarship Program to provide certain scholarships to high school graduates who meet certain academic and nonacademic requirements and enroll in specified Ohio institutions of higher education; to require five per cent or \$25 million of the net proceeds from the electronic lotteries, whichever is less, to be used for school building construction for elementary, secondary, vocational, and special education programs; and to require the remaining net proceeds from the electronic lotteries to be used to support first the Ohio Scholarship Program and second the Ohio Learn and Earn Scholarship Program, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 99**, pass?"

Senator Jordan moved to amend as follows:

In lines 32 and 1326, after "sections" insert "3517.13, 3517.992,"

Between lines 239 and 240, insert:

"**Sec. 3517.13.** (A)(1) No campaign committee for a candidate whose candidacy for nomination or election was submitted to electors throughout the entire state shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.

(2) No campaign committee of a statewide candidate shall fail to file a complete and accurate monthly statement, and no campaign committee of a statewide candidate or a candidate for the office of chief justice or justice of the supreme court shall fail to file a complete and accurate two-business-day statement, as required under section 3517.10 of the Revised Code.

As used in this division, "statewide candidate" has the same meaning as in division (F)(2) of section 3517.10 of the Revised Code.

(B) No campaign committee for a candidate whose candidacy for nomination or election was submitted to electors within a county or district shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.

(C) No campaign committee shall fail to file a complete and accurate statement required under division (A)(2) of section 3517.10 of the Revised Code.

(D) No campaign committee shall fail to file a complete and accurate statement required under division (A)(3) of section 3517.10 of the Revised Code.

(E) No person other than a campaign committee shall knowingly fail to file a statement required under section 3517.10 or 3517.107 of the Revised Code.

(F) No person shall make cash contributions to any person totaling more than one hundred dollars in each primary, special, or general election.

(G)(1) No person shall knowingly conceal or misrepresent contributions given or received, expenditures made, or any other information required to be reported by a provision in sections 3517.08 to 3517.13 and 3517.17 of the Revised Code.

(2)(a) No person shall make a contribution to a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity in the name of another person.

(b) A person does not make a contribution in the name of another when either of the following applies:

(i) An individual makes a contribution from a partnership or unincorporated business account, if the contribution is reported by listing both the name of the partnership or unincorporated business and the name of the partner or owner making the contribution.

(ii) A person makes a contribution in that person's spouse's name or in both of their names.

(H) No person within this state, publishing a newspaper or other periodical, shall charge a campaign committee for political advertising a rate in excess of the rate ~~such~~that person would charge if the campaign committee were a general rate advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office that the candidate of the campaign committee is seeking. The rate shall take into account the amount of space used; as well as the type of advertising copy submitted by or on behalf of the campaign committee. All discount privileges otherwise offered by a newspaper or periodical to general rate advertisers shall be available upon equal terms to all campaign committees.

No person within this state, operating a radio or television station or network of stations in this state, shall charge a campaign committee for political broadcasts a rate that exceeds:

(1) During the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which the candidate of the campaign committee is seeking office, the lowest unit charge of the station for the same class and amount of time for the same period;

(2) At any other time, the charges made for comparable use of ~~such~~that station by its other users.

(I) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state or any political subdivision shall award any contract, other than one let by competitive bidding or a contract incidental to such contract or which is by force account, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust if the individual has made or the individual's spouse has made, or any partner, shareholder, administrator, executor, or trustee; or the ~~spouses~~spouse of any of them has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of one thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee.

(J) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state or any political subdivision shall award any contract, other than one let by competitive bidding or a contract incidental to such contract or which is by force account, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if an owner of more than twenty per cent of the corporation or business trust or the spouse of ~~such a~~a person, has made, as an individual, within the two previous calendar years, taking into consideration only owners for all of ~~such that~~ period, one or more contributions totaling in excess of one thousand dollars to the holder of a public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee.

(K) For purposes of divisions (I) and (J) of this section, if a public officer who is responsible for the award of a contract is appointed by the governor, whether or not the appointment is subject to the advice and consent of the senate, excluding members of boards, commissions, committees, authorities, councils, boards of trustees, task forces, and other such entities appointed by the governor, the office of the governor is considered to have ultimate responsibility for the award of the contract.

(L) For purposes of divisions (I) and (J) of this section, if a public officer who is responsible for the award of a contract is appointed by the elected chief executive officer of a municipal corporation, or appointed by the elected chief executive officer of a county operating under an alternative form of county government or county charter, excluding members of boards, commissions,

committees, authorities, councils, boards of trustees, task forces, and other such entities appointed by the chief executive officer, the office of the chief executive officer is considered to have ultimate responsibility for the award of the contract.

(M)(1) Divisions (I) and (J) of this section do not apply to contracts awarded by the board of commissioners of the sinking fund, municipal legislative authorities, boards of education, boards of county commissioners, boards of township trustees, or other boards, commissions, committees, authorities, councils, boards of trustees, task forces, and other such entities created by law, by the supreme court or courts of appeals, by county courts consisting of more than one judge, courts of common pleas consisting of more than one judge, or municipal courts consisting of more than one judge, or by a division of any court if the division consists of more than one judge. Division (M)(1) of this section shall apply to the specified entity only if the members of the entity act collectively in the award of a contract for goods or services.

(2) Divisions (I) and (J) of this section do not apply to actions of the controlling board.

(N)(1) Divisions (I) and (J) of this section apply to contributions made to the holder of a public office having ultimate responsibility for the award of a contract, or to the public officer's campaign committee, during the time the person holds the office and during any time such person was a candidate for the office. These divisions do not apply to contributions made to, or to the campaign committee of, a candidate for or holder of the office other than the holder of the office at the time of the award of the contract.

(2) Divisions (I) and (J) of this section do not apply to contributions of a partner, shareholder, administrator, executor, trustee, or owner of more than twenty per cent of a corporation or business trust made before the person held any of those positions or after the person ceased to hold any of those positions in the partnership, association, estate, trust, corporation, or business trust whose eligibility to be awarded a contract is being determined, nor to contributions of the person's spouse made before the person held any of those positions, after the person ceased to hold any of those positions, before the two were married, or after the granting of a decree of divorce, dissolution of marriage, or ~~nullity~~annulment, or the granting of an order in an action brought solely for legal separation. These divisions do not apply to contributions of the spouse of an individual whose eligibility to be awarded a contract is being determined made before the two were married, or after the granting of a decree of divorce, dissolution of marriage, or ~~nullity~~annulment, or the granting of an order in an action brought solely for legal separation.

(O) No beneficiary of a campaign fund or other person shall convert for personal use, and no person shall knowingly give to a beneficiary of a campaign fund or any other person, for the beneficiary's or any other person's personal use, anything of value from the beneficiary's campaign fund, including, without limitation, payments to a beneficiary for services the beneficiary personally performs, except as reimbursement for any of the following:

(1) Legitimate and verifiable prior campaign expenses incurred by the beneficiary;

(2) Legitimate and verifiable, ordinary, and necessary prior expenses incurred by the beneficiary in connection with duties as the holder of a public office, including, without limitation, expenses incurred through participation in nonpartisan or bipartisan events if the participation of the holder of a public office would normally be expected;

(3) Legitimate and verifiable ordinary and necessary prior expenses incurred by the beneficiary while:

(a) Engaged in activities in support of or opposition to a candidate other than the beneficiary, political party, or ballot issue;

(b) Raising funds for a political party, political action committee, political contributing entity, legislative campaign fund, campaign committee, or other candidate;

(c) Participating in the activities of a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee; or

(d) Attending a political party convention or other political meeting.

For purposes of this division, an expense is incurred whenever a beneficiary has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure or by the use of goods or services received on account.

(P) No beneficiary of a campaign fund shall knowingly accept, and no person shall knowingly give to the beneficiary of a campaign fund, reimbursement for an expense under division (O) of this section to the extent that the expense previously was reimbursed or paid from another source of funds. If an expense is reimbursed under division (O) of this section and is later paid or reimbursed, wholly or in part, from another source of funds, the beneficiary shall repay the reimbursement received under division (O) of this section to the extent of the payment made or reimbursement received from the other source.

(Q) No candidate or public official or employee shall accept for personal or business use anything of value from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or employee's own campaign committee, and no person shall knowingly give to a candidate or public official or employee anything of value from a political party, political action committee, political contributing entity, or legislative campaign fund, or from such a campaign committee, except for the following:

(1) Reimbursement for legitimate and verifiable, ordinary, and necessary prior expenses not otherwise prohibited by law incurred by the candidate or public official or employee while engaged in any legitimate activity of the

political party, political action committee, political contributing entity, ~~or~~ legislative campaign fund; or ~~of~~ such ~~a~~ campaign committee. Without limitation, reimbursable expenses under this division include those incurred while:

(a) Engaged in activities in support of or opposition to another candidate, political party, or ballot issue;

(b) Raising funds for a political party, legislative campaign fund, campaign committee, or another candidate; or

(c) Attending a political party convention or other political meeting.

(2) Compensation not otherwise prohibited by law for actual and valuable personal services rendered under a written contract to the political party, political action committee, political contributing entity, ~~or~~ legislative campaign fund, or ~~to~~ such ~~a~~ campaign committee, for any legitimate activity of the political party, political action committee, political contributing entity, legislative campaign fund, or ~~such~~ campaign committee.

Reimbursable expenses under this division do not include, and it is a violation of this division for a candidate or public official or employee to accept, or for any person to knowingly give to a candidate or public official or employee, from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or employee's own campaign committee, anything of value for activities primarily related to the candidate's or public official's or employee's own campaign for election, except for contributions to the candidate's or public official's or employee's campaign committee.

For purposes of this division, an expense is incurred whenever a candidate or public official or employee has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure, or by the use of goods or services on account.

(R)(1) Division (O) or (P) of this section does not prohibit a campaign committee from making direct advance or post payment from contributions to vendors for goods and services for which reimbursement is permitted under division (O) of this section, except that no campaign committee shall pay its candidate or other beneficiary for services personally performed by the candidate or other beneficiary.

(2) If any expense that may be reimbursed under division (O), (P), or (Q) of this section is part of other expenses that may not be paid or reimbursed, the separation of the two types of expenses for the purpose of allocating for payment or reimbursement those expenses that may be paid or reimbursed may be by any reasonable accounting method, considering all of the surrounding circumstances.

(3) For purposes of divisions (O), (P), and (Q) of this section, mileage allowance at a rate not greater than that allowed by the internal revenue service at the time the travel occurs may be paid instead of reimbursement for actual travel

expenses allowable.

(S)(1) As used in division (S) of this section:

(a) "State elective office" has the same meaning as in section 3517.092 of the Revised Code.

(b) "Federal office" means a federal office as defined in the Federal Election Campaign Act.

(c) "Federal campaign committee" means a principal campaign committee or authorized committee as defined in the Federal Election Campaign Act.

(2) No person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall transfer any funds or assets from that person's federal campaign committee for nomination or election to the federal office to that person's campaign committee as a candidate for state elective office.

(3) No campaign committee of a person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall accept any funds or assets from that person's federal campaign committee for that person's nomination or election to the federal office.

(T)(1) Except as otherwise provided in division (B)(6)(c) of section 3517.102 of the Revised Code, a state or county political party shall not disburse moneys from any account other than a state candidate fund to make contributions to any of the following:

(a) A state candidate fund;

(b) A legislative campaign fund;

(c) A campaign committee of a candidate for the office of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, or member of the general assembly.

(2) No state candidate fund, legislative campaign fund, or campaign committee of a candidate for any office described in division (T)(1)(c) of this section shall knowingly accept a contribution in violation of division (T)(1) of this section.

(U) No person shall fail to file the statement required under section 3517.12 of the Revised Code.

(V) No campaign committee shall fail to file a statement required under division (K)(3) of section 3517.10 of the Revised Code.

(W)(1) No foreign national shall, directly or indirectly through any other person or entity, make a contribution, expenditure, or independent expenditure or promise, either expressly or implicitly, to make a contribution, expenditure, or independent expenditure in support of or opposition to a candidate for any

elective office in this state, including an office of a political party.

(2) No candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, or separate segregated fund shall solicit or accept a contribution, expenditure, or independent expenditure from a foreign national. The secretary of state may direct any candidate, committee, fund, entity, or party that accepts a contribution, expenditure, or independent expenditure in violation of this division to return the contribution, expenditure, or independent expenditure or, if it is not possible to return the contribution, expenditure, or independent expenditure, then to return instead the value of it, to the contributor.

(3) As used in this section, "foreign national" has the same meaning as in section 441e(b) of the Federal Election Campaign Act.

(X)(1)(a) No manufacturer, distributor, or vendor of electronic gaming devices used in lotteries conducted under section 3770.22 of the Revised Code shall make a contribution to any political party, campaign committee of a candidate for the office of member of the general assembly, or campaign committee of a candidate for statewide office.

(b) No owner or employee of a track at which lotteries that use electronic gaming devices are conducted under section 3770.22 of the Revised Code shall make a contribution to any political party, campaign committee of a candidate for the office of member of the general assembly, or campaign committee of a candidate for statewide office.

(2)(a) No political party, no campaign committee of a candidate for the office of member of the general assembly, and no campaign committee of a statewide candidate shall accept a contribution from a manufacturer, distributor, or vendor of electronic gaming devices used in lotteries conducted under section 3770.22 of the Revised Code.

(b) No political party, no campaign committee of a candidate for the office of member of the general assembly, and no campaign committee of a statewide candidate shall accept a contribution from an owner or employee of a track at which lotteries that use electronic gaming devices are conducted under section 3770.22 of the Revised Code.

(3) As used in division (X) of this section:

(a) "Electronic gaming device" and "track" have the same meanings as in section 3770.21 of the Revised Code.

(b) "Manufacturer, distributor, or vendor of electronic gaming devices" means any individual, partnership, other unincorporated business organization or association, limited liability company, or corporation that manufactures, distributes, or sells electronic gaming devices. "Manufacturer, distributor, or vendor of electronic gaming devices" includes an employee of or an owner of more than a de minimus interest in any partnership, other unincorporated business organization or association, limited liability company, or corporation that

manufactures, distributes, or sells electronic gaming devices, and the spouse and minor child of such an employee or owner.

(c) "Owner or employee of a track" means any individual, partnership, other unincorporated business organization or association, limited liability company, or corporation that owns more than a de minimus interest in, or who is employed at, a track at which lotteries that use electronic gaming devices are conducted under section 3770.22 of the Revised Code. "Owner or employee of a track" includes the spouse and minor child of such an individual.

(d) "Statewide office" means any of the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court, and justice of the supreme court.

Sec. 3517.992. This section establishes penalties only with respect to acts or failures to act that occur on and after August 24, 1995.

(A)(1) A candidate whose campaign committee violates division (A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, or a treasurer of a campaign committee who violates any of those divisions, shall be fined not more than one hundred dollars for each day of violation.

(2) Whoever violates division (E) of section 3517.13 of the Revised Code shall be fined not more than one hundred dollars for each day of violation.

(B) A political party that violates division (F)(1) of section 3517.101 of the Revised Code shall be fined not more than one hundred dollars for each day of violation.

(C) Whoever violates division (F)(2) of section 3517.101 or division (G) of section 3517.13 of the Revised Code shall be fined not more than ten thousand dollars or, if the offender is a person who was nominated or elected to public office, shall forfeit the nomination or the office to which the offender was elected, or both.

(D) Whoever violates division (F) of section 3517.13 of the Revised Code shall be fined not more than three times the amount contributed.

(E) Whoever violates division (H) of section 3517.13 of the Revised Code shall be fined not more than one hundred dollars.

(F) Whoever violates division (O), (P), or (Q) of section 3517.13 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) A state or county committee of a political party that violates division (B)(1) of section 3517.18 of the Revised Code shall be fined not more than twice the amount of the improper expenditure.

(H) A state or county political party that violates division (G) of section 3517.101 of the Revised Code shall be fined not more than twice the amount of the improper expenditure or use.

(I)(1) Any individual who violates division (B)(1) of section 3517.102 of

the Revised Code and knows that the contribution the individual makes violates that division shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(2) Any political action committee that violates division (B)(2) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(3) Any campaign committee that violates division (B)(3) or (5) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(4)(a) Any legislative campaign fund that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable.

(b) Any state political party, county political party, or state candidate fund of a state political party or county political party that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable.

(c) Any political contributing entity that violates division (B)(7) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(5) Any political party that violates division (B)(4) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) of this section, no violation of division (B) of section 3517.102 of the Revised Code occurs, and the secretary of state shall not refer parties to the Ohio elections commission, if the amount transferred or contributed in excess of the amount permitted by that division meets either of the following conditions:

(a) It is completely refunded within five business days after it is accepted.

(b) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the board of elections or the secretary of state that a transfer or contribution in excess of the permitted amount has been received.

(J)(1) Any campaign committee that violates division (C)(1), (2), (3), or (6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(2) Any state or county political party that violates division (C)(4) of section 3517.102 of the Revised Code shall be fined an amount from its state candidate fund equal to three times the amount accepted in excess of the amount

permitted by that division.

(3) Any legislative campaign fund that violates division (C)(5) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(4) Any political action committee or political contributing entity that violates division (C)(7) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of this section, no violation of division (C) of section 3517.102 of the Revised Code occurs, and the secretary of state shall not refer parties to the Ohio elections commission, if the amount transferred or contributed in excess of the amount permitted to be accepted by that division meets either of the following conditions:

(a) It is completely refunded within five business days after its acceptance.

(b) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the board of elections or the secretary of state that a transfer or contribution in excess of the permitted amount has been received.

(K)(1) Any legislative campaign fund that violates division (F)(1) of section 3517.102 of the Revised Code shall be fined twenty-five dollars for each day of violation.

(2) Any legislative campaign fund that violates division (F)(2) of section 3517.102 of the Revised Code shall give to the treasurer of state for deposit into the state treasury to the credit of the Ohio elections commission fund all excess contributions not disposed of as required by division (E) of section 3517.102 of the Revised Code.

(L) Whoever violates section 3517.105 of the Revised Code shall be fined one thousand dollars.

(M)(1) Whoever solicits a contribution in violation of section 3517.092 or violates division (B) of section 3517.09 of the Revised Code is guilty of a misdemeanor of the first degree.

(2) Whoever knowingly accepts a contribution in violation of division (B) or (C) of section 3517.092 of the Revised Code shall be fined an amount equal to three times the amount accepted in violation of either of those divisions and shall return to the contributor any amount so accepted. Whoever unknowingly accepts a contribution in violation of division (B) or (C) of section 3517.092 of the Revised Code shall return to the contributor any amount so accepted.

(N) Whoever violates division (S) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount of funds transferred or three times the value of the assets transferred in violation of that division.

(O) Any campaign committee that accepts a contribution or contributions in violation of section 3517.108 of the Revised Code, uses a contribution in violation of that section, or fails to dispose of excess contributions in violation of that section shall be fined an amount equal to three times the amount accepted, used, or kept in violation of that section.

(P) Any political party, state candidate fund, legislative candidate campaign fund, or campaign committee that violates division (T) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount contributed or accepted in violation of that section.

(Q) A treasurer of a committee or another person who violates division (U) of section 3517.13 of the Revised Code shall be fined not more than two hundred fifty dollars.

(R) Whoever violates division (I) or (J) of section 3517.13 of the Revised Code shall be fined not more than one thousand dollars. Whenever a person is found guilty of violating division (I) or (J) of section 3517.13 of the Revised Code, the contract awarded in violation of either of those divisions shall be rescinded if its terms have not yet been performed.

(S) A candidate whose campaign committee violates or a treasurer of a campaign committee who violates section 3517.081, and a candidate whose campaign committee violates, or a treasurer of a campaign committee, or another person who violates, division (C) of section 3517.10 of the Revised Code, shall be fined not more than five hundred dollars.

(T) A candidate whose campaign committee violates or a treasurer of a committee who violates division (B), or a candidate whose campaign committee violates, a treasurer of a committee, or another person who violates division (C), of section 3517.09 of the Revised Code shall be fined not more than one thousand dollars.

(U) Whoever violates section 3517.20 of the Revised Code shall be fined not more than five hundred dollars.

(V) Whoever violates section 3517.21 or 3517.22 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

(W) A campaign committee that is required to file a declaration of no limits under division (D)(2) of section 3517.103 of the Revised Code that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in section 3517.102 of the Revised Code, shall return that contribution or those contributions to the contributor.

(X) Any campaign committee that fails to file the declaration of filing-day finances required by division (F) of section 3517.109 or the declaration of primary-day finances or declaration of year-end finances required by division (E) of section 3517.1010 of the Revised Code shall be fined twenty-five dollars for each day of violation.

(Y) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under division (B) of section 3517.109 of the Revised Code in the manner required by division (C) of that section or under division (B) of section 3517.1010 of the Revised Code in the manner required by division (C) of that section shall give to the treasurer of state for deposit into the Ohio elections commission fund created under division (E)(2)(b) of section 3517.102 of the Revised Code all funds not disposed of pursuant to those divisions.

(Z) Any individual, campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or other entity that violates any provision of sections 3517.09 to 3517.12 of the Revised Code for which no penalty is provided for under any other division of this section shall be fined not more than one thousand dollars.

(AA)(1) Whoever knowingly violates division (W)(1) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount contributed, expended, or promised in violation of that division or ten thousand dollars, whichever amount is greater.

(2) Whoever knowingly violates division (W)(2) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount solicited or accepted in violation of that division or ten thousand dollars, whichever amount is greater.

(BB)(1) Except as otherwise provided in this division, whoever violates division (X)(1) of section 3517.13 of the Revised Code shall be fined not more than one thousand dollars. If a person previously has been fined for a violation of that division, each subsequent violation is a misdemeanor of the fourth degree. In addition to any penalties imposed under Title XXIX of the Revised Code, whoever commits a second or subsequent violation of that division shall be fined not more than three times the amount contributed in violation of that division.

(2) Whoever violates division (X)(2) of section 3517.13 of the Revised Code shall return any contribution accepted in violation of that division."

Senator Blessing 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 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Armbruster	Blessing	Brady	Carey
Carnes	Coughlin	Dann	DiDonato
Fedor	Randy Gardner	Robert Gardner	Goodman
Hagan	Harris	Mallory	Miller
Mumper	Prentiss	Roberts	Schuler
Schuring	Spada	Zurz	White-24.

Those who voted in the negative were: Senators

Amstutz	Austria	Fingerhut	Hottinger
Jacobson	Jordan	Nein	Stivers
			Wachtmann-9.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 99**, pass?"

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Armbruster	Blessing	Brady	Carnes
Coughlin	Dann	DiDonato	Fingerhut
Robert Gardner	Goodman	Hagan	Harris
Mallory	Miller	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
			White-21.

Those who voted in the negative were: Senators

Amstutz	Austria	Carey	Fedor
Randy Gardner	Hottinger	Jacobson	Jordan
Mumper	Nein	Wachtmann	Zurz-12.

So the bill passed.

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

Senator Blessing moved to amend the title as follows:

Add the names : "Blessing, Coughlin, Prentiss, Hagan, Roberts, Brady."

The motion was agreed to and the title so amended.

Sub. S. B. No. 2-Senators Robert Gardner, Prentiss, Mumper, Goodman, Harris, Spada, Carnes, Blessing, Armbruster.

To amend sections 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 3302.03, 3302.04, 3307.01, 3313.28, 3313.53, 3318.031, 3319.09, 3319.11, 3319.111, 3319.22, 3319.225, 3319.23, 3319.26, 3319.29, 3319.291, 3319.31, 3319.311, 3319.36, 3319.39, 3319.51, and 3333.38; to enact sections 3319.075, 3319.112, 3319.25, 3319.261, 3319.27, 3319.303, 3319.56, 3319.57, 3319.60, 3319.61, 3319.62, 3319.65, and 3333.161; to repeal sections 3301.801, 3314.12, and 3319.28 of the Revised Code; to amend Sections 11, 12, 13, and 14 of Am. Sub. H.B. 3 of the 125th General Assembly; and to amend Sections 41.03, 41.05, 41.10, and 146 of Am. Sub. H.B. 95 of the 125th General Assembly to implement recommendations of the Governor's Commission on Teaching Success and to revise the laws with respect to the teaching profession, academic standards, and other education policies, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 2**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

So the bill passed.

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

Senator Robert Gardner moved to amend the title as follows:

Add the names : "Miller, Roberts, Stivers, Zurz, Dann, Hagan, Brady."

The motion was agreed to and the title so amended.

Sub. S. B. No. 58-Senators Jacobson, Stivers, Goodman, Armbruster, Harris, Carey, Brady, Fingerhut, Hottinger.

To amend sections 2925.04 and 2925.041 of the Revised Code to increase the penalties for certain drug offenses if the offense is committed in the vicinity of a school or in the vicinity of a juvenile, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 58**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

So the bill passed.

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

Senator Jacobson moved to amend the title as follows:

Add the names : "Austria, Carnes, Dann, Brady, Randy Gardner, Hagan, Miller, Mumper, Roberts, Zurz."

The motion was agreed to and the title so amended.

MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, October 12, 2003, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 137-Senator Wachtmann.

To amend section 1901.08 of the Revised Code to change the status of the judge of the Napoleon Municipal Court from part-time to full-time.

OFFERING OF RESOLUTIONS

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

S.R. No. 1053 - Senator Fedor.

Honoring Arnold and Norma Beck on their Golden Wedding Anniversary.

S.R. No. 1054 - Senator Mumper.

Honoring St. Mary's Catholic Church on its One Hundred Fiftieth Anniversary.

S.R. No. 1055 - Senator Mumper.

Honoring Tom and Dora Lou Kin on their Golden Wedding Anniversary.

S.R. No. 1056 - Senator Zurz.

Honoring Ron and Geri Harper on their Fifty-fifth Wedding Anniversary.

S.R. No. 1057 - Senator Zurz.

Honoring John and Emogene Salmon on their Fifty-fifth Wedding Anniversary.

S.R. No. 1058 - Senator Zurz.

Honoring Harry and Joyce Ashley on their Golden Wedding Anniversary.

S.R. No. 1059 - Senator Zurz.

Honoring Richard and Bernadean Kurtz on their Golden Wedding Anniversary.

S.R. No. 1060 - Senator Zurz.

Honoring Donald and Maxine Knapp on their Sixtieth Wedding Anniversary.

S.R. No. 1061 - Senator Zurz.

Honoring Edmund and Kathleen Ostroski on their Sixtieth Wedding Anniversary.

S.R. No. 1062 - Senator Jacobson.

Honoring Jeffery Upshaw, Jr. as a BMX national Champion.

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:

H. C. R. No. 28 - Speaker Householder Representatives Trakas, Calvert, Hughes, Clancy, Flowers, T. Patton, Schlichter, Carmichael, Beatty, Otterman, Jerse, Carano, Walcher, Allen, Wilson, Cates.

Honoring the 37th Infantry Division of the Ohio Army National Guard on receiving an Ohio Historical Marker for exceptional military service.

Attest:

Laura P. Clemens,
Clerk.

The question being, "Shall the concurrent resolution, **H. C. R. No. 28**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Stivers moved to amend the title as follows:

Add the names : "Stivers, Amstutz, Armbruster, Austria, Blessing, Brady, Carey, Carnes, Coughlin, Dann, DiDonato, Fedor, Fingerhut, Randy Gardner, Robert Gardner, Goodman, Hagan, Harris, Hottinger, Jacobson, Jordan, Mallory, Miller, Mumper, Nein, Prentiss, Roberts, Schuler, Schuring, Spada, Wachtmann, White, Zurz."

The motion was agreed to and the title so amended.

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. 139 - Representative G. Smith, et al.

Am. Sub. H. B. No. 86 - Representative Hoops, et al.

Am. Sub. H. B. No. 6 - Representative J. Stewart, et al.

Attest:

Laura P. Clemens,
Clerk.

On the motion of Senator Randy Gardner, the Senate adjourned until Thursday, October 16, 2003 at 9:30 a.m.

Attest:

MATTHEW T. SCHULER,
Clerk.