

**OHIO**

**SENATE**

**JOURNAL**

**CORRECTED VERSION**  
**TUESDAY, DECEMBER 2, 2003**

ONE HUNDRED SEVENTEENTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, December 2, 2003, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Randy Barr, Grove City Church of God, Grove City, 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. 102**-Representatives Collier, Aslanides, Seitz, Husted, Widener, McGregor, Allen, Koziura, Gilb, Setzer, C. Evans, Clancy, Flowers, Hughes, Schlichter, J. Stewart.

To amend sections 2151.011, 3313.48, 3313.533, 3313.62, 3317.01, and 3317.029; to enact new section 3313.481; and to repeal sections 3313.481 and 3313.482 of the Revised Code to require that school districts and chartered nonpublic schools be open for 910 hours of instruction a year for grades one through six, and 1,001 hours for grades seven through twelve.

To the Committee on Education.

**Sub. H. B. No. 103**-Representatives Wilson, Young, Redfern, Allen, Hartnett, Seitz, Chandler, Hagan, Boccieri, Widowfield, Carano, S. Patton, Miller, Book, Ujvagi, Skindell, Harwood, Beatty, Aslanides, Barrett, Callender, DeBose, Domenick, Grendell, Hoops, Jerse, McGregor, Otterman, Schlichter, Schmidt, Seaver, Sferra, Sykes.

To amend sections 4549.61, 4549.62, and 4549.63 of the Revised Code to modify the guidelines governing seizure of a motorcycle by a law enforcement officer when the identity of the motorcycle cannot be determined, to establish limited civil liability with certain exceptions if the law enforcement officer or agency fails to comply with specified guidelines, and to maintain the provisions of this act on and after January 1, 2004, by amending the version of section 4549.62 of the Revised Code that takes effect on that date.

To the Committee on Judiciary - Criminal Justice.

**H. B. No. 129**-Representatives Young, Fessler, McGregor, Driehaus, Seitz, Flowers, Schaffer, Reidelbach, Aslanides, Distel, Brinkman, Wagner, Hagan, Collier, Cates, Gilb, Schmidt, Schneider, Grendell, Willamowski, Seaver, Callender, Clancy, Hoops, Faber, Buehrer, Trakas, Setzer, Oelslager, Williams, Niehaus, Wolpert, Husted, Kearns, Reinhard, Schlichter, Blasdel, Domenick, Jolivette, Latta, Martin, T. Patton, Raussen, Taylor, Walcher, White, Widener, Widowfield.

To enact sections 3701.65 and 4503.74 of the Revised Code to create "Choose Life" license plates and the "Choose Life" Fund and to provide that moneys in the fund be used by the Director of Health to fund eligible private, nonprofit organizations that provide services to pregnant women who are planning to place their children for adoption.

To the Committee on Highways and Transportation.

**Am. Sub. H. B. No. 183**-Representatives Daniels, Allen, C. Evans, Seitz, Setzer, Raga, Ujvagi, Young, McGregor, Barrett, Carano, Cates, Chandler, Cirelli, Clancy, DeBose, Domenick, Jolivette, Niehaus, Olman, T. Patton, Schaffer, Schlichter, Schmidt, Webster, Yates.

To amend sections 4123.01 and 4123.291 and to enact sections 4125.01 to 4125.08 and 4125.99 of the Revised Code to register professional employer organizations for purposes of enforcing compliance with workers' compensation laws.

To the Committee on Insurance, Commerce and Labor.

**H. B. No. 184**-Representatives Schmidt, McGregor, Aslanides, Schaffer, Schneider, Raussen, Gilb, Collier, Willamowski, Latta, D. Evans, Callender, Carmichael, Cates, Chandler, Clancy, Daniels, Domenick, C. Evans, Flowers, Grendell, Hartnett, Hoops, Hughes, Jerse, Jolivette, Martin, Niehaus, Otterman, T. Patton, Raga, Reidelbach, Schlichter, Seaver, Seitz, Sferra, G. Smith, J. Stewart, Taylor, Wagner, Webster, Widener, Widowfield.

To amend section 2929.03 of the Revised Code to permit the imposition of a sentence of life imprisonment without parole, life imprisonment with parole eligibility after serving 25 full years of imprisonment, or life imprisonment with parole eligibility after serving 30 full years of imprisonment when an offender is convicted of or pleads guilty to aggravated murder and is not charged with or convicted of an aggravating circumstance.

To the Committee on Judiciary - Criminal Justice.

**Am. H. B. No. 202**-Representatives McGregor, Allen, Carano, C. Evans, Harwood, Hughes, Key, Latta, Miller, Olman, Otterman, Perry, Redfern, Schaffer, Seitz, Ujvagi, Williams, Widowfield, Reinhard, Cates, Clancy, Core, D. Evans, Flowers, Peterson, Reidelbach, Wolpert.

To amend section 4501.21 and to enact sections 5.033, 4503.74 and 4503.85 of the Revised Code to create "Ohio Zoo" license plates; to adopt the smallmouth bass as the state fish and to create "Lake Erie - Walleye Capital" license plates.

To the Committee on Highways and Transportation.

**Am. Sub. H. B. No. 227**-Representatives Schneider, Blasdel, Schmidt, Hollister, Clancy, Trakas, Carmichael, Aslanides, Seaver, Carano, Harwood, Martin, Koziura, Reidelbach, T. Patton, J. Stewart, Allen, Cates, Collier, Faber, Grendell, Setzer, Taylor.

To amend sections 102.02, 113.051, 145.04, 145.05, 145.06, 145.08, 145.09, 145.11, 171.04, 742.03, 742.08, 742.10, 742.11, 3307.05, 3307.06, 3307.07, 3307.071, 3307.10, 3307.11, 3307.15, 3309.05, 3309.06, 3309.07, 3309.10, 3309.11, 3309.15, 3334.11, 4123.44, 5505.04, 5505.05, 5505.06, and 5505.07 and to enact sections 111.30, 113.052, 145.052, 145.053, 145.054, 145.055, 145.056, 145.092, 145.093, 145.094, 145.114, 145.115, 145.116, 145.117, 145.118, 145.119, 145.99, 742.042, 742.043, 742.044, 742.045, 742.046, 742.102, 742.103, 742.104, 742.114, 742.115, 742.116, 742.117, 742.118, 742.119, 742.99, 1707.49, 3307.032, 3307.041, 3307.042, 3307.061, 3307.072, 3307.073, 3307.074, 3307.075, 3307.152, 3307.153, 3307.154, 3307.155, 3307.156, 3307.157, 3307.99, 3309.032, 3309.041, 3309.042, 3309.062, 3309.063, 3309.071, 3309.072, 3309.073, 3309.157, 3309.158, 3309.159, 3309.1510, 3309.1511, 3309.1512, 3309.99, 5505.041, 5505.042, 5505.043, 5505.044, 5505.045, 5505.051, 5505.052, 5505.062, 5505.063, 5505.064, 5505.065, 5505.066, 5505.067, 5505.111, and 5505.99 of the Revised Code to revise the law governing Ohio's five public retirement systems and the Treasurer of State's custodial duties.

To the Committee on Health, Human Services and Aging.

**Sub. H. B. No. 247**-Representatives T. Patton, Perry, Price, S. Patton, Schlichter, McGregor, Key, Reinhard, Widowfield, Cirelli, Core, Daniels, DeBose, Domenick, Fessler, Flowers, Hoops, Hughes, Jolivette, Kearns, Kilbane, Latta, Martin, Miller, Raussen, Schmidt, Schneider, Setzer, Skindell, S. Smith, J. Stewart, Walcher, Webster, Wilson.

To enact sections 4955.41 to 4955.47 of the Revised Code to authorize the establishment of railroad quiet zones by municipal corporations and townships.

To the Committee on Highways and Transportation.

**H. B. No. 261**-Representatives Peterson, Hughes, Beatty, Flowers, McGregor, Price, Reidelbach, G. Smith, Wolpert, Aslanides, Key, Perry, Schlichter, Sferra, Widowfield, Buehrer, Calvert, Carano, Carmichael, Clancy, Collier, Daniels, Domenick, D. Evans, Gilb, Grendell, Hartnett, Harwood, Householder, Husted, Jolivet, Latta, Mason, Oelslager, S. Patton, T. Patton, Raga, Raussen, Schaffer, Schmidt, Seaver, Seitz, Setzer, S. Smith, J. Stewart, Sykes, Taylor, Walcher, White, Widener, Willamowski, Wilson, Yates.

To enact section 5533.69 of the Revised Code to name a portion of State Route Number 315 within Franklin County the "Lawrence E. Hughes Memorial Highway."

To the Committee on Highways and Transportation.

**Sub. H. B. No. 275**-Representatives Key, Allen, Otterman, C. Evans, Redfern, Seitz, Domenick, Barrett, Jolivet, Schaffer, Sykes, D. Stewart, Sferra, Strahorn, Ujvagi, DeBose, Beatty, S. Smith, Fessler, Boccieri, Calvert, Core, DeWine, Faber, Flowers, Grendell, Hartnett, Hoops, Hughes, Husted, Jerse, Kearns, Miller, S. Patton, T. Patton, Peterson, Schlichter, Schmidt, J. Stewart, Trakas, Webster, Wilson, Aslanides, Book, Brown, Buehrer, Callender, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Daniels, Distel, Driehaus, D. Evans, Gibbs, Gilb, Hagan, Harwood, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Niehaus, Oelslager, Olman, Perry, Price, Raga, Raussen, Reidelbach, Reinhard, Schneider, Seaver, Setzer, Skindell, G. Smith, Taylor, Wagner, Walcher, White, Widener, Widowfield, Willamowski, Woodard, Yates, Young.

To amend sections 3333.26, 5910.04, and 5910.05 and to enact section 5910.033 of the Revised Code to provide college scholarships to children of members of the United States armed forces killed or disabled in the line of duty during Operation Iraqi Freedom.

To the Committee on Education.

**S. B. No. 79**-Senator Stivers.

To amend sections 3513.254 and 3513.255 and to enact section 3513.256 of the Revised Code to permit boards of education and governing boards of educational service centers to adopt, for the purpose of nominating candidates for those boards, a charter municipal corporation's procedures for nominating candidates, if that municipal corporation is located wholly or partially within the school district.

To the Committee on Education.

**S. B. No. 152**-Senators Nein, Randy Gardner, Austria, Dann, Mallory, Fingerhut.

To amend sections 3517.102, 3517.103, 3517.108, 3517.1010, and 3517.992 of the Revised Code to apply campaign finance contribution limits and certain other provisions of the Campaign Finance Law to candidates for county elective office.

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

**S. B. No. 153**-Senator Jacobson.

To enact section 9.23 of the Revised Code to impose various reporting, auditing, and other requirements on persons who receive public money for the provision of services and to provide civil remedies for the misuse of public money.

To the Committee on Finance and Financial Institutions.

**S. B. No. 154**-Senators Brady, Hagan, Miller, Dann, Fingerhut.

To amend section 102.02 and to enact section 102.021 of the Revised Code to require the Consumers' Counsel to disclose in his or her financial disclosure statement the name of every corporation, trust, business trust, partnership, or association in which the Consumers' Counsel has an investment of over \$1,000 or holds an office or with which he or she has a fiduciary relationship, and to disclose the number of shares of any equity investment.

To the Committee on Finance and Financial Institutions.

**S. B. No. 155**-Senators Stivers, Goodman, Randy Gardner, Jacobson, Schuring, Spada, Austria, Armbruster, Mumper, Harris, DiDonato, Miller, Dann.

To amend sections 109.572, 5104.011, 5104.013, 5104.09, and 5104.11 and to enact section 5153.175 of the Revised Code to include additional offenses in criminal background checks of child day-care providers and to make changes to the law governing certification of type B family day-care homes.

To the Committee on Judiciary - Criminal Justice.

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.

#### **HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS**

The amendments of the House of Representatives to:

**Sub. S. B. No. 23**-Senators Goodman, Mumper, Dann. -Representatives Carmichael, Cates, Distel, D. Evans, Flowers, Hughes, Martin, Reidelbach.

To amend sections 4301.25, 4301.252, 4301.365, 4301.62, and 4303.35 and to enact sections 4301.253, 4301.635, and 4303.206 of the Revised Code to create the F-6 permit to be issued to a nonprofit organization to sell wine at an event the organization sponsors; to require the Liquor Control Commission, when considering enforcement actions against the holder of a permit authorizing the sale of beer, wine, mixed beverages, or intoxicating liquor, to take into consideration whether the permit holder and the permit holder's employees have successfully completed a training program on specified topics; to provide, if a particular location is allowed to sell beer or intoxicating liquor on Sunday between 1 p.m. and midnight and a question allowing those sales from 10 a.m. to midnight is defeated, the location can continue sales between 1 p.m. and midnight; to require that liquor permit holders be notified after they have been the subject of a compliance check conducted by a law enforcement agency to enforce the Underage Drinking Law; to require the Liquor Control Commission in disciplinary actions to consider whether such a compliance check was conducted with trickery, deceit, or deception involved;

and to make changes relating to the penalties that may be imposed because of a permit holder's violation of the Liquor Control Law, 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 31, 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	Mallory
Miller	Mumper	Nein	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

Senator Jordan voted in the negative-1.

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

The amendments of the House of Representatives to:

**Sub. S. B. No. 28**-Senators Spada, Hagan, Blessing, Austria, Miller, Goodman, Brady, DiDonato, Coughlin, Schuring, Robert Gardner, Armbruster, Fingerhut, Jacobson, Hottinger, Randy Gardner, Dann, Roberts, Mallory, Fedor, Amstutz, Carnes, Herington, Prentiss. -Representatives Widener, Seitz, Core, Willamowski, Allen, Aslanides, Book, Brown, Buehrer, Callender, Calvert, Carmichael, Chandler, Clancy, Collier, DeBose, Distel, Domenick, Driehaus, C. Evans, D. Evans, Faber, Flowers, Gibbs, Gilb, Grendell, Hagan, Hartnett, Hoops, Hughes, Husted, Jolivette, Kearns, Kilbane, Latta, Martin, Mason, McGregor, Miller, Niehaus, Olman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Reidelbach, Schlichter, Schmidt, Schneider, Setzer, Skindell, G. Smith, S. Smith, D. Stewart, Sykes, Taylor, Trakas, Ujvagi, Wagner, Walcher, Webster, Widowfield, Wolpert, Woodard, Yates, Young.

To enact section 109.87 of the Revised Code to prohibit any seller or telemarketer from engaging in any act or practice in violation of the federal laws dealing with telemarketing acts or practices and to authorize the Attorney General to enforce the state and federal laws dealing with telemarketing acts and practices and to conduct investigations of violations of those laws, 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 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Hagan	Harris
Hottinger	Jacobson	Jordan	Mallory
Miller	Mumper	Nein	Roberts
Schuler	Schuring	Spada	Stivers
Zurz			White-30.

Senators Dann and Wachtmann voted in the negative-2.

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

### REPORTS OF CONFERENCE COMMITTEES

Senator Spada submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. S.B. 4, Sen. Spada - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the House of Representatives with the following amendments:

In line 21, delete "107.31, 107.32,"

In line 22, after "2945.491," insert "5123.032,"

Delete lines 25 through 172

Between lines 1795 and 1796, insert:

**"Sec. 5123.032. (A) As used in this section, "developmental center" means any institution or facility of the department of mental retardation and developmental disabilities that, on or after the effective date of this section, is named, designated, or referred to as a developmental center.**

**(B) Notwithstanding any other provision of law, on and after the effective date of this section, any closure of a developmental center shall be subject to, and in accordance with, this section. Notwithstanding any other provision of law, if the governor announced on or after January 1, 2003, and prior to the effective date of this section the intended closure of a developmental center and if the closure identified in the announcement has not occurred prior to the effective date of this section, the closure identified in the announcement shall be subject to the criteria set forth in this section as if the announcement had been made on or after the effective date of this amendment.**

(C) Notwithstanding any other provision of law, on and after the effective date of this section, at least ten days prior to making any official, public announcement that the governor intends to close one or more developmental centers, the governor shall notify the general assembly in writing that the governor intends to close one or more developmental centers. The notice shall identify by name each developmental center that the governor intends to close or, if the governor has not determined any specific developmental center to close, shall state the governor's general intent to close one or more developmental centers. When the governor notifies the general assembly as required by this division, the legislative service commission promptly shall conduct an independent study of the developmental centers of the department of mental retardation and developmental disabilities and of the department's operation of the centers, and the study shall address relevant criteria and factors, including, but not limited to, all of the following:

(1) The manner in which the closure of developmental centers in general would affect the safety, health, well-being, and lifestyle of the centers' residents and their family members and would affect public safety and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the manner in which the closure of each center so identified would affect the safety, health, well-being, and lifestyle of the center's residents and their family members and would affect public safety;

(2) The availability of alternate facilities;

(3) The cost effectiveness of the facilities identified for closure;

(4) A comparison of the cost of residing at a facility identified for closure and the cost of new living arrangements;

(5) The geographic factors associated with each facility and its proximity to other similar facilities;

(6) The impact of collective bargaining on facility operations;

(7) The utilization and maximization of resources;

(8) Continuity of the staff and ability to serve the facility population;

(9) Continuing costs following closure of a facility;

(10) The impact of the closure on the local economy;

(11) Alternatives and opportunities for consolidation with other facilities;

(12) How the closing of a facility identified for closure relates to the department's plans for the future of developmental centers in this state;

(13) The effect of the closure of developmental centers in general upon the state's fiscal resources and fiscal status and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the effect of the closure of each center so identified upon the state's fiscal resources and fiscal status.

(D) The legislative service commission shall complete the study required by division (C) of this section, and prepare a report that contains its findings, not later than ninety days after the governor makes the official, public announcement that the governor intends to close one or more developmental centers as described in division (C) of this section. The commission shall provide a copy of the report to each member of the general assembly who requests a copy of the report.

Not later than the date on which the legislative service commission is required to complete the report under this division, the mental retardation and developmental disabilities developmental center closure commission is hereby created as described in division (E) of this section. The officials with the duties to appoint members of the closure commission, as described in division (E) of this section, shall appoint the specified members of the closure commission, and, as soon as possible after the appointments, the closure commission shall meet for the purposes described in that division. Upon completion of the report and the creation of the closure commission under this division, the legislative service commission promptly shall provide a copy of the report to the closure commission and shall present the report as described in division (E) of this section.

(E)(1) A mental retardation and developmental disabilities developmental center closure commission shall be created at the time and in the manner specified in division (D) of this section. The closure commission consists of five members. One member shall be the director of the department of mental retardation and developmental disabilities. One member shall be a private executive with expertise in facility utilization, jointly appointed by the speaker of the house of representatives and the president of the senate. The member appointed for expertise in facility utilization may not be a member of the general assembly and may not have a developmental center identified for closure by the governor in the county in which the member resides. One member shall be a member of the board of the Ohio civil service employees' association, appointed by the governor. One member shall be a private executive with expertise in economics, jointly appointed by the speaker of the house of representatives and the president of the senate. The member appointed for expertise in economics may not be a member of the general assembly and may not have a developmental center identified for closure by the governor in the county in which the member resides. One member shall be a member of the law enforcement or health care community, appointed by the governor. The officials with the duties to appoint members of the closure commission shall make the appointments, and the closure commission shall meet, within the time periods specified in division (D) of this section. The members of the closure commission shall serve without compensation. At the closure commission's first meeting, the members shall organize and appoint a chairperson and vice-chairperson.

The closure commission shall meet as often as is necessary for the purpose of making the recommendations to the governor that are described in this division. The closure commission's meetings shall be open to the public, and the closure commission shall accept public testimony. The legislative service

commission shall appear before the closure commission and present the report the legislative service commission prepared under division (D) of this section. The closure commission shall meet for the purpose of making recommendations to the governor, which recommendations may include all of the following:

(a) Whether any developmental center should be closed;

(b) If the recommendation described in division (E)(1)(a) of this section is that one or more developmental centers should be closed, which center or centers should be closed;

(c) If the governor's notice described in division (C) of this section identifies by name one or more developmental centers that the governor intends to close, whether the center or centers so identified should be closed.

(2) The mental retardation and developmental disabilities developmental center closure commission, not later than ninety days after it receives the report of the legislative service commission under division (D) of this section, shall prepare a report containing its recommendations to the governor. The closure commission shall send a copy of the report to the governor and to each member of the general assembly who requests a copy of the report. Upon receipt of the closure commission's report, the governor shall review and consider the commission's recommendation. The governor shall do one of the following:

(a) Follow the recommendation of the commission;

(b) Close no developmental center;

(c) Take other action that the governor determines is necessary for the purpose of expenditure reductions or budget cuts and state the reasons for the action.

The governor's decision is final. Upon the governor's making of the decision, the closure commission shall cease to exist. Another closure commission shall be created under this section each time the governor subsequently makes an official, public announcement that the governor intends to close one or more developmental centers."

Delete lines 1985 through 2025 and insert:

"Sec. 5123.50. As used in this section and sections 5123.51~~and~~, 5123.52, and 5123.541 of the Revised Code:

(A) "Abuse" means all of the following:

(1) The use of physical force that can reasonably be expected to result in physical harm or serious physical harm;

(2) Sexual abuse;

(3) Verbal abuse.

(B) "Misappropriation" means depriving, defrauding, or otherwise obtaining the real or personal property of an individual by any means prohibited

by the Revised Code, including violations of Chapter 2911. or 2913. of the Revised Code.

(C) "MR/DD employee" means all of the following:

(1) An employee of the department of mental retardation and developmental disabilities;

(2) An employee of a county board of mental retardation and developmental disabilities;

(3) An employee in a position that includes providing specialized services to an individual with mental retardation or ~~another~~ developmental disability.

(D) "Neglect" means, when there is a duty to do so, failing to provide an individual with any treatment, care, goods, or services that are necessary to maintain the health and safety of the individual.

(E) "Physical harm" and "serious physical harm" have the same meanings as in section 2901.01 of the Revised Code.

(F) "Sexual abuse" means unlawful sexual conduct or sexual contact, ~~as those terms are defined in section 2907.01 of the Revised Code.~~

(G) "Specialized services" means any program or service designed and operated to serve primarily individuals with mental retardation or a developmental disability, including a program or service provided by an entity licensed or certified by the department of mental retardation and developmental disabilities. A program or service available to the general public is not a specialized service.

(H) "Verbal abuse" means purposely using words to threaten, coerce, intimidate, harass, or humiliate an individual.

(I) "Sexual conduct," "sexual contact," and "spouse" have the same meanings as in section 2907.01 of the Revised Code."

Delete lines 3024 through 3074

In line 3075, delete "**Section 8.**" and insert "**Section 4.**"

In line 4 of the title, delete "107.31, 107.32,"

In line 6 of the title, after "2945.491," insert "5123.032,"

In line 10 of the title, delete "establish provisions"

Delete lines 11 through 17 of the title and insert "provide a mechanism for the closing of developmental centers of the Department of Mental Retardation and Developmental Disabilities that involves independent studies and public hearings."

Managers on the Part of the  
Senate

/S/ ROBERT SPADA

Managers on the Part of the  
House of Representatives

/S/ MIKE GILB

ROBERT SPADA

MIKE GILB

/S/ JOHN CAREY  
JOHN CAREY/S/ JEFF WAGNER  
JEFF WAGNER/S/ MARC DANN  
MARC DANN/S/ SANDRA STABILE HARWOOD  
SANDRA STABILE HARWOOD

Senator Randy Gardner moved that Joint Rule No. 20 be suspended and that the report of the Committee on Conference on **S.B. No. 4** be brought up for immediate consideration.

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

The motion was agreed to.

The question being, "Shall the report of the Committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Zurz	White-32.

So the report of the Committee of Conference 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?"

On motion of Senator Randy Gardner, **Sub. H. B. No. 51**, was informally passed and retained its place on the calendar.

**Sub. S. B. No. 108**-Senator Spada.

To enact sections 4955.41 to 4955.47 of the Revised Code to authorize the establishment of railroad quiet zones by municipal corporations and townships, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 108**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Zurz	White-32.

So the bill passed.

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

Senator Spada moved to amend the title as follows:

Add the names : "Armbruster, Robert Gardner, Schuler, Stivers, Amstutz, Harris, Mumper, Brady, Fedor, Dann."

The motion was agreed to and the title so amended.

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

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

The question being, "Shall the bill, **Sub. H. B. No. 54**, pass?"

The yeas and nays were taken and resulted - yeas 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carnes	Coughlin	DiDonato
Fedor	Fingerhut	Randy Gardner	Robert Gardner
Goodman	Harris	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Roberts	Schuring	Spada
Stivers	Wachtmann		White-27.

Senators Carey, Dann, Hagan, Schuler, and Zurz voted in the negative-5.

So the bill passed.

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

Senator Armbruster moved to amend the title as follows:

Add the names : "Armbruster, Harris."

The motion was agreed to and the title so amended.

### INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

**S. B. No. 156**-Senators Jordan, Roberts, Jacobson.

To enact section 5533.62 of the Revised Code to designate State Route 48 the "U.S.A.F. Pararescue Memorial Parkway."

### OFFERING OF RESOLUTIONS

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

**S.R. No. 1255** - Senators Harris, White, Randy Gardner, Hottinger, Jacobson, Amstutz, Armbruster, Austria, Blessing, Carey, Carnes, Coughlin, Robert Gardner, Goodman, Mumper, Nein, Schuler, Schuring, Spada, Stivers, Fingerhut, Dann, Miller.

Honoring Thomas M. Zaino for outstanding state service.

**S.R. No. 1256** - Senator Roberts.

Honoring Richard and Martha Wilcox on their Golden Wedding Anniversary.

**S.R. No. 1257** - Senator Roberts.

Honoring Eldon and Kate Shively on their Golden Wedding Anniversary.

**S.R. No. 1258** - Senator Roberts.

Honoring Floyd and Patricia Wendrick on their Golden Wedding Anniversary.



**S.R. No. 1259** - Senator Mumper.

Honoring Donald and Phyllis Stinson on their Golden Wedding Anniversary.

**S.R. No. 1260** - Senator Hottinger.

Honoring Don and Helen Randles on their Golden Wedding Anniversary.

**S.R. No. 1261** - Senator Zurz.

Honoring Arnold and Ruth Moore on their Sixtieth Wedding Anniversary.

**S.R. No. 1262** - Senator Zurz.

Honoring John and Helen Grochowski on their Golden Wedding Anniversary.

**S.R. No. 1263** - Senator Zurz.

Honoring James and Jean Provence on their Sixtieth Wedding Anniversary.

**S.R. No. 1264** - Senator Zurz.

Honoring Bernis and Marjorie Butler on their Sixtieth Wedding Anniversary.

**S.R. No. 1265** - Senator Randy Gardner.

Honoring Master Sergeant Michael D. Crosser on receiving the Bronze Star Medal.

**S.R. No. 1266** - Senator Randy Gardner.

Honoring Senior Master Sergeant Terry L. Eishen on receiving the Bronze Star Medal.

**S.R. No. 1267** - Senator Randy Gardner.

Honoring Captain Michael A. Hrynciw III on receiving the Bronze Star Medal.

**S.R. No. 1268** - Senator Randy Gardner.

Honoring Senior Master Sergeant Edward J. Lacroix, Jr. on receiving the Bronze Star Medal.

**S.R. No. 1269** - Senator Randy Gardner.

Honoring Colonel Harvey D. Perkins on receiving the Bronze Star Medal.

**S.R. No. 1270** - Senator Randy Gardner.

Honoring Chief Master Sergeant Bruce A. Reed on receiving the Bronze Star Medal.

**S.R. No. 1271** - Senator Randy Gardner.

Honoring Lieutenant Colonel Michael P. Skomrock on receiving the Bronze Star Medal.

**S.R. No. 1272** - Senator Miller.

Honoring Tannis E. Vaughn on receiving a Heroism and Community Service Award.

**S.R. No. 1273** - Senator Miller.

Honoring Larry F. Bycofski on receiving a Heroism and Community Service Award.

**S.R. No. 1274** - Senator Miller.

Honoring Herman R. Watkins on receiving a Heroism and Community Service Award.

**S.R. No. 1275** - Senator Jordan.

Honoring the Lima Central Catholic High School boys varsity golf team on winning the 2003 Division III State Championship.

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 agreed to the report of the Committee of Conference on matters of difference between the two houses on:

**Am. Sub. S. B. No. 4** - Senator Spada - et al.

Attest:

Laura P. Clemens,  
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following concurrent resolution:

**S. C. R. No. 8** - Senators Mumper, Spada, Randy Gardner, Brady, Carnes, Fedor, Roberts, Jacobson, Robert Gardner, Stivers, Harris, Carey, Armbruster, Prentiss, Herington, DiDonato. Representatives Hollister, Wagner, Aslanides, McGregor, Niehaus, Setzer, Grendell, Widowfield, Carmichael, Cirelli, Domenick, DeBose, D. Stewart, Skindell, Allen, Barrett, Callender, Hartnett,

Hughes, Latta, Olman, Price, Reidelbach, Seaver, Walcher, Willamowski, Yates.

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

Attest:

Laura P. Clemens,  
Clerk.

## Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Am. Sub. S. B. No. 53** - Senators Goodman, Stivers, Jacobson, Randy Gardner, Dann, Herington, Austria, Blessing, Schuler, Spada, Harris. Representatives Collier, Willamowski, Brown, D. Evans, Seitz, Callender, Faber, Latta, Gilb, Book, Cates, Clancy, DePiero, Domenick, Niehaus, Oelslager, T. Patton, Raussen, Schmidt, Sferra, J. Stewart, Walcher.

To amend sections 109.57 and 109.572 and to enact section 109.571 of the Revised Code to ratify the National Crime Prevention and Privacy Compact.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested:

In line 984, delete the period and insert an underlined semicolon

Attest:

Laura P. Clemens,  
Clerk.

Said amendments were laid over under the rule.

On the motion of Senator Randy Gardner, the Senate adjourned until Wednesday, December 3, 2003 at 1:30 p.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.