

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, DECEMBER 10, 2003**

ONE HUNDRED TWENTY-FIRST DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, December 10, 2003, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Peter Foxx, Calvary Bible Church, Columbus, 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 concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

**H. C. R. No. 31**-Representatives Hollister, Allen, Barrett, Beatty, Clancy, Core, C. Evans, Flowers, Grendell, Hartnett, Hughes, T. Patton, Schmidt, J. Stewart, Strahorn, Ujvagi, Wilson, Miller, Niehaus, Peterson, Reidelbach.

To urge Congress to reauthorize abandoned mine land fee collection authority, to disperse shares of that fee without an appropriation, to release the unappropriated balance in the Abandoned Mine Land Fund, and to consider reevaluating the administration of the Abandoned Mine Land Reclamation Program and the Fund.

To the Committee on Finance and Financial Institutions.

**Sub. H. B. No. 59**-Representatives Kearns, Willamowski, Husted, D. Evans, Latta, Redfern, Ujvagi, Hartnett, J. Stewart, Schaffer, Carano, Seaver, Young, Harwood, Seitz, Aslanides, Key, Perry, Schlichter, Sferra, Widowfield, Allen, Beatty, Cirelli, Daniels, DeBose, DeWine, Distel, Domenick, Flowers, Hughes, McGregor, Schmidt, Setzer, Skindell, Strahorn, Taylor, Walcher, Widener, Wilson, Yates.

To enact sections 5533.491, 5533.69, and 5533.70 of the Revised Code to designate a portion of State Route Number 4 within Clark County as the "Heritage Parkway," to designate a portion of United States Route 68 in Clark County the "Ron Burton Memorial Highway," and to designate State Route Number 93 within Coshocton County the "Crile-Lower Memorial Highway."

To the Committee on Highways and Transportation.

**Sub. H. B. No. 148**-Representatives Grendell, Wagner, Wolpert, Daniels, Collier, Walcher, Schlichter, Sferra, McGregor, C. Evans, Flowers, Allen, Aslanides, Buehrer, Calvert, Carano, Carmichael, Cates, Cirelli, Clancy, DeBose, Domenick, Fessler, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hollister, Hughes, Jerse, Key, Latta, Martin, Miller, Niehaus, Olman, Otterman, T. Patton, Perry, Raga, Reidelbach, Schaffer, Schmidt, Seaver, Setzer, D. Stewart, Strahorn, Taylor, Trakas, Yates, Young.

To amend sections 507.03 and 507.04 of the Revised Code to require that the township clerk personally attend certain meetings of the board of township trustees, to set minimum amounts for township clerk bonds, and to permit certain boards of township trustees to request copies of township records.

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

**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, Jolivet, 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.

To the Committee on Insurance, Commerce and Labor.

**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.

To the Committee on Judiciary - Civil Justice.

**H. B. No. 224**-Representatives Kearns, J. Stewart, McGregor, Gilb, Seitz, S. Patton, Jerse, Fessler, Skindell, DeWine, Chandler, Allen, Walcher, Schmidt, Setzer, Otterman, Webster, Cirelli, Barrett, Widener, Carano, Harwood, Hoops, Ujvagi, Key, Latta, C. Evans, Hollister, Willamowski, Boccieri, Seaver, Price, Schaffer, Clancy, Buehrer, D. Stewart, Brown, Daniels, DeBose, Domenick, Flowers, Hagan, Hughes, Jolivette, Reidelbach, Schlichter, Schneider, Strahorn, Yates.

To enact section 5.2227 of the Revised Code designating November 19 as "George Rogers Clark Day."

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

**Sub. H. B. No. 243**-Representatives Raussen, Buehrer, Hollister, Reidelbach, S. Patton, Barrett, McGregor, Kearns, Willamowski, Gibbs, Fessler, Allen, Beatty, Carano, Carmichael, Chandler, Clancy, Collier, Daniels, DeBose, DeGeeter, Domenick, Driehaus, C. Evans, Flowers, Gilb, Grendell, Hagan, Harwood, Hoops, Hughes, Jolivette, Key, Kilbane, Niehaus, Otterman, T. Patton, Price, Schlichter, Schmidt, Schneider, Seitz, S. Smith, D. Stewart, J. Stewart, Strahorn, Taylor, Ujvagi, Widener, Wolpert, Woodard, Yates.

To amend sections 3901.043, 3901.51, and 3905.24, to enact section 3905.422, and to repeal sections 3957.01, 3957.02, 3957.03, 3957.04, 3957.05, 3957.06, 3957.07, 3957.08, 3957.09, 3957.10, 3957.11, 3957.12, 3957.13, 3957.14, 3957.15, 3957.16, 3957.17, 3957.18, 3957.19, and 3957.99 of the Revised Code to regulate the sale of home service contracts as consumer transactions rather than as the sale of insurance.

To the Committee on Insurance, Commerce and Labor.

**Sub. H. B. No. 269**-Representatives Raga, Daniels, Walcher, Domenick, McGregor, Wolpert, Cates, Flowers, Hollister, Latta, Perry, Schneider, J. Stewart, Willamowski.

To authorize the conveyance of state-owned real estate located in Warren County to the city of Mason.

To the Committee on Finance and Financial Institutions.

**Sub. H. B. No. 281**-Representatives Martin, McGregor, Kearns, Seitz, Husted, Schaffer, Webster, Gibbs, Walcher, Carano, G. Smith, Olman, Wolpert, Faber, Hughes, Daniels, Allen, Barrett, Buehrer, Calvert, Carmichael, Chandler, Collier, DeBose, DeGeeter, Distel, Domenick, C. Evans, Flowers, Gilb, Grendell, Hagan, Hartnett, Harwood, Hoops, Jolivette, Kilbane, Latta, Niehaus, Otterman, S. Patton, Perry, Price, Reidelbach, Schlichter, Schmidt, Setzer, Sferra, D. Stewart, J. Stewart, Strahorn, Taylor, Ujvagi, Wagner, Widener, Yates.

To amend sections 1739.02, 1739.99, 1751.02, 1751.28, 3901.78, 3905.14, and 3999.99 and to enact sections 1739.27 and 3999.18 of the Revised Code to change the assets that are considered to be admitted assets for purposes of meeting the statutory minimum for health insuring corporations, to provide for criminal and financial penalties for persons establishing or operating unlicensed health care insurers and criminal and administrative penalties for agents selling policies of unlicensed insurers, and to amend provisions governing the issuance of certificates of compliance to insurers.

To the Committee on Insurance, Commerce and Labor.

**Sub. H. B. No. 309**-Representatives Hoops, Callender, Oelslager, Raga, Willamowski, Buehrer, Carano, Cates, Collier, Core, Daniels, Hartnett, Hughes, Latta, Schlichter, Schmidt, G. Smith, Ujvagi, Wilson, Wolpert.

To amend sections 1901.08, 2151.23, and 2301.03 of the Revised Code to change the status of the judge of the Napoleon Municipal Court from part-time to full-time and to modify the jurisdiction of the Richland County Court of Common Pleas domestic relations judge.

To the Committee on Judiciary - Criminal Justice.

**Sub. H. B. No. 311**-Representatives Hagan, Miller, Allen, Barrett, Beatty, Calvert, Clancy, Core, C. Evans, Faber, Flowers, Hartnett, Hughes, Husted, Jerse, S. Patton, T. Patton, Peterson, Raga, Schlichter, Schmidt, Strahorn, Trakas, Ujvagi, Wilson, Aslanides, Book, Brown, Callender, Carano, Carmichael, Chandler, Collier, Daniels, DeBose, DeGeeter, Distel, Domenick, Driehaus, Gilb, Grendell, Harwood, Hollister, Jolivette, Key, Kilbane, Koziura, Latta, Martin, McGregor, Niehaus, Oelslager, Olman, Otterman, Perry, Price, Raussen, Redfern, Reinhard, Schaffer, Schneider, Seaver, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Sykes, Taylor, Wagner,

Walcher, White, Widowfield, Woodard, Yates, Young.

To amend sections 127.16 and 2921.13 and to enact sections 5110.01, 5110.02, 5110.03, 5110.05, 5110.07 to 5110.19, 5110.21, 5110.22, 5110.23, 5110.25, 5110.26, 5110.27, 5110.28, 5110.29, 5110.32, 5110.33, 5110.35, 5110.351, 5110.352, 5110.353, 5110.354, 5110.36 to 5110.40, 5110.45 to 5110.51, 5110.55 to 5110.59, and 5110.99 of the Revised Code to create the Ohio's Best Rx Program and to make an appropriation.

To the Committee on Finance and Financial Institutions.

**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.

To the Committee on Highways and Transportation.

**S. B. No. 158**-Senator Roberts.

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

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 159**-Senator Coughlin.

To amend sections 5739.02, 5739.025, 5739.10, 5739.12, and 5741.02 of the Revised Code to repeal the temporary sales and use tax increase and temporary vendor discount increase on January 1, 2005.

To the Committee on Finance and Financial Institutions.

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

### REPORTS OF STANDING AND SELECT COMMITTEES

Senator Carnes submitted the following report:

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

**William G. Brantingham**, from Winonna, Columbiana County, Ohio, as a Member of the Emergency Response Commission for a term beginning September 12, 2003 and ending at the close of business January 13, 2005, replacing Ralph L. Lloyd, who resigned.

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

YES - 9: DOUG WHITE, RANDY GARDNER, JAY HOTTINGER, JAMES E. CARNES, BILL HARRIS, SCOTT R. NEIN, C. J. PRENTISS, MARK MALLORY, GREGORY L. DIDONATO.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment 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 appointment.

# HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

**Am. Sub. S. B. No. 97**-Senators Mallory, Brady, Carey, Dann, DiDonato, Fedor, Fingerhut, Goodman, Herington, Prentiss, Schuler, Stivers, Armbruster, Austria, Blessing, Miller, Nein, Schuring, Harris, Robert Gardner, White, Spada, Jacobson, Randy Gardner, Hottinger, Jordan. -Representatives Carmichael, Flowers, Cates, Buehrer, Trakas, Key, Allen, Barrett, Beatty, Book, Brown, Callender, Calvert, Carano, Chandler, Clancy, Collier, Daniels, DeBose, DeGeeter, Distel, Domenick, Driehaus, C. Evans, Faber, Fessler, Gibbs, Gilb, Grendell, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Husted, Jolivette, Kearns, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Miller, Niehaus, Oelslager, Olman, Otterman, S. Patton, T. Patton, Perry, Peterson, Price, Raga, Raussen, Redfern, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Setzer, Sferra, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Ujvagi, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wolpert, Woodard, Yates.

To amend sections 153.59, 153.591, 3911.16, and 3911.17 of the Revised Code to remove the terms "colored persons" and "Negroes" from the Revised Code and to broaden the application of the existing prohibition against discrimination in the sale and cost of life insurance to include all races, were taken up.

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

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

Those who voted in the affirmative were: Senators

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

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

## 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. 133**-Representatives Olman, Driehaus, Strahorn, Carmichael, Distel, Hartnett, G. Smith, Niehaus, Schmidt, Barrett, Fessler, Harwood, Hollister, Hughes, Latta, McGregor, S. Patton, T. Patton, Price, Reidelbach, Seitz, J. Stewart. -Senator Blessing.

To amend sections 4906.06, 4906.08, 4906.10, 4906.98, 4906.99, 4928.62, and 4928.63 and to enact section 4906.97 of the Revised Code to change filing and notice timelines for applications filed with the Power Siting Board; to modify approval standards regarding a major electric generating facility; to authorize the Board or its chairperson to order the suspension of an activity during the Board's consideration of a complaint about the activity; to authorize the Board to impose a forfeiture for a violation of power siting law; and to modify the provision of financial assistance under the Energy Efficiency Revolving Loan Program, was considered the third time.

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

The title was agreed to.

Senator Randy Gardner moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to the third consideration of **Sub. H. B. No. 311**.

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

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.

The motion was agreed to.

Senator Randy Gardner moved that **Sub. H. B. No. 311**, having been referred to the Committee on Finance and Financial Institutions, be brought up for immediate consideration.

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

The motion was agreed to.

**Sub. H. B. No. 311**-Representatives Hagan, Miller, Allen, Barrett, Beatty, Calvert, Clancy, Core, C. Evans, Faber, Flowers, Hartnett, Hughes, Husted, Jerse, S. Patton, T. Patton, Peterson, Raga, Schlichter, Schmidt, Strahorn, Trakas, Ujvagi, Wilson, Aslanides, Book, Brown, Callender, Carano, Carmichael, Chandler, Collier, Daniels, DeBose, DeGeeter, Distel, Domenick, Driehaus, Gilb, Grendell, Harwood, Hollister, Jolivette, Key, Kilbane, Koziura, Latta, Martin, McGregor, Niehaus, Oelslager, Olman, Otterman, Perry, Price, Raussen, Redfern, Reinhard, Schaffer, Schneider, Seaver, Sferra,

Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Sykes, Taylor, Wagner, Walcher, White, Widowfield, Woodard, Yates, Young.

To amend sections 127.16 and 2921.13 and to enact sections 5110.01, 5110.02, 5110.03, 5110.05, 5110.07 to 5110.19, 5110.21, 5110.22, 5110.23, 5110.25, 5110.26, 5110.27, 5110.28, 5110.29, 5110.32, 5110.33, 5110.35, 5110.351, 5110.352, 5110.353, 5110.354, 5110.36 to 5110.40, 5110.45 to 5110.51, 5110.55 to 5110.59, and 5110.99 of the Revised Code to create the Ohio's Best Rx Program and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 311**, pass?"

Senator Harris moved to amend as follows:

In line 530, delete " and " and insert " or "

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 311**, 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 Spada moved to amend the title as follows:

Add the names : "Spada, Hagan, Harris, White, Randy Gardner, Schuring, Jacobson, Mumper, Robert Gardner, Brady, Dann, Prentiss, Miller, Fingerhut, Fedor, DiDonato, Zurz, Carnes, Armbruster, Austria, Goodman, Roberts, Mallory."

The motion was agreed to and the title so amended.

### MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints Senator Austria to replace Senator White on the **Conference Committee on Sub. H. B. No. 12** of the 125th General Assembly

On motion of Senator Randy Gardner, the Senate recessed until 10:55 p.m.

The Senate met pursuant to recess.

On motion of Senator Randy Gardner, **Sub. H. B. No. 51**, having been informally passed, was taken up for immediate consideration.

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

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

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

Senator Goodman moved to amend as follows:

In line 821, delete "All" and insert "Except as provided in section 2117.061 of the Revised Code, all"

In line 826, delete "A" and insert "Except as provided in section 2117.061 of the Revised Code, a"

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

The motion was agreed to.

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

Senator Goodman moved to amend as follows:

In line 23, delete "109.572, 313.12,"

In line 24, delete "2108.50,"

In line 25, after the first comma insert "and"; delete ", 2151.421, 2311.14, 2930.03, 5120.173, 5123.081,"

Delete line 26

In line 27, delete "sections" and insert "section"; delete ", 2108.521, 2152.821, 2903.341,"

Delete line 28

In line 29, delete "5126.058, 5126.331, 5126.332, and 5126.333"

Delete lines 31 through 314

Delete lines 488 through 560

Delete lines 954 through 3437

In line 3438, delete "109.572, 313.12,"

In line 3439, delete "2108.50,"

In line 3440, after "2117.11," insert "and"; delete ", 2151.421, 2311.14, 2930.03, 5120.173,"

Delete line 3441

In line 3442, delete "and 5126.33"

In line 3443, after "**Section 3.**" delete the balance of the line

Delete lines 3444 through 3510

In line 3511, delete "**Section 8.**"

In line 3520, delete "**9.**" and insert "**4.**"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 51**, 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  
Prentiss  
Spada

Miller  
Roberts  
Stivers

Mumper  
Schuler  
Wachtmann

Nein  
Schuring  
Zurz  
White-33.

So the bill passed.

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

Senator Goodman moved to amend as follows:

In line 1 of the title, delete "109.572, 313.12,"

In line 2 of the title, delete "2108.50,"

In line 3 of the title, after "2117.11," insert "and"; delete ", 2151.421,"

Delete lines 4 and 5 of the title

In line 6 of the title, delete "5126.33"; delete "sections" and insert "section"; delete ", 2108.521,"

Delete lines 7 and 8 of the title

In line 9 of the title, delete "5126.332, and 5126.333"

In line 15 of the title, after the comma insert "and"

In line 16 of the title, after "estate" delete the balance of the line and insert a period

Delete lines 17 through 22 of the title

The motion was agreed to and the title so amended.

### MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, December 7, 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 bill was introduced and considered the first time:

**S. B. No. 160**-Senators Wachtmann, Amstutz, Blessing, Carey, Robert Gardner, Goodman, Harris, Jacobson, Jordan, Schuler, Schuring, Spada, Stivers, Fedor.

To amend section 2905.05 of the Revised Code to specifically identify vessels as places that are within the offense of criminal child enticement.

### OFFERING OF RESOLUTIONS

Senator Austria offered the following concurrent resolution:

**S. C. R. No. 21**-Senator Austria.

To recognize a century of flight and Ohio as the birthplace of aviation, and to honor the City of Dayton and its many partners for hosting "Inventing Flight: The Centennial Celebration," a celebration of the centennial of Wilbur and Orville Wright's first flight.

The question being, "Shall the concurrent resolution, **S. C. R. No. 21**, be adopted?"

So the concurrent resolution was adopted.

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

**S.R. No. 1329** - Senator Schuler.

Honoring Charles and Fay Powell on their Golden Wedding Anniversary.

**S.R. No. 1330** - Senator Fedor.

Honoring Diane Klein as the 2003 Ohio Art Educator of the Year.

**S.R. No. 1331** - Senator Mumper.

Honoring James and Clarabelle Garn on their Sixtieth Wedding Anniversary.

**S.R. No. 1332** - Senator Mumper.

Honoring Eugene and Patricia Ohm on their Golden Wedding Anniversary.

**S.R. No. 1333** - Senator Mumper.

Honoring Kenneth and Shirley Fork on their Golden Wedding Anniversary.

**S.R. No. 1334** - Senator Mumper.

Honoring Reed and Mardell Fetter on their Sixty-fifth Wedding Anniversary.

**S.R. No. 1335** - Senator Jacobson.

Honoring Sara Hickey as a member of the Marian College cycling team, which won the 2003 NCCA Track National Championship.

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

So the resolutions were adopted.

Senator Randy Gardner moved that the Senate revert to the Fourth Order of

Business, Reports of Conference Committees.

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

The motion was agreed to.

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 12 of the 125th General Assembly, Representative Aslanides - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 30, after "2913.02," insert "2913.04,"

In line 34, after "2923.1212," insert "2923.1213,"

In line 97, delete the underlined period and insert an underlined semicolon

Between lines 97 and 98, insert:

"(5) A form for the temporary emergency license to carry a concealed handgun that is to be issued by sheriffs to persons who qualify for such a license under section 2923.1213 of the Revised Code, which form shall conform to all the requirements set forth in divisions (A)(2)(a) to (d) of this section and shall additionally conspicuously specify that the license is a temporary emergency license and the date of its issuance."

In line 185, delete "or" and insert an underlined comma

In line 186, after the underlined comma insert "or an application for a license to carry a concealed handgun under section 2923.1213 of the Revised Code."

In line 288, after "Code" insert "and all fees paid by the person seeking a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code"

In line 320, after "section" insert "that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (C) or (D) of this section of transporting or having a firearm of any type, including a handgun, in a vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the actor's own property, provided that this affirmative defense is not available unless the person, prior to arriving at the vessel on the actor's own property, did not transport or possess the firearm in the vessel or in a motor vehicle in a manner prohibited by this section or division (B) or (C) of section 2923.16 of the Revised Code while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic"

In lines 323 and 346, after "2923.125" insert "or 2923.1213"



Between lines 351 and 352, insert:

"(I) If a law enforcement officer stops a vessel for a violation of this section or any other law enforcement purpose, if any person on the vessel surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

Between lines 438 and 439, insert:

**"Sec. 2913.04.** (A) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(B) No person shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of the express or implied consent of, the owner of the computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service or other person authorized to give consent by the owner.

(C) No person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate information gained from access to the law enforcement automated database system created pursuant to section 5503.10 of the Revised Code without the consent of, or beyond the scope of the express or implied consent of, the chair of the law enforcement automated data system steering committee.

(D) The affirmative defenses contained in division (C) of section 2913.03 of the Revised Code are affirmative defenses to a charge under this section.

~~(D)~~(E)(1) Whoever violates division (A) of this section is guilty of unauthorized use of property.

(2) Except as otherwise provided in division ~~(D)~~(E)(3) or (4) of this section, unauthorized use of property is a misdemeanor of the fourth degree.

(3) Except as otherwise provided in division ~~(D)~~(E)(4) of this section, if unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided in division ~~(D)~~(E)(3)(b), (c), or (d) of this section, a misdemeanor of the first degree.

(b) If the value of the property or services or the loss to the victim is five hundred dollars or more and is less than five thousand dollars, a felony of the fifth degree.

(c) If the value of the property or services or the loss to the victim is five thousand dollars or more and is less than one hundred thousand dollars, a felony of the fourth degree.

(d) If the value of the property or services or the loss to the victim is one hundred thousand dollars or more, a felony of the third degree.

(4) If the victim of the offense is an elderly person or disabled adult, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided in division ~~(D)~~(E)(4)(b), (c), (d), or (e) of this section, a felony of the fifth degree;

(b) If the value of the property or services or loss to the victim is five hundred dollars or more and is less than five thousand dollars, a felony of the fourth degree;

(c) If the value of the property or services or loss to the victim is five thousand dollars or more and is less than twenty-five thousand dollars, a felony of the third degree;

(d) If the value of the property or services or loss to the victim is twenty-five thousand dollars or more, a felony of the second degree.

~~(E)~~(F) Whoever violates division (B) of this section is guilty of unauthorized use of computer, cable, or telecommunication property, a felony of the fifth degree.

~~(F)~~(G) Whoever violates division (C) of this section is guilty of unauthorized use of the law enforcement automated database system, a felony of the fifth degree.

(H) As used in this section:

(1) "Cable operator" means any person or group of persons that does either of the following:

(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system;

(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.

(2) "Cable service" means any of the following:

(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;

(b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division ~~(F)~~(H)(2)(a) of this section;

(c) Any cable television service.

(3) "Cable system" means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. "Cable system" does not include any of the following:

(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;

(b) Any facility that serves subscribers without using any public right-of-way;

(c) Any facility of a common carrier that, under 47 U.S.C.A. 522(7)(c), is excluded from the term "cable system" as defined in 47 U.S.C.A. 522(7);

(d) Any open video system that complies with 47 U.S.C.A. 573;

(e) Any facility of any electric utility used solely for operating its electric utility system."

In line 490, after "handgun" insert "or is made in an affidavit filed with a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code"

In lines 671, 693, 779, 805, 871, and 922, after "2923.125" insert "or 2923.1213"

In line 700, after "(A)" insert "(1)"

In line 701, after "weapon" insert "other than a handgun and"

In line 723, delete all after "(E)"

Delete lines 724 through 753 and insert "It is an affirmative defense to a charge under division (A) of this section of carrying or having control of a handgun other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the handgun and that the handgun was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home, provided that this affirmative defense is not available unless the person, prior to arriving at his own home, did not transport or possess the handgun in a motor vehicle in a manner prohibited by division (B) or (C) of section 2923.16 of the Revised Code while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic."

Between lines 824 and 825, insert:

"(H) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the

firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

In line 854, after "premises" insert "that involves the possession of a firearm other than a handgun"

In line 1074, after "2923.125" insert "or 2923.1213"

In lines 1121, 1778, and 3008, delete "2923.1212" and insert "2923.1213"

In line 1133, after "Code" insert "and, except when the context clearly indicates otherwise, includes a person to whom a temporary emergency license to carry a concealed handgun has been issued under section 2923.1213 of the Revised Code"

In line 1292, after "shall" insert "make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the system, shall"

In line 1523, delete the first "issuing" and insert "deciding to issue"; delete the second "issuing" and insert "deciding to issue"

In line 1524, delete "renewing" and insert "deciding to renew"

In line 1525, after the underlined comma insert "and before actually issuing or renewing the license,"

In line 1547, delete "If a law enforcement officer"

Delete lines 1548 and 1549 and insert:

"If a"

In line 1550, delete "that" and insert "a motor"; delete the underlined comma and insert "that is stopped as the result of a traffic stop or a stop for another law enforcement purpose"

In line 1551, delete "possesses" and insert "is transporting"; delete "at the time the officer"

In line 1552, delete "approaches the vehicle" and insert "in the motor vehicle at that time"; delete the third "the" and insert "any law enforcement"

In line 1553, after "officer" insert "who approaches the vehicle while stopped"

In line 1555, after "handgun" insert "; the licensee shall comply with lawful orders of a law enforcement officer given while the motor vehicle is stopped, shall remain in the motor vehicle while stopped, and shall keep the licensee's hands in plain sight while any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the"

licensee's hands or fingers, in any manner in violation of division (E) of section 2923.16 of the Revised Code, while any law enforcement officer begins approaching the licensee while stopped and before the officer leaves"

In line 1844, after "(B)" insert "(1)"; after the underlined comma insert "except as provided in division (B)(2) of this section,"

In line 1853, delete "No" and insert "Except as provided in division (B)(2) of this section, no"

Between lines 1855 and 1856, insert:

"(2) Upon a written request made to a sheriff and signed by a journalist on or after the effective date of this section that identifies by name a specific individual, the sheriff shall disclose to the journalist whether the sheriff has issued to the specified individual a license, issued to the specified individual a replacement license, renewed for the specified individual a license to carry a concealed handgun, or issued to the specified individual a temporary emergency license to carry a concealed handgun. If the sheriff has issued or renewed a license for the specific individual identified in the request, the sheriff shall disclose to the journalist only the individual's name, county of residence, and municipal corporation or township of residence, the fact that the individual was issued the license or replacement license or had the license renewed, and the date of the issuance or renewal. The request shall include the journalist's name and title, shall include the name and address of the journalist's employer, shall identify by name the specific individual about whom the request is made, and shall state that disclosure of the information sought would be in the public interest.

As used in division (B)(2) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public."

In line 1876, delete "No" and insert "A"

In line 1877, delete "shall release or otherwise disseminate" and insert "who releases or otherwise disseminates"

In line 1879, delete all after "division"

In line 1880, delete "person to do so" and insert "is guilty of a violation of section 2913.04 of the Revised Code"

In line 1985, after "2923.125" insert "or 2923.1213"

Between lines 2061 and 2062, insert:

**"Sec. 2923.1213. (A) As used in this section:**

**(1) "Evidence of imminent danger" means any of the following:**

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;

(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor.

(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B)(1) A person seeking a temporary emergency license to carry a concealed handgun shall submit to the sheriff of the county in which the person resides all of the following:

(a) Evidence of imminent danger to the person or a member of the person's family;

(b) A sworn affidavit that contains all of the information required to be on the license and attesting that the person is at least twenty-one years of age; is not a fugitive from justice; is not under indictment for or otherwise charged with an offense identified in division (D)(1)(d) of section 2923.125 of the Revised Code; has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D)(1)(e) of that section; within three years of the date of the submission, has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D)(1)(f) of that section; within five years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing two or more violations identified in division (D)(1)(g) of that section; within ten years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing a violation identified in division (D)(1)(h) of that section; has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only for purposes of observation, as described in division (D)(1)(i) of that section; and is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state, as described in division (D)(1)(j) of that section;

(c) A temporary emergency license fee established by the Ohio peace officer training commission for an amount that does not exceed the actual cost of

conducting the criminal background check or thirty dollars;

(d) A set of fingerprints of the applicant provided as described in section 341.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of an electronic fingerprint reading device, on a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code. If the fingerprints are provided on a standard impression sheet, the person also shall provide the person's social security number to the sheriff.

(2) Upon receipt of the evidence of imminent danger, the sworn affidavit, the fee, and the set of fingerprints required under division (B)(1) of this section, the sheriff immediately shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code. Immediately upon receipt of the results of the records checks, the sheriff shall review the information and shall determine whether the criteria set forth in divisions (D)(1)(a) to (j) of section 2923.125 of the Revised Code apply regarding the person. If the sheriff determines that all of criteria set forth in divisions (D)(1)(a) to (j) of section 2923.125 of the Revised Code apply regarding the person, the sheriff shall immediately make available through the law enforcement automated data system all information that will be contained on the temporary emergency license for the person if one is issued, and the superintendent of the state highway patrol shall ensure that the system is so configured as to permit the transmission through the system of that information. Upon making that information available through the law enforcement automated data system, the sheriff shall immediately issue to the person a temporary emergency license to carry a concealed handgun.

If the sheriff denies the issuance of a temporary emergency license to the person, the sheriff shall specify the grounds for the denial in a written notice to the person. The person may appeal the denial in the same manners specified in division (D)(2) of section 2923.125 of the Revised Code, regarding the denial of an application for a license to carry a concealed handgun under that section.

The temporary emergency license under this division shall be in the form, and shall include all of the information, described in division (A)(2) of section 109.731 of the Revised Code, provided that the license also shall conspicuously specify that it is a temporary emergency license and the date of its issuance.

The temporary emergency license issued under this division is valid for ninety days and may not be renewed. A person who has been issued a temporary emergency license under this division shall not be issued another temporary emergency license unless at least four years has expired since the issuance of the prior temporary emergency license.

(C) A person who holds a temporary emergency license to carry a concealed handgun has the same right to carry a concealed handgun as a person who was issued a license to carry a concealed handgun under section 2923.125 of

the Revised Code, and any exceptions to the prohibitions contained in section 1547.69 and sections 2923.12 to 2923.16 of the Revised Code for a licensee under section 2923.125 of the Revised Code apply to a licensee under this section. The person is subject to the same restrictions, and to all other procedures, duties, and sanctions, that apply to a person who carries a license issued under section 2923.125 of the Revised Code.

(D) A sheriff who issues a temporary emergency license to carry a concealed handgun under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license. The sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed.

(E) A sheriff who issues a temporary emergency license to carry a concealed handgun under this section shall retain, for the entire period during which the temporary emergency license is in effect, the evidence of imminent danger that the person submitted to the sheriff and that was the basis for the license, or a copy of that evidence, as appropriate.

(F) If a temporary emergency license to carry a concealed handgun issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(G) Section 2923.129 of the Revised Code applies in regards to the issuance of a temporary emergency license to carry a concealed handgun.

(H) The Ohio peace officer training commission shall prescribe, and shall make available to sheriffs, a standard form to be used under division (B) of this section by a person who applies for a temporary emergency license to carry a concealed handgun on the basis of imminent danger of a type described in division (A)(1)(a) of this section."

In line 2128, after "handgun" insert "under section 2923.125 or 2923.1213 of the Revised Code"

In line 2129, after "(1)" insert "Knowingly transport or have a loaded handgun in a motor vehicle unless the loaded handgun either is in a holster and in plain sight on the person's person or it is securely encased by being stored in a



closed, locked glove compartment or in a case that is in plain sight and that is locked;

(2) If the person is transporting or has a loaded handgun in a motor vehicle in a manner authorized under division (E)(1) of this section, knowingly remove or attempt to remove the loaded handgun from the holster, glove compartment, or case, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers while the motor vehicle is being operated on a street, highway, or public property unless the person removes, attempts to remove, grasps, holds, or has the contact with the loaded handgun pursuant to and in accordance with directions given by a law enforcement officer;

(3)"; after "a" insert "motor"

In line 2132, after "vehicle" insert "in any manner"

Between lines 2136 and 2137, insert:

"(4) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless, regarding a failure to remain in the motor vehicle or to keep the person's hands in plain sight, the failure is pursuant to and in accordance with directions given by a law enforcement officer;"

In line 2137, delete "(2)" and insert "(5)"; after "a" insert "motor"

In line 2140, after "vehicle" insert "in a manner authorized under division (E)(1) of this section"

Delete line 2142 and insert "remove or attempt to remove the loaded handgun from the holster, glove compartment, or case, knowingly grasp or hold the loaded handgun, or knowingly have"

In line 2143, delete "a" and insert "the"; after "handgun" insert "by touching it with the person's hands or fingers"

In line 2145, delete "possesses or"

Delete line 2146

In line 2147, delete "accordance with explicit instructions" and insert "removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions"

In line 2210, after "2923.125" insert "or 2923.1213"

In line 2217, delete all after "(c)"

Delete line 2218

In line 2219, delete "vehicle, and either" and insert "Either"; after "sight" insert "on the person's person"

In line 2221, delete "gun"

Delete lines 2223 through 2228

In line 2229, after "~~(E)~~" insert "(G)(1)"; reinsert "The affirmative defenses"; after "~~eontained~~" insert "authorized"; reinsert "in divisions"; after "~~(C)~~" insert "(D)"; reinsert "(1)"

Reinsert line 2230

In line 2231, reinsert "defenses to a charge under division (B) or (C) of this section"; after the reinserted "section" insert "that involves a firearm other than a handgun"; reinsert the stricken period

Delete lines 2232 through 2264 and insert:

"(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, prior to arriving at his own property, did not transport or possess the handgun in a motor vehicle in a manner prohibited by division (B) or (C) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic."

In line 2274, delete "(1)" and insert "(3)"

In line 2275, after the period insert "A violation of division (E)(1), (2), or (5) of this section is a felony of the fifth degree."

In lines 2276 and 2278, delete "(2)" and insert "(4)"

In line 2288, delete "recklessly" and insert "knowingly"

In line 2289, delete "2923.125" and insert "2923.126"

In line 2293, delete "(H)" and insert "(I)"

Between lines 2294 and 2295, insert:

"(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

In line 2295, delete "(J)" and insert "(K)"

In line 3034, after "2913.02," insert "2913.04,"

In line 3087, after "2923.125" insert "or 2923.1213"

In line 3744, after "2004" insert ", or the earliest date permitted by law, whichever is later"

In lines 3748, 3761, and 3798, delete "2923.1212" and insert "2923.1213"

In line 3814, delete "and"; after "2923.1212" insert ", and 2923.1213"

In line 1 of the title, after "2913.02," insert "2913.04,"

In line 7 of the title, after "2923.1212," insert "2923.1213,"

Managers on the Part of the  
House of Representatives

Managers on the Part of the  
Senate

/S/ JAMES ASLANIDES  
JAMES ASLANIDES

/S/ STEVE AUSTRIA  
STEVE AUSTRIA

/S/ JIMMY STEWART  
JIMMY STEWART

/S/ SCOTT R. NEIN  
SCOTT R. NEIN

/S/

/S/ MARC DANN  
MARC DANN

Lance T. Mason

Senator Randy Gardner moved that Joint Rule No. 20 be suspended and that the conference report on **H.B. No. 12** be brought up for immediate consideration.

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 25, nays 8, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Carey	Carnes	Coughlin	Dann
DiDonato	Fedor	Randy Gardner	Robert Gardner
Goodman	Harris	Hottinger	Jacobson
Jordan	Mumper	Nein	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-25.

Senators Brady, Fingerhut, Hagan, Mallory, Miller, Prentiss, Roberts, and Zurz voted in the negative-8.

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 25, nays 8, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
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Carey	Carnes	Coughlin	Dann
DiDonato	Fedor	Randy Gardner	Robert Gardner
Hagan	Harris	Hottinger	Jacobson
Jordan	Mumper	Nein	Schuler
Schuring	Stivers	Wachtmann	Zurz
			White-25.

Senators Brady, Fingerhut, Goodman, Mallory, Miller, Prentiss, Roberts, and Spada voted in the negative-8.

So the report of Committee of Conference was agreed to.

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. 86** - Senators Stivers, Miller, Goodman, Jacobson, Randy Gardner, Coughlin, Amstutz, Brady, Herington, Fedor, Wachtmann, Schuring, Mumper, Spada, Harris, Nein, Carey, Schuler, DiDonato, Prentiss, Robert Gardner, Armbruster, White. Representatives Latta, Seitz, Allen, Barrett, Blasdel, Brown, Buehrer, Calvert, Carano, Carmichael, Cirelli, Clancy, Collier, Daniels, Distel, Domenick, Driehaus, C. Evans, Faber, Flowers, Gibbs, Hartnett, Hollister, Hoops, Jolivette, Kilbane, Martin, Niehaus, Otterman, T. Patton, Raga, Reidelbach, Schaffer, Schmidt, Schneider, Setzer, Sferra, Strahorn, Taylor, Ujvagi, Wagner, Wilson, Wolpert, Woodard.

To amend sections 2305.234, 3701.071, 4715.42, and 4731.295 of the Revised Code and to amend Section 2 of Sub. H.B. 221 of the 124th General Assembly to extend immunity from liability for services provided by volunteer health care professionals and workers to additional health care facilities and locations and to nonprofit health care referral organizations, to provide additional requirements for the immunity of a health care professional, to increase the maximum allowable income of individuals who may be served by volunteers having immunity from liability, and to change the effective date of the drug repository statute to January 1, 2004.

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

In line 16, delete "2305.113,"; delete "2711.22,"

In line 17, delete "3719.81, 4713.02,"; delete "4723.01, 4723.03, 4723.28,"

In line 18, delete everything before "and"

Delete lines 20 through 195

In line 218, reinsert "Registered nurses"; delete "Advanced"; strike through "practice nurses"; delete "as"

In line 219, delete "defined in section 4723.01 of the Revised Code"; strike through the comma; delete "registered"

In line 220, delete "nurses and"

In line 221, after "Code" insert "and individuals who hold a certificate of authority issued under that chapter that authorizes the practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner"

Delete lines 457 through 488

Delete lines 519 through 629

Delete lines 714 through 2201

In line 1327, delete "Perform" and insert "perform"

In line 2287, delete "2305.113,"

In line 2288, delete "2711.22,"; delete "3719.81, 4713.02,"; delete "4723.01, 4723.03,"

In line 2289, delete everything before "and"

Delete lines 2329 through 2352

Between lines 2352 and 2353, insert:

**"Section 7.** That Section 2 of Sub. H.B. 221 of the 124th General Assembly be amended to read as follows:

**Sec. 2.** Sections 3715.87, 3715.871, and 3715.872 of the Revised Code as enacted by ~~this act~~ Sub. H.B. 221 of the 124th General Assembly shall take effect ~~one year after the effective date of this section~~ on January 1, 2004.

**Section 8.** That existing Section 2 of Sub. H.B. 221 of the 124th General Assembly is hereby repealed.

**Section 9.** Sections 1, 2, 3, 4, 5, 6, and 10 of this act shall take effect ninety days after the effective date of this act."

In line 2353, delete "**7**" and insert "**4**"

In line 2353, delete "**7.**" and insert "**10.**"

Delete lines 2356 through 2360

In line 2361, delete "the 124th General Assembly."

In line 2364, delete "composites are" and insert "composite is"

In line 2365, delete "versions" and insert "version"; delete "sections" and

insert "section"

In line 2366, delete "sections" and insert "section"

After line 2366, insert:

In line 1 of the title, delete "2305.113,"; delete "2711.22,"

In line 2 of the title, delete "3719.81, 4713.02,"; delete "4723.01,"

Delete line 3 of the title

In line 4 of the title, delete "4729.01, 4731.22,"

In line 4 of the title, after "Code" insert "and to amend Section 2 of Sub.  
H.B. 221 of the 124th General Assembly"

In line 11 of the title, after the comma insert "and"

In line 13 of the title, delete ", and to"

In line 13, delete "and"

Delete line 14 of the title

In line 15 of the title, delete everything before the period

In line 15 of the title, after "nurses" insert ", to change the effective date of  
the drug repository statute to January 1, 2004"

Attest:

Laura P. Clemens,  
Clerk.

Senator Randy Gardner moved that Joint Rule No. 16 be suspended and that  
the amendments of the House of Representatives to **Am. Sub. S.B. No. 86** be  
taken up.

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

The motion was agreed to.

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

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

Those who voted in the affirmative were: Senators

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

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

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:

**Sub. S. B. No. 57** - Senators Jacobson, Armbruster, Randy Gardner, Goodman, Harris, Stivers, Herington, Amstutz, Austria, Blessing, Carnes, Dann, Robert Gardner, Hottinger, Mumper. Representatives Seitz, Latta, Faber, Callender, Calvert, Carano, Clancy, Domenick, C. Evans, Flowers, Gibbs, Hartnett, Hoops, Hughes, Kearns, Niehaus, T. Patton, Schlichter, Schmidt, Schneider, Seaver, Setzer, Sferra, Walcher, Widener.

To amend sections 1905.033, 2917.04, 2917.13, 2929.01, 2929.22, 2929.25, 2929.28, 2950.01, 2951.011, and 2967.14, to contingently amend section 2913.07, and to enact section 2917.031 of the Revised Code to increase the penalty under specified circumstances for failure to disperse and misconduct at an emergency, to clarify the required proof for the offenses of riot and aggravated riot, to modify the definition of residential unit used in the SORN Law, to make technical corrections and clarifications to the misdemeanor sentencing statutes, and to declare an emergency.

As a substitute bill, in which the concurrence of the Senate is requested:

Attest:

Laura P. Clemens,  
Clerk.

Senator Randy Gardner moved that Joint Rule No. 16 be suspended and that the amendments of the House of Representatives to **Sub. S.B. No. 57** be taken up.

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

The motion was agreed to.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 2, 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	Harris

Hottinger	Jacobson	Jordan	Mallory
Miller	Mumper	Nein	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

Senators Hagan and Prentiss voted in the negative-2.

So the section, Section 5, setting forth the emergency features of the bill stood as a part of the bill.

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 2, 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	Harris
Hottinger	Jacobson	Jordan	Mallory
Miller	Mumper	Nein	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

Senators Hagan and Prentiss voted in the negative-2.

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

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

Attest:

MATTHEW T. SCHULER,  
Clerk.