

**OHIO**

**SENATE**

**JOURNAL**

**THURSDAY, NOVEMBER 13, 2003**

ONE HUNDRED ELEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, November 13, 2003, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Doug Warburton, Alleluia Lutheran Church, Dublin, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

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

**S. R. No. 1173**-Senators Goodman, Jacobson, Dann, Fingerhut, Jordan, Mumper, Nein, Randy Gardner, Harris.

To deplore those who refuse to condemn the use of terrorism against Israel and to deplore any call for divestment of Ohio's investments in Israel, and to salute the OSU Hillel and the Schottenstein Chabad House for their campus peace and education efforts regarding Israel.

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

**S. B. No. 148**-Senators Austria, Stivers, Goodman, Randy Gardner, Armbruster, Jacobson.

To amend sections 5104.01, 5104.011, 5104.04, 5104.11, 5104.30, and 5104.99 and to enact sections 5104.082, 5104.083, 5104.14, and 5153.175 of the Revised Code to revise the law pertaining to child day-care.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 149**-Senators Dann, Zurz, Stivers, Schuring, Fingerhut.

To amend sections 5902.02 and 5902.08 and to enact section 5902.09 of the Revised Code to require the Director of the Governor's Office of Veterans Affairs to develop the Ohio Veterans Legion of Honor Program.

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

**S. B. No. 150**-Senators Coughlin, Blessing.

To amend sections 4703.02, 4703.13, and 4733.15 and to enact section 4733.151 of the Revised Code to increase the annual renewal of registration fee for professional engineers and professional surveyors, to implement continuing professional development requirements for registration renewals of professional engineers and surveyors beginning in calendar year 2008, and to authorize the state board of examiners of architects to adopt rules pertaining to continuing education requirements.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 151**-Senators Austria, Schuring, Jacobson.

To enact sections 1349.04 and 1349.51 of the Revised Code to require consumer reporting agencies to furnish consumers with one free consumer report per calendar year and to prohibit consumer reporting agencies from disclosing certain information obtained from insurer inquiries.

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

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **Sub. H. B. No. 127**-Representative Jolivette, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Spada, Amstutz.

YES - 11: ROBERT F. SPADA, STEPHEN C. AUSTRIA, TOM ROBERTS, KIMBERLY A ZURZ, MARC DANN,

ROBERT L. SCHULER, ROBERT A. GARDNER, RON AMSTUTZ, JIM JORDAN, DAVID GOODMAN, ERIC D. FINGERHUT.

NO - 0.

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

The report of the committee was accepted.

Senator Austria submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **H. B. No. 49**-Representative Hughes, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Stivers, Austria.

YES - 8: STEVE STIVERS, STEPHEN C. AUSTRIA, MARC DANN, KIMBERLY A ZURZ, DAVID GOODMAN, JIM JORDAN, TERESA FEDOR, J. KIRK SCHURING.

NO - 0.

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

The report of the committee was accepted.

Senator Austria submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Am. H. B. No. 179**-Representative Wolpert, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Austria.

YES - 8: STEVE STIVERS, DAVID GOODMAN, JIM JORDAN, STEPHEN C. AUSTRIA, MARC DANN, KIMBERLY A ZURZ, TERESA FEDOR, J. KIRK SCHURING.

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 **H. B. No. 75**-Representative Buehrer, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Amstutz, Prentiss, Brady.

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

NO - 0.

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

The report of the committee was accepted.

Senator Wachtmann submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. B. No. 133**-Senator Wachtmann, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: LYNN R. WACHTMANN, JEFF JACOBSON, SCOTT R.  
NEIN, JEFFRY J. ARMBRUSTER, RANDY GARDNER,  
KEVIN J. COUGHLIN, JIM JORDAN, RAY MILLER, C.  
J. PRENTISS.

NO - 2: ROBERT F. HAGAN, DANIEL R. BRADY.

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:

**Richard Adams** , Republican, from Troy, Miami County, Ohio, as a Member of the Edison State Community College Board of Trustees for a new term beginning March 25, 2003 and ending at the close of business January 18, 2009.

**Lawrence M. Anthony** , Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2005.

**Carroll Ashley** , Republican, from Toledo, Lucas County, Ohio, as a Member of the Medical College of Ohio at Toledo Board of Trustees for a term beginning August 1, 2003 and ending at the close of business May 1, 2012, replacing ViJay K. Mahajan, whose term expired.

**Aaron C. Askew** , Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 28, 2003 and ending at the close of business January 14,

2006.

**Gail Ball** , Republican, from Jackson, Jackson County, Ohio, as a Member of the Shawnee State University Board of Trustees for a term beginning July 14, 2003 and ending at the close of business June 30, 2012, replacing George H. Clayton, whose term expired.

**Norman I. Barron** , Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the State Racing Commission for a new term beginning April 4, 2003 and ending at the close of business March 31, 2007.

**Karen Moody-Bierly** , Republican, from Mansfield, Richland County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2004.

**Lewis Blackford** , Republican, from Sidney, Shelby County, Ohio, as a Member of the Edison State Community College Board of Trustees for a new term beginning March 25, 2003 and ending at the close of business January 18, 2009.

**Lyn Bliss** , Republican, from Greenville, Darke County, Ohio, as a Member of the Edison State Community College Board of Trustees for a term beginning June 13, 2003 and ending at the close of business January 18, 2009, replacing Kay Seiler, whose term expired.

**Paul Booth** , Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the State Personnel Board of Review for a term beginning April 9, 2003 and ending at the close of business February 8, 2009, replacing Debora Batta, whose term expired.

**Scott Borgemenke** , Republican, from Columbus, Franklin County, Ohio, as a Member the State Racing Commission for a term beginning April 4, 2003 and ending at the close of business March 31, 2007, replacing Linda Hondros, whose term expired.

**Ella Mae Bowman** , Republican, from East Cleveland, Cuyahoga County, Ohio, as a Member of the Financial Planning and Supervision Commission for East Cleveland School District for a term beginning April 25, 2003, and serving at the pleasure of the Governor.

**Jo Ellen Braden** , from Waldo, Marion County, Ohio, as a Member of the Marion Technical College Board of Directors for a new term beginning May 1, 2003 and ending at the close of business April 30, 2006.

**Linda Caron** , Republican, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning March 28, 2003 and ending at the close of business January 14, 2006, replacing Rebecca Rogers, whose term expired.

**Gerald V. Carter** , Democrat, from Youngstown, Mahoning County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December

23, 2004.

**Wen-Yu Cheng** , from Marietta, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for a new term beginning April 4, 2003 and ending at the close of business February 18, 2009.

**Matthew W. Clever** , Independent, from Bay Village, Cuyahoga County, Ohio, as a Student Member of the Bowling Green State University Board of Trustees for a term beginning June 23, 2003 and ending at the close of business May 17, 2005, replacing Jerrod Hirschfeld, whose term expired.

**Harry M. Cogswell** , from Marietta, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for a new term beginning April 4, 2003 and ending at the close of business February 18, 2009.

**Millicent Counts** , Democrat, from Youngstown, Mahoning County, Ohio, as a Member of the Youngstown State University Board of Trustees for a term beginning August 8, 2003 and ending at the close of business May 1, 2012, replacing Eugenia Atkinson, whose term expired.

**Victoria W. Crews** , Democrat, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2003.

**Sue E. Derck** , Republican, from Antwerp, Paulding County, Ohio, as a Member of the Northwest State Community College Board of Trustees for a new term beginning June 24, 2003 and ending at the close of business June 10, 2009.

**R. Patrick DeWine** , Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Clean Ohio Council for a term beginning April 4, 2003 and ending at the close of business November 23, 2004.

**Samuel J. DiSalvo** , from Oxford, Butler County, Ohio, as a Student Member of the Miami University Board of Trustees for a term beginning April 23, 2003 and ending at the close of business February 28, 2005, replacing Michael Connaughton, whose term expired.

**Jeanine P. Donaldson** , Independent, from Lorain, Lorain County, Ohio, as a Member of the Ohio Civil Rights Commission, for a term beginning September 23, 2002, and ending at the close of business July 28, 2007, replacing Lawrence Bolden, whose term expired.

**Linda S. Dotson** , Republican, from Galloway, Franklin County, Ohio, as a Member of the State Lottery Commission for a new term beginning August 13, 2003 and ending at the close of business August 1, 2006.

**M. Joan Douglass** , Republican, from Gahanna, Franklin County, Ohio, as a Member of the Hearing Aid Dealers & Fitters Licensing Board for a term beginning March 18, 2003, and ending at the close of business January 25,

2007.

**Floyd H. Flake** , from Wilberforce, Greene County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a term beginning July 14, 2003 and ending at the close of business January 31, 2005, replacing John Henderson, whose term expired.

**Sally D. Florkiewicz** , Republican, from Chagrin Falls, Cuyahoga County, Ohio, as a Member of the Cleveland State University Board of Trustees for a new term beginning July 15, 2003 and ending at the close of business May 1, 2012.

**Mark A. Forni** , Democrat, from Woodsfield, Monroe County, Ohio, as a Member of the Clean Ohio Council for a new term beginning April 4, 2003 and ending at the close of business November 23, 2004.

**Kathleen M. Fox** , Independent, from Columbus, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 28, 2003 and ending at the close of business January 14, 2006.

**Manuel R. Garcia** , Republican, from Strongsville, Cuyahoga County, Ohio, as a Member of the State Board of Orthotics, Prosthetics, and Pedorthics for a term beginning April 23, 2003 and ending at the close of business December 6, 2005, replacing Ronald L. Kidd, whose term expired.

**John Garland** , from Xenia, Green County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a new term beginning July 14, 2003 and ending at the close of business January 31, 2005.

**Joe R. A. Gay** , Democrat, from Athens, Athens County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2004.

**Yvonne George** , Independent, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Ohio Respiratory Care Board for a term beginning April 23, 2003 and ending at the close of business March 13, 2006, replacing Sandy Robinson, whose term expired.

**Chip H. Gerhardt III** , Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Transportation Review Advisory Council for a new term beginning August 29, 2003 and ending at the close of business June 30, 2008.

**Diane S. Haller** , Independent, from Wapakoneta, Auglaize County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2003.

**Darrell W. Handy** , Republican, from Defiance, Defiance County, Ohio, as a Member of the Northwest State Community College Board of Trustees

for a new term beginning June 24, 2003 and ending at the close of business June 10, 2009.

**Eleanor M. Hayes** , from Sough Euclid, Cuyahoga County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a new term beginning July 14, 2003 and ending at the close of business January 31, 2007.

**John R. Hendricks** , from Marietta, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for a new term beginning April 4, 2003 and ending at the close of business February 18, 2009.

**Brooke Hill** , Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the State Lottery Commission for a new term beginning August 13, 2003 and ending at the close of business August 1, 2006.

**Jessica B. Horne** , Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2005.

**Edith Humphrey** , Republican, from Mansfield, Richland County, Ohio, as a Member of the North Central State College Board of Trustees for a new term beginning March 28, 2003, and ending at the close of business January 16, 2006.

**Don Hutslar** , Independent, from Worthington, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 28, 2003 and ending at the close of business January 14, 2006.

**Carolyn S. Ireland** , Democrat, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2005.

**Jonathan C. Ivec** , Independent, from University Heights, Cuyahoga County, Ohio, as a Member of the Ohio Tuition Trust Authority for a new term beginning March 25, 2003 and ending at the close of business January 31, 2007.

**George Jenkins** , Democrat, from Dublin, Delaware County, Ohio, as a Member of the Kent State University Board of Trustees for a term beginning June 13, 2003 and ending at the close of business May 16, 2006, replacing Vincent D. Pettinelli, who resigned.

**Frederick N. Karaffa** , Democrat, from Granville, Licking County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2005.

**C. Robert Kidder** , Independent, from New Albany, Franklin County,

Ohio, as a Member of the Ohio University Board of Trustees for a term beginning August 29, 2003 and ending at the close of business May 13, 2012, replacing Gordon Brunner, whose term expired.

**Sandra Kimble** , Republican, from Manchester, Adams County, Ohio, as a Member of the Financial Planning and Supervision Commission for Manchester Township for a term beginning April 3, 2003 and serving at the pleasure of the Governor.

**Nancy Otis Klopffleisch** , Republican, from Celina, Mercer County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning September 12, 2003 and ending at the close of business January 14, 2005.

**Robert Konstam** , Republican, from Mansfield, Richland County, Ohio, as a Member of the North Central State College Board of Trustees for a term beginning March 28, 2003 and ending at the close of business January 16, 2005, replacing Tom Ross, whose term expired.

**Tahlman Krumm** , Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Higher Education Facility Commission for a term beginning July 15, 2003 and ending at the close of business January 1, 2011, replacing Sarina F. Kinney, who resigned.

**Joseph Leonard** , Democrat, from Oxford, Butler County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 28, 2003 and ending at the close of business January 14, 2006.

**Edythe Lewis** , from Dayton, Montgomery County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a new term beginning July 14, 2003 and ending at the close of business January 31, 2007.

**David C. Long** , Republican, from Tipp City, Miami County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2003.

**Lester L. Lyles** , from Dayton, Montgomery County, Ohio, as a Member of the Wright State University Board of Trustees for a term beginning September 12, 2003 and ending at the close of business June 30, 2012, replacing Thomas E. Palmer, whose term expired.

**Douglas W. Lynn** , Republican, from Wilmington, Clinton County, Ohio, as a Member of the Southern State Community College Board of Trustees for a term beginning June 13, 2003 and ending at the close of business June 5, 2006, replacing John M. Schlichter, who resigned.

**Martha MacDonell** , Independent, from Lima, Allen County, Ohio as a Member of the Ohio Arts Council for a new term beginning September 12, 2003 and ending at the close of business July 1, 2008.

**Richard B. McQuade** , Republican, from Swanton, Fulton County, Ohio, as a Member of the University of Toledo Board of Trustees for a new term beginning July 2, 2003 and ending at the close of business July 1, 2012.

**John N. Meeks** , Democrat, from Canton, Stark County, Ohio, as a Member of the State Racing Commission for a new term beginning April 4, 2003 and ending at the close of business March 31, 2007.

**John E. Moore** , Independent, from Dayton, Montgomery County, Ohio, as a Member of the Bowling Green State University Board of Trustees for a term beginning June 23, 2003 and ending at the close of business May 17, 2012, replacing David Bryan, whose term expired.

**Patrick S. Mullin** , Republican, from Cleveland, Cuyahoga County, Ohio, as a Member of the Kent State University Board of Trustees for a term beginning June 13, 2003 and ending at the close of business May 16, 2012, replacing Vincent A. Chiarucci, whose term expired.

**Christopher B. Nichols** , Republican, from Canton, Stark County, Ohio, as a Member of the Clean Ohio Council for a term beginning April 4, 2003 and ending at the close of business November 23, 2004, replacing Richard Regula, whose term expired.

**Robert C. Nevin** , Republican, from Xenia, Greene County, Ohio, as a Member of the Wright State University Board of Trustees for a term beginning September 12, 2003 and ending at the close of business June 30, 2007, replacing Gail Littlejohn, who resigned.

**Jennifer Nobles** , Independent, from Elyria, Lorain County, Ohio, as a Student Member of the Kent State University Board of Trustees for a term beginning June 13, 2003 and ending at the close of business May 16, 2005, replacing Lori Long, whose term expired.

**Walden O'Dell** , Independent, from Canton, Stark County, Ohio, as a Member of the Ohio State University Board of Trustees for a term beginning May 23, 2003 and ending at the close of business May 13, 2012, replacing James F. Patterson, whose term expired.

**Mary Ann Olding** , Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 28, 2003 and ending at the close of business January 14, 2006.

**Suzanne Pollock** , Republican, from Jerusalem, Monroe County, Ohio, as a Member of Belmont Technical College Board of Trustees for a new term beginning June 13, 2003 and ending at the close of business May 13, 2006.

**David Ponitz** , Republican, from Centerville, Montgomery County, Ohio, as a Member of the Midwestern Higher Education Compact Commission for a new term beginning April 15, 2003 and ending at the close of business January 9, 2007.

**James J. Powers** , Republican, from Columbus, Franklin County, Ohio, as

a Member of the State Board of Orthotics, Prosthetics, and Pedorthics for a term beginning April 23, 2003 and ending at the close of business December 6, 2005, replacing Thomas Lee, whose term expired.

**Dana Rinehart** , Republican, from Dublin, Franklin County, Ohio, as a Member of the Ohio Respiratory Care Board for a term beginning April 23, 2003 and ending at the close of business March 13, 2006, replacing Darrell Heckman, whose term expired.

**Barbara S. Robinson** , Independent, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Arts Council for a term beginning September 12, 2003 and ending at the close of business July 1, 2008.

**Gisela Rosenbaum** , Republican, from Mount Vernon, Franklin County, Ohio, as a Member of the State Lottery Commission for a new term beginning August 13, 2003 and ending at the close of business August 1, 2006.

**Timothy J. Schriener** , Independent, from Dayton, Montgomery County, Ohio, as a Member of the Sinclair Community College Board of Trustees for a term beginning March 25, 2004 and ending at the close of business October 12, 2007, replacing John Taylor, whose term expired.

**Gregory B. Scott** , Independent, from Manchester, Adams County, Ohio, as a Member of the Financial Planning and Supervision Commission for Manchester Township for a term beginning April 3, 2003 and serving at the pleasure of the Governor.

**Nirmal K. Sinha** , Democrat, from Worthington, Franklin County, Ohio, as a Member of the Ohio Civil Rights Commission for a new term beginning August 29, 2003 and ending at the close of business July 28, 2008.

**Richard K. Smucker**, Republican, from Orrville, Wayne County, Ohio, as a Member of the Miami University Board of Trustees for a term beginning April 1, 2003 and ending at the close of business February 28, 2012, replacing Fred Lick, Jr., whose term expired.

**Linda Swenson** , Independent, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2004.

**Mary Taylor** , from Dayton, Montgomery County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a new term beginning July 14, 2003 and ending at the close of business January 31, 2006.

**Jeffrey Tilman** , Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for term beginning March 28, 2003 and ending at the close of business January 14, 2006, replacing Beth Sullebarger, whose term expired.

**George Turk** , Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Tuition Trust Authority for a new term beginning March

25, 2003 and ending at the close of business January 31, 2007.

**Douglas B. Van Atta** , Independent, from Milford, Clermont County, Ohio, as a Member of the State Board of Orthotics, Prosthetics, and Pedorthics for a term beginning April 23, 2003 and ending at the close of business December 6, 2005, replacing Michael P. Marmer, whose term expired.

**Victor V. Viglucci** , Democrat, from Ravenna, Portage County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a term beginning June 13, 2003 and ending at the close of business September 3, 2003, replacing Robert Horowitz, who resigned.

**James P. Weiss** , Republican, from Ashland, Ashland County, Ohio, as a Member of the North Central State College Board of Trustees for a term beginning March 28, 2003 and ending at the close of business January 16, 2005, replacing Tom Schmid, whose term expired.

**Mary T. Wolfe** , Republican, from Perrysburg, Lucas County, Ohio, as a Member of the Ohio Arts Council for a new term beginning September 12, 2003 and ending at the close of business July 1, 2008.

**Dustin M. Wood** , Independent, from Delaware, Delaware County, Ohio, as a student Member of the Ohio University Board of Trustees for a term beginning June 27, 2003 and ending at the close of business May 13, 2005, replacing Barry Spurlock, whose term expired.

**J. Craig Wright** , Republican, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 23, 2003 and ending at the close of business December 23, 2003.

**Geraldine M. Zylinsky** , Republican, from Zanesville, Muskingum County, Ohio, as a Member of the Muskingum Area Technical College for a term beginning September 12, 2003 and ending at the close of business July 31, 2006, replacing Susan Gormley, whose term expired.

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

YES - 10: DOUG WHITE, RANDY GARDNER, JAY HOTTINGER, 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 ?"

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.

### **BILLS FOR THIRD CONSIDERATION**

**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 amend section 5517.02 and 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, to name four roads and a bridge in Butler County, and to specify those Department of Transportation projects requiring the use of a force account project assessment form, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 70**, 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 Jordan moved to amend the title as follows:

Add the names : "Jordan, Armbruster, Austria, Brady, Carnes, Coughlin, Robert Gardner, Hottinger, Mumper, Roberts, Spada, Stivers, Zurz, Dann, Schuler, Blessing, Randy Gardner, Goodman, Schuring, White, Wachtmann, Harris, Fingerhut, Jacobson."

The motion was agreed to and the title so amended.

**Sub. H. B. No. 75**-Representatives Buehrer, Olman, T. Patton, Gilb, Wagner, Webster, Kearns, Husted, Flowers, Cates, Hoops, McGregor, Calvert, Aslanides, Jerse, Carano, DeBose, Allen, Distel, DePiero, Young, Faber, Gibbs, Oelslager, Carmichael, Schmidt, Perry, Strahorn, J. Stewart, C. Evans, D. Evans, Boccieri, Latta, Driehaus, Grendell, Clancy, Brown, Schaffer, Setzer, Chandler, Seaver, Woodard, Reidelbach, Williams, Taylor, Hartnett, Callender, Barrett, Beatty, Book, Cirelli, Collier, Core, Daniels, Domenick, Hagan, Harwood, Hollister, Hughes, Key, Koziura, Martin, Mason, Miller, Niehaus, Otterman, S. Patton, Peterson, Price, Raga, Redfern, Schlichter, Schneider, Skindell, G. Smith, S. Smith, D. Stewart, Sykes, Trakas, Walcher, White, Widener, Widowfield, Willamowski, Wolpert, Yates. -Senators Amstutz, Prentiss, Brady.

To amend sections 311.01 and 3313.616 of the Revised Code to grant high school diplomas to veterans of the Korean Conflict, to expand eligibility for diplomas to certain veterans, to clarify the educational qualifications for county sheriffs, and to declare and emergency, was considered the third time.

The question being, "Shall the section, Section 3, 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 3, 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. 75**, 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 Robert Gardner moved to amend the title as follows:

Add the names : "Robert Gardner, Austria, Carnes, DiDonato, Fedor, Goodman, Harris, Hottinger, Jordan, Mumper, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, White, Zurz, Armbruster, Dann."

The motion was agreed to and the title so amended.

**Sub. H. B. No. 85**-Representatives Raussen, Raga, Wagner, McGregor, Kearns, Husted, Ujvagi, Allen, Schneider, Reinhard, Schlichter, Daniels, Barrett, Beatty, Brown, Carmichael, Chandler, Cirelli, Clancy, Collier, Domenick, Driehaus, C. Evans, Flowers, Gibbs, Harwood, Hughes, Jolivet, Miller, Niehaus, S. Patton, Perry, Price, Reidelbach, Schmidt, Seitz, Skindell, J. Stewart, Taylor, Williams, Woodard.

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, 4766.20, and 5111.151 of the Revised Code to authorize the Ohio Ambulance Licensing Board to license private nonemergency medical service organizations that operate ambulette vehicles for the transportation of persons who require the use of a wheelchair and private 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, to codify portions of the Ohio Administrative Code dealing with the treatment of certain trusts for purposes of determining an individual's eligibility for medical assistance reimbursable by the Medicaid Program, and to amend the version of section 4513.263 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 85**, pass?"

Senator Schuler moved to amend as follows:

In line 135, after "purchase" insert ", lease, lease with an option to

purchase,"

In line 140, after the third comma insert "lease with an option to purchase,"

In line 152, after the second comma insert "lease, lease with an option to purchase,"

In line 162, after "purchase" insert ", lease, lease with an option to purchase,"

In line 255, after "purchase" insert ", lease or lease with an option to purchase"

In line 263, delete "The" and insert:

"The"

Between lines 277 and 278, insert:

"Section 505.40 of the Revised Code does not apply to any securities issued, or any lease with an option to purchase entered into, in accordance with this division."

In line 304, after "service" insert "organization"

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

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 85**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, 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	Zurz	White-32.

Senator Wachtmann voted in the negative-1.

So the bill passed.

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

Senator Schuler moved to amend the title as follows:

Add the names : "Schuler, Goodman, Hottinger."

The motion was agreed to and the title so amended.

**Sub. H. B. No. 127**-Representatives Jolivette, Young, Price, S. Patton, Hartnett, Seitz, Widowfield, Olman, Hagan, Carano, Hollister, Koziura, Hughes, Niehaus, McGregor, Collier, Latta, Taylor, Schaffer, Ujvagi, Kilbane, Allen, Aslanides, Barrett, Beatty, Brown, Chandler, Cirelli, Daniels, DeBose,

DePiero, Distel, Driehaus, Flowers, Gilb, Hoops, Key, Miller, T. Patton, Perry, Raussen, Reidelbach, Schlichter, Schmidt, Setzer, Sferra, G. Smith, S. Smith, D. Stewart, Wagner, Webster, Wilson, Wolpert. -Senators Spada, Amstutz.

To amend sections 321.45, 323.152, 323.25, 718.01, 4503.065, 5705.19, 5709.61, 5709.62, 5709.63, 5709.631, 5709.633, 5709.85, 5709.883, 5721.25, 5722.01, 5722.02, 5733.05, 5733.33, 5735.01, 5747.01, and 5747.03 and to enact sections 5722.21 and 5747.013 of the Revised Code and to amend Sections 3.18 and 89.07 of Am. Sub. H.B. 95 of the 125th General Assembly to permit counties, municipal corporations, and townships to acquire tax-delinquent land for redevelopment free from liens for the unpaid taxes, to revise municipal taxation of S corporation income, to change the inflation adjustment rounding for homestead exemption tax reductions, to revise the method of computing the sales factor and situsing property to this state under the corporation franchise tax law, to clarify that the sales tax does not apply to public transit buses that seat 10 or fewer persons, to permit persons operating such buses with that seating capacity to apply for motor fuel tax refunds, to extend from 2005 to 2015 the tax credit on the purchase of new manufacturing machinery and equipment, to revise the land reutilization program, to update enterprise zone city and population eligibility criteria, to revise the requirements for redeeming delinquent land after a foreclosure proceeding has been instituted, to permit excess General Revenue Fund moneys to be used to support economic development projects, to require that interest earned on the School District Income Tax Fund be credited to the fund, to make changes to the law regarding the prepayment of real property or manufactured or mobile home taxes, to revise the manner in which the homestead exemption is adjusted for inflation, to limit the Tax Commissioner's authority to enforce certain components of enterprise zone agreements, to revise the information that is required to be in an enterprise zone agreement, to authorize tax incentive review councils to request information from owners of property exempted under urban renewal and community urban redevelopment projects, community reinvestment area programs, enterprise zone agreements, or tax increment financing ordinances or resolutions, to permit subdivisions to specify that revenue from a property tax levied for various police purposes may also be used to pay for police department buildings, to revise the method for computing the property, payroll, and sales factors used in calculating a trust's modified Ohio taxable income, to delay the effective date of new sales tax situsing provisions, to change the recipients of earmarked appropriations to the Air Force Institute of Technology, and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 127**, 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.

Senator Amstutz moved to amend the title as follows:

Add the names : "Austria, Carey, Harris."

The motion was agreed to and the title so amended.

**Sub. 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, Barrett, Boccieri, Buehrer, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Daniels, DeBose, Domenick, Gilb, Hagan, Hoops, Hughes, Jerse, Jolivette, Kearns, Key, Koziura, Niehaus, Olman, Price, Reidelbach, Schaffer, Schneider, Seaver, G. Smith, S. Smith, D. Stewart, J. Stewart, Taylor, Ujvagi, Wagner, Walcher, Widener, Williams, Wilson, Woodard, Young. -Senator Austria.

To amend sections 2913.02, 2935.041, 3745.71, and 3745.72 and to enact section 2913.07 of the Revised Code to permit a suspension of the driver's licenses of offenders convicted of theft by reason of 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; to declare that those sections in the Revised Code that regulate theft of gasoline in certain circumstances are general laws; to prohibit motion picture piracy; to authorize the detention of individuals suspected of motion picture piracy; and to extend from January 1, 2004, to January 1, 2009, the time by which environmental audits must be completed in order to be within the scope of certain privileges and immunities that apply to such audits, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 179**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, 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  
Stivers

Roberts  
Wachtmann

Schuring  
Zurz

Spada  
White-32.

Senator Schuler voted in the negative-1.

So the bill passed.

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

Senator Austria moved to amend the title as follows:

Add the names : "Amstutz, Carey, Randy Gardner, Robert Gardner, Harris, Schuring, Mumper, Spada."

The motion was agreed to and the title so amended.

**S. B. No. 73**-Senators Dann, Miller, Schuler, Fingerhut, Carey, Schuring, Stivers.

To enact section 4503.541 of the Revised Code to create a special motorcycle license plate for retired and honorably discharged veterans, was considered the third time.

The question being, "Shall the bill, **S. B. No. 73**, 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 Dann moved to amend the title as follows:

Add the names : "Spada, Austria, Harris, Zurz, Nein, Mumper, Blessing, Wachtmann, Goodman, Randy Gardner, Prentiss, Mallory, White, DiDonato, Robert Gardner."

The motion was agreed to and the title so amended.

**Sub. S. B. No. 81**-Senators Fedor, Fingerhut, Dann, Miller, Robert Gardner, Randy Gardner, Prentiss.

To amend section 3301.0718 of the Revised Code to require the State Board of Education to adopt standards and model curricula for physical education for

grades kindergarten through twelve and to remove the requirement that the standards and model curricula for physical education are subject to approval by concurrent resolution by both houses of the General Assembly, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 81**, 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 Fedor moved to amend the title as follows:

Add the names : "Austria, Blessing, Brady, DiDonato, Hagan, Harris, Zurz, Mallory, Mumper, Nein, Roberts, Spada, Wachtmann."

The motion was agreed to and the title so amended.

**Sub. S. B. No. 133**-Senators Wachtmann, Schuring, Austria, Amstutz, Stivers, Harris, Dann, Spada, Coughlin, Armbruster, Jordan, Randy Gardner, Jacobson.

To amend sections 102.02, 102.03, 102.06, 117.10, 145.04, 145.05, 145.051, 145.06, 145.09, 145.27, 171.01, 171.02, 171.03, 171.04, 742.03, 742.04, 742.05, 742.10, 742.38, 742.41, 1707.01, 1707.03, 1707.17, 1707.19, 1707.20, 1707.22, 1707.23, 1707.25, 1707.261, 1707.39, 1707.431, 1707.44, 1707.46, 3307.03, 3307.05, 3307.06, 3307.07, 3307.11, 3307.20, 3309.03, 3309.05, 3309.06, 3309.07, 3309.09, 3309.14, 3309.22, 5505.04, and 5505.07; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 145.051 (145.052) and 3309.061 (3309.071); to enact new sections 145.051 and 3309.061; and sections 109.98, 111.30, 145.041, 145.042, 145.053, 145.054, 145.055, 145.057, 145.092, 145.093, 145.094, 145.99, 171.06, 171.50, 742.031, 742.032, 742.042, 742.043, 742.044, 742.046, 742.102, 742.103, 742.104, 742.99, 1707.162, 1707.163, 3307.041, 3307.042, 3307.043, 3307.051, 3307.052, 3307.061, 3307.072, 3307.073, 3307.074, 3307.99, 3309.041, 3309.042, 3309.043, 3309.051, 3309.052, 3309.072, 3309.073, 3309.074, 3309.99, 5505.041, 5505.042, 5505.043, 5505.044, 5505.045, 5505.046, 5505.048, 5505.049, 5505.062, 5505.063,

5505.064, 5505.065, 5505.122, and 5505.99 of the Revised Code regarding governance of Ohio's five public retirement systems, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 133**, pass?"

Senator Brady moved to amend as follows:

In lines 906, 1858, 4582, and 5210, reinsert "attorney general" and delete "treasurer of state"

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

Senator Wachtmann 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 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Carey	Carnes	Coughlin	Gardner, Randy
Gardner, Robert	Goodman	Harris	Hottinger
Jacobson	Jordan	Mumper	Nein
Schuler	Schuring	Spada	Stivers
Wachtmann			White-22.

Those who voted in the negative were: Senators

Brady	Dann	DiDonato	Fedor
Fingerhut	Hagan	Mallory	Miller
Prentiss	Roberts		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 133**, pass?"

Senator Fedor moved to amend as follows:

In line 28, after "117.10," insert "121.41, 121.48,"

In line 38, after "111.30," insert "121.482,"

Between lines 900 and 901, insert:

**"Sec. 121.41.** As used in sections 121.41 to 121.50 of the Revised Code:

(A) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code.

(B) "Appropriate licensing agency" means a public or private entity that is responsible for licensing, certifying, or registering persons who are engaged in a

particular vocation.

(C) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes any officer or employee of the state or any political subdivision of the state.

(D)(1) "State agency" has the same meaning as in section 1.60 of the Revised Code ~~but~~ and, except as provided in division (D)(2)(d) of this section, also includes any of the following:

(a) The Ohio retirement study council;

(b) The public employees retirement system, state teachers retirement system, school employees retirement system, Ohio police and fire pension fund, and state highway patrol retirement system.

(2) "State agency" does not include any of the following:

~~(1)~~(a) The general assembly;

~~(2)~~(b) Any court;

~~(3)~~(c) The secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices;

(d) Any member of the Ohio retirement study council, the board of trustees of the Ohio police and fire pension fund, or the public employees retirement board, state teachers retirement board, school employees retirement board, or state highway patrol retirement board who is under the jurisdiction of the joint legislative ethics committee or the board of commissioners on grievances and discipline of the supreme court.

(E) "State employee" means any person who is an employee of a state agency or any person who does business with the state.

(F) "State officer" means any person who is elected or appointed to a public office in a state agency.

(G) "Wrongful act or omission" means an act or omission, committed in the course of office holding or employment, that is not in accordance with the requirements of law or ~~such~~ the standards of proper governmental conduct ~~as are~~ commonly accepted in the community and thereby subverts, or tends to subvert, the process of government.

**Sec. 121.48.** There is hereby created the office of the inspector general, to be headed by the inspector general.

The governor shall appoint the inspector general, subject to section 121.49 of the Revised Code and the advice and consent of the senate. The inspector general shall hold office for a term coinciding with the term of the appointing governor. The governor may remove the inspector general from office only after delivering written notice to the inspector general of the reasons for which the governor intends to remove the inspector general from office and providing the

inspector general with an opportunity to appear and show cause why the inspector general should not be removed.

In addition to the duties imposed by section 121.42 of the Revised Code, the inspector general shall manage the office of the inspector general. The inspector general shall establish and maintain offices in Columbus.

The inspector general may appoint one or more deputy inspectors general. Each deputy inspector general shall serve for a term coinciding with the term of the appointing inspector general, and shall perform the duties, including the performance of investigations, ~~that are~~ assigned by the inspector general. All deputy inspectors general are in the unclassified service and serve at the pleasure of the inspector general.

In addition to deputy inspectors general, the inspector general may appoint professional, technical, and clerical employees ~~that are~~ necessary for the effective and efficient operation of the office of the inspector general. All professional, technical, and clerical employees of the office of the inspector general are in the unclassified service and serve at the pleasure of the appointing inspector general.

The inspector general may enter into any contracts that are necessary to the operation of the office of the inspector general. The contracts may include, but are not limited to, contracts for the services of persons who are experts in a particular field and whose expertise is necessary to the successful completion of an investigation.

The inspector general may enter into mutual agreements with state agencies for reimbursement of the costs of investigations by the inspector general under section 121.42 of the Revised Code.

Not later than the first day of March in each year, the inspector general shall publish an annual report summarizing the activities of the inspector general's office during the previous calendar year. The annual report shall not disclose the results of any investigation insofar as the results are designated as confidential under section 121.44 of the Revised Code.

The inspector general shall provide copies of the inspector general's annual report to the governor and the general assembly. The inspector general also shall provide a copy of the annual report to any other person who requests the copy and pays a fee prescribed by the inspector general. The fee shall not exceed the cost of reproducing and delivering the annual report.

**Sec. 121.482.** There is hereby created in the state treasury the inspector general reimbursement fund. All amounts received by the inspector general under section 121.48 of the Revised Code as reimbursement of the costs of investigation shall be paid into the state treasury to the credit of the fund. Money in the fund shall be used for the expenses of the office of the inspector general."

In line 6388, after "117.10," insert "121.41, 121.48,"

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

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

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 18, nays 15, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Carey	Carnes
Coughlin	Gardner, Randy	Gardner, Robert	Goodman
Harris	Hottinger	Jacobson	Jordan
Mumper	Nein	Schuler	Stivers
Wachtmann			White-18.

Those who voted in the negative were: Senators

Austria	Blessing	Brady	Dann
DiDonato	Fedor	Fingerhut	Hagan
Mallory	Miller	Prentiss	Roberts
Schuring	Spada		Zurz-15.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 133**, pass?"

Senator Brady moved to amend as follows:

In line 34, after "3309.22," insert "3599.45,"

Between lines 5746 and 5747, insert:

**"Sec. 3599.45.** (A) No candidate for the office of attorney general or county prosecutor or such a candidate's campaign committee shall knowingly accept any contribution from a provider of services or goods under contract with the department of job and family services pursuant to the medicaid program of Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or from any person having an ownership interest in the provider.

(B) No candidate for the office of attorney general or the candidate's campaign committee shall knowingly accept a contribution from any of the following:

(1) A person who sells goods or services to a state retirement system pursuant to a written contract;

(2) A corporation, partnership, or other business entity in which a state retirement system possesses an ownership interest;

(3) A corporation, partnership, or other business entity that owes money to a state retirement system or that has issued a promissory note that is owned or held by a state retirement system.

(C) As used in this section "~~candidate~~,"

(1) "Candidate," "campaign committee," and "contribution" have the same meaning as in section 3517.01 of the Revised Code.

~~(B)~~(2) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement system.

(D) Whoever violates this section is guilty of a misdemeanor of the first degree."

In line 6393, after "3309.22," insert "3599.45,"

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

Senator Jacobson 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 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Carey	Carnes	Coughlin	Gardner, Randy
Gardner, Robert	Goodman	Harris	Hottinger
Jacobson	Mumper	Nein	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-21.

Those who voted in the negative were: Senators

Brady	Dann	DiDonato	Fedor
Fingerhut	Hagan	Jordan	Mallory
Miller	Prentiss	Roberts	Zurz-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 133**, pass?"

The yeas and nays were taken and resulted - yeas 27, nays 6, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Carey	Carnes	Coughlin	Randy Gardner
Robert Gardner	Goodman	Harris	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Nein	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-27.

Senators Brady, Dann, DiDonato, Fedor, Fingerhut, and Hagan voted in the negative-6.

So the bill passed.

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

Senator Wachtmann moved to amend the title as follows:

Add the names : "Carnes, Robert Gardner, Miller, Mumper, Nein, White, Schuler."

Remove the name: "Dann."

The motion was agreed to and the title so amended.

### **MOTIONS**

Senator Jacobson moved that Senators absent the week of Sunday, November 9, 2003, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

### **OFFERING OF RESOLUTIONS**

Senator Hottinger offered the following resolution :

**S. R. No. 1174**-Senator Hottinger.

Permitting the use of the Ohio Senate Chamber by the National Forensic League on March 27, 2004.

WHEREAS, The members of the Senate of the 125th General Assembly of Ohio are pleased to grant permission for the Ohio Senate Chamber to be used by the National Forensic League for its Student Congress competition on March 27, 2004; and

WHEREAS, As part of its annual Student Congress competition, the National Forensic League will use the Ohio Senate Chamber on March 27, 2004, for a mock legislative debate. This activity will provide a unique opportunity for participants to experience firsthand rules and procedures similar to those of the state legislature and will help them to better understand the democratic process which is the cornerstone of our nation; and

WHEREAS, The knowledge which participants will gain through their involvement with the National Forensic League's Student Congress competition will not only enrich their total educational experience, but will also prepare them to take a more active role in fulfilling their responsibilities as citizens of this great state and nation; and

WHEREAS, The Senate Chamber is an appropriate location for the National Forensic League's Student Congress activities. Following a true legislative format and held within the setting in which the lawmaking process normally takes place, the mock debates will provide the group's members with an excellent opportunity to engage in a simulation of government in action; therefore be it

RESOLVED, That we, the members of the Senate of the 125th General Assembly of Ohio, in adopting this Resolution, authorize the use of the Ohio Senate Chamber on March 27, 2004, by the National Forensic League for its Student Congress competition, contingent upon the availability of those facilities, and commend all those involved with this event on their civic responsibility; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the National Forensic League.

The question being, "Shall the resolution, **S. R. No. 1174**, be adopted?"

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 resolution was adopted.

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

**S.R. No. 1175** - Senators Schuler, 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, Schuring, Spada, Stivers, Wachtmann, White, Zurz.

In memory of Corwin M. Nixon.

**S.R. No. 1176** - Senator Mumper.

Honoring George and Norma Jean Cramer on their Golden Wedding Anniversary.

**S.R. No. 1177** - Senator Jordan.

Honoring Meggi Lensman as Miss Ohio National Teenager 2003.

**S.R. No. 1178** - Senator Randy Gardner.

Honoring Baldemar Velasquez as a 2003 Distinguished Hispanic Ohioan.

**S.R. No. 1179** - Senator Mumper.

Honoring William and Marjorie Grover on their Golden Wedding Anniversary.

**S.R. No. 1180** - Senator Hottinger.

Honoring Emil and Charlotte Bobik on their Golden Wedding Anniversary.

**S.R. No. 1181** - Senator Hottinger.

Honoring Jack and Shirley Gaddis on their Golden Wedding Anniversary.

**S.R. No. 1182** - Senator Hottinger.

Honoring Doyal and Sharla McCune on their Golden Wedding Anniversary.

**S.R. No. 1183** - Senator Hottinger.

Honoring William and Betty Jones on their Golden Wedding Anniversary.

**S.R. No. 1184** - Senator Hottinger.

Honoring Robert and Anita Fox on their Golden Wedding Anniversary.

**S.R. No. 1185** - Senator Hottinger.

Honoring Gerald and Giselda Ernest on their Sixtieth Wedding Anniversary.

**S.R. No. 1186** - Senator Hottinger.

Honoring James and Lauaun Rice on their Golden Wedding Anniversary.

**S.R. No. 1187** - Senator Hottinger.

Honoring Robert and Marian Ramsey on their Golden Wedding Anniversary.

**S.R. No. 1188** - Senator Hottinger.

Honoring Robert and Phyllis Daugherty on their Golden Wedding Anniversary.

**S.R. No. 1189** - Senator Hottinger.

Honoring Ray and Betty Thomas on their Golden Wedding Anniversary.

**S.R. No. 1190** - Senator Hottinger.

Honoring Harold and Juanita Lynn on their Golden Wedding Anniversary.

**S.R. No. 1191** - Senator Hottinger.

Honoring Dale and Beverly Price on their Golden Wedding Anniversary.

**S.R. No. 1192** - Senator Hottinger.

Honoring John and Barbara Watkins on their Golden Wedding Anniversary.

**S.R. No. 1193** - Senator Hottinger.

Honoring William and Margaret Wiedenbein on their Fifty-fifth Wedding Anniversary.

**S.R. No. 1194** - Senators DiDonato , Amstutz, Armbruster, Austria,

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

Honoring Gina Stone for her many years of service to the State of Ohio.

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

So the resolutions were adopted.

#### **MESSAGE FROM THE PRESIDENT**

Pursuant to Section 107.12 (D) (1) of Am. Sub. HB 95 of the 125th General Assembly, the President of the Senate appoints the following members to serve on the **Governor's Advisory Board of Faith-Based and Community Initiatives**:

Senator Amstutz

Senator Miller

Pursuant to Section 107.12 (D) (1) of Am. Sub. HB 95 of the 125th General Assembly, the President of the Senate appoints the following public members to serve on the **Governor's Advisory Board of Faith-Based and Community Initiatives**:

Pastor Daniel L. Whisner

Pastor Bob Burney

Reverend Joe V. Hotchkiss

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

Attest:

MATTHEW T. SCHULER,  
Clerk.