

OHIO

SENATE

JOURNAL

WEDNESDAY, DECEMBER 3, 2003

ONE HUNDRED EIGHTEENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, December 3, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Elder William Bell, Faith Mission Community Church, Dayton, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

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

S. B. No. 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."

To the Committee on Highways and Transportation.

JAMES E. CARNES
DOUG WHITE

MARK MALLORY
GREGORY L. DIDONATO

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

The report of the committee was accepted.

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

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

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, 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 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	Mumper	Nein	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 51-Representatives Hughes, Willamowski, Oelslager, Harwood, Book, Brown, Carmichael, C. Evans, Fessler, Flowers, Gilb, Hartnett, Latta, Martin, McGregor, T. Patton, Perry, Reidelbach, Schmidt, Schneider, Skindell, S. Smith, D. Stewart, Yates.

To amend sections 109.572, 313.12, 2106.01, 2106.02, 2107.19, 2108.50, 2109.301, 2109.32, 2113.53, 2117.06, 2117.07, 2117.11, 2117.12, 2151.421, 2311.14, 2930.03, 5120.173, 5123.081, 5123.50, 5123.51, 5123.61, 5123.99, 5126.28, 5126.30, and 5126.33 and to enact sections 2101.163, 2108.521, 2152.821, 2903.341, 2930.061, 2945.482, 2945.491, 5123.541, 5123.542, 5123.614, 5126.058, 5126.331, 5126.332, and 5126.333 of the Revised Code relative to the election by a surviving spouse, notice of admission of a will to probate, accounts of administrators and executors, distribution of estate assets, presentation of creditors' claims to distributees, dispute resolution procedures in probate court, time for presenting claims against an estate, to implement the recommendations of the MR/DD Victims of Crime Task Force, to make related changes in the law, and to amend the version of section 5123.50 of the Revised Code that is scheduled to take effect December 31, 2003, to continue the provisions of this act on and after that effective date, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 51**, pass?"

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

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

Evans, Brown, Collier, Barrett, Beatty, Cates, Chandler, Cirelli, Clancy, Daniels, DePiero, Domenick, Flowers, Hagan, Harwood, Jolivette, Key, Koziura, Niehaus, S. Patton, T. Patton, Perry, Price, Raussen, Reidelbach, Schneider, Sferra, Skindell, G. Smith, D. Stewart, Ujvagi, Webster. -Senators Stivers, Austria.

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

The question being, "Shall the bill, **Sub. H. B. No. 49**, pass?"

The yeas and nays were taken and resulted - yeas 31, 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	Mumper	Nein	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

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 : "Armbruster, Robert Gardner, Harris, Mumper, Roberts, Spada."

The motion was agreed to and the title so amended.

MOTIONS

Senator Hottinger moved that Senators absent the week of Sunday, November 30, 2003, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 157-Senators Roberts, Dann, Fedor.

To enact section 4511.531 of the Revised Code to require bicycle operators

and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.

S. B. No. 158-Senator Roberts.

To enact section 2917.14 of the Revised Code to prohibit loitering in aid of drug abuse offenses.

OFFERING OF RESOLUTIONS

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

S.R. No. 1276 - Senator Roberts.

Honoring Inventing Flight: Dayton 2003 on the One Hundredth Anniversary of Powered Flight.

S.R. No. 1277 - Senator Roberts.

Honoring the Wright Brothers Aeroplane Company for educating citizens about the history of flight.

S.R. No. 1278 - Senator Nein.

Honoring Arnold and Betty Spicer on their Golden Wedding Anniversary.

S.R. No. 1279 - Senator Jordan.

Honoring the Versailles High School girls cross country team as the 2003 Division III State Champion.

S.R. No. 1280 - Senator Mallory.

Honoring Maisonette for receiving a five-star rating.

S.R. No. 1281 - Senator Nein.

Honoring William and Shirley Wilson on their Golden Wedding Anniversary.

S.R. No. 1282 - Senator Carnes.

Honoring Harold Jeffers as the Ohio Department of Natural Resources Division of Forestry Hall of Fame Inductee.

S.R. No. 1283 - Senator Carnes.

Honoring Lester and Geneva Guiler on their Sixty-second Wedding Anniversary.

S.R. No. 1284 - Senator Carnes.

Honoring Max and Virginia Hardesty on their Golden Wedding

Anniversary.

S.R. No. 1285 - Senator Carnes.

Honoring Wayne and Selma Worthington on their Golden Wedding Anniversary.

S.R. No. 1286 - Senator Carnes.

Honoring Frank and Mary Puskarich on their Golden Wedding Anniversary.

S.R. No. 1287 - Senator Carnes.

Honoring Joseph and Ellen Best on their Golden Wedding Anniversary.

S.R. No. 1288 - Senator Carnes.

Honoring Martin and Helen Rutan on their Golden Wedding Anniversary.

S.R. No. 1289 - Senator Carnes.

Honoring Harry and Sara Schrum on their Golden Wedding Anniversary.

S.R. No. 1290 - Senator Carnes.

Honoring Glenn and Gertrude Mikesell on their Golden Wedding Anniversary.

S.R. No. 1291 - Senator Dann.

Honoring Thomas and Barbara Hilterman on their Golden Wedding Anniversary.

S.R. No. 1292 - Senator Dann.

Honoring William and Dorothy Bullock on their Golden Wedding Anniversary.

S.R. No. 1293 - Senator Dann.

Honoring Alvin and Marna Mizner on their Golden Wedding Anniversary.

S.R. No. 1294 - Senator Dann.

Honoring Stewart and Joan Curdy on their Golden Wedding Anniversary.

S.R. No. 1295 - Senator Dann.

Honoring Donald Thomas for heroism.

S.R. No. 1296 - Senator Dann.

Honoring William and June Mills on their Golden Wedding Anniversary.

S.R. No. 1297 - Senator Dann.

Honoring Orlando and Reta Vannelli on their Sixty-sixth Wedding Anniversary.

S.R. No. 1298 - Senator Dann.

Honoring Glen and Jane Stowers on their Sixtieth Wedding Anniversary.

S.R. No. 1299 - Senator Schuler.

Honoring the Madeira High School boys soccer team as the 2003 Division III State Champion.

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

So the resolutions were adopted.

On motion of Senator Randy Gardner, the Senate recessed until 5:00 o'clock p.m.

The Senate met pursuant to recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 185 - Representatives Schmidt, Allen, Setzer, Seitz, Aslanides, C. Evans, Olman, Schneider, Schaffer, Raga, Webster, Buehrer, Skindell, Beatty, Brown, Chandler, Cirelli, Collier, Daniels, DeBose, Domenick, Hartnett, Harwood, Hughes, Jolivette, Key, Miller, Otterman, S. Patton, Perry, Price, Redfern, Reidelbach, Seaver, S. Smith, D. Stewart, J. Stewart, Strahorn, Yates.

To amend sections 124.84, 124.841, and 505.60 of the Revised Code to permit the state and political subdivisions to pay some or all of the premium for their employees' long-term care insurance.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Sub. H. B. No. 204 - Representatives Wolpert, Gilb, Seitz, McGregor, Collier, Barrett, Allen, Kearns, Seaver, Chandler, Daniels, Cirelli, Domenick, C. Evans, Fessler, Flowers, Olman, Schlichter, Sferra, Skindell, Wagner,

Walcher, Carano, DePiero, Distel, Gibbs, Harwood, Hughes, Key, Miller, Niehaus, S. Patton, Raussen, Reidelbach, Schmidt, Schneider, G. Smith, J. Stewart, Sykes.

To amend sections 1.59, 9.08, 9.314, 101.691, 125.072, 149.38, 149.432, 307.12, 341.42, 505.10, 718.07, 721.15, 753.32, 955.013, 1306.16, 2307.64, 3517.10, 3517.106, 3517.11, 5145.31, and 5703.49 and to enact sections 117.111, 304.01, 304.02, 304.03, and 304.04 of the Revised Code to provide for the use of electronic records and signatures by county offices if specified security procedures are adopted, to require the Auditor of State to audit electronic record security procedures adopted by county offices, to create a single definition of the "internet" to be used throughout the Revised Code, and to provide notice to county historical societies and other local entities that county records are being sent to the Ohio Historical Society for potential distribution.

Attest: Laura P. Clemens,
Clerk.

Said bill was considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

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

Sub. S. B. No. 23 - Senator Goodman - et al.

Sub. S. B. No. 28 - Senator Spada - et al.

Attest: Laura P. Clemens,
Clerk.

The President signed said bills.

On the motion of Senator Carnes, the Senate adjourned until Thursday, December 4, 2003 at 11:00 o'clock a.m.

Attest: MATTHEW T. SCHULER,

Clerk.