OHIO

SENATE

JOURNAL

WEDNESDAY, JANUARY 21, 2004

ONE HUNDRED THIRTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, January 21, 2004, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Dr. Ahmad Al-Akhras, Council on American Islamic Relations, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **Sub. H. B. No. 149**-Representative Fessler, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Stivers.

YES - 8: STEVE STIVERS, JAY HOTTINGER, J. KIRK SCHURING, MARC DANN, DAVID GOODMAN, RON AMSTUTZ, ERIC D. FINGERHUT, LYNN R. WACHTMANN.

NO - 0.

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

The report of the committee was accepted.

Senator Harris submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **Sub. H. B. No. 272**-Representative Seitz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Harris, Blessing, Amstutz, Carey, Hottinger.

YES - 7: JAY HOTTINGER, JOHN A. CAREY , LOUIS W. BLESSING, STEPHEN C. AUSTRIA, RON AMSTUTZ, BILL HARRIS, JOY PADGETT.

NO - 5: STEVE STIVERS, RAY MILLER, MARK MALLORY, C. J. PRENTISS, ERIC D. FINGERHUT.

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

The report of the committee was accepted.

Senator Spada submitted the following report:

The standing committee on Energy, Natural Resources and Environment, to which was referred **S. C. R. No. 18**-Senator Spada, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Hagan, Fingerhut, Robert Gardner, Carey.

YES - 7: JAY HOTTINGER, ROBERT F. HAGAN, ERIC D. FINGERHUT, ROBERT A. GARDNER, ROBERT L. SCHULER, JOHN A. CAREY , ROBERT F. SPADA.

NO - 0.

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

The report of the committee was accepted.

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 18-Senators Spada, Hagan, Fingerhut, Robert Gardner, Carey.

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.

WHEREAS, Since 1800, substantial mining has occurred in Ohio, providing fuel for the United States' industrial revolution and support for two world war efforts. The mining industry also has been a major employer of the state's citizens for many of the years since 1800. However, the cumulative effects of past mining have caused significant environmental problems; and

WHEREAS, The Surface Mining Control and Reclamation Act of 1977 created the Abandoned Mine Land Reclamation Program to help protect public health and safety and to restore lands and waters adversely affected by mining practices employed prior to August 3, 1977. The Program is funded by fees on coal production, which are deposited by the United States Secretary of the Interior into the Abandoned Mine Land Fund. As of March 31, 2003, more than $6.7 billion in fees have been deposited into the Fund, of which more than $1.4 billion remains to be appropriated to the states. The $1.4 billion includes more than $938 million in state and Indian tribal share funds. Ohio's state share is more than $22 million; and

WHEREAS, The expenditure of abandoned mine land funds on various reclamation projects by the twenty-three states and three Indian tribes that have federally approved abandoned mine reclamation programs has significantly

improved public health and safety and the environment. In addition, that expenditure has provided an estimated 6,000 jobs and $130 million in economic benefits to the Appalachian region of Ohio alone; and

WHEREAS, Authority to collect the fee for abandoned mine reclamation is scheduled to expire on September 30, 2004, eliminating additional revenue for the Abandoned Mine Land Reclamation Program. However, $6.6 billion worth of identified health and safety problems remain nationally, including $203 million of inventoried problems in Ohio such as abandoned strip mines, mine openings, landslides, and flooding. In addition to these nationally identified health and safety problems, 1,300 miles of Ohio streams polluted by acid mine drainage and potential subsidence from 6,000 abandoned underground mines exist; and

WHEREAS, The people living in the country's mining regions, including Ohio's mining region, have the right to a safe environment, including clean drinking water and healthy streams in viable communities; now therefore be it

RESOLVED, That we, the members of the 125th General Assembly of the State of Ohio, urge Congress to reauthorize abandoned mine land fee collection authority for a minimum of twelve years, commencing October 1, 2004, to disperse state and tribal shares of annual fee collections each year without appropriation, and, in keeping faith with the goals of the Surface Mining Control and Reclamation Act of 1977, to provide eligible states and Indian tribes their lawful shares of the unappropriated balance in the Abandoned Mine Land Fund, after due consideration for the United Mine Workers of America Combined Benefit Fund, so that they may further protect public health and safety and enhance the environment of their states and tribal lands; and to consider reevaluating the administration of the Abandoned Mine Land Reclamation Program and the Abandoned Mine Land Fund; and be it further

RESOLVED, That the Clerk of the Senate transmit copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 18**, be adopted?"

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

Those who voted in the affirmative were: Senators

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

So the concurrent resolution was adopted.

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

Senator Spada moved to amend the title as follows:

Add the names : "Armbruster, Blessing, DiDonato, Padgett."

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

The motion was agreed to and the title so amended.

On motion of Senator Randy Gardner, the Senate recessed until 3:15 p.m.

The Senate met pursuant to recess.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 272-Representatives Seitz, McGregor, Calvert, Fessler, Wolpert, Hoops, Clancy, Schmidt, Willamowski, Schneider, Setzer, Aslanides, Raga, Young, Wagner, Webster, Buehrer, Daniels, Collier, Hagan, Cates, Schaffer, Gilb, Reidelbach, Niehaus, Latta, Seaver, Faber, D. Evans, Flowers, Taylor, Grendell, Brinkman, Blasdel, Distel, C. Evans, Gibbs, Jolivette, Martin, Raussen, Schlichter, White, Widener. -Senators Harris, Blessing, Amstutz, Carey, Hottinger.

To amend sections 3101.01 and 3105.12 of the Revised Code to specifically declare that same-sex marriages are against the strong public policy of the state, to declare that the recognition or extension by the state of the specific statutory benefits of legal marriage to nonmarital relationships is against the public policy of the state, and to make other declarations regarding same-sex marriages, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 272**, pass?"

Senator Fingerhut moved to amend as follows:

Delete lines 52 through 77

In line 125, delete "It is not the intent of the"

Delete lines 126 through 128

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

Senator Randy Gardner moved that the amendment be laid on the table.

A roll call was requested which was properly supported.

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Blessing	Carey
Coughlin	Gardner, Randy	Harris	Hottinger
Jacobson	Jordan	Mumper	Nein
Padgett	Schuler	Schuring	Spada
Wachtmann			White-18.

Those who voted in the negative were: Senators

Armbruster	Brady	Dann	DiDonato
Fedor	Fingerhut	Gardner, Robert	Goodman
Hagan	Mallory	Miller	Prentiss
Roberts	Stivers		Zurz-15.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 272**, pass?"

Senator Miller moved to amend as follows:

In line 57, after "Code" insert "but excluding state-supported institutions of higher education"

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

Senator Randy Gardner moved that the amendment be laid on the table.

A roll call was requested which was properly supported.

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Blessing	Carey
Coughlin	Gardner, Randy	Harris	Hottinger
Jacobson	Jordan	Mumper	Nein
Padgett	Schuler	Schuring	Spada
Wachtmann			White-18.

Those who voted in the negative were: Senators

Armbruster	Brady	Dann	DiDonato
Fedor	Fingerhut	Gardner, Robert	Goodman
Hagan	Mallory	Miller	Prentiss
Roberts	Stivers		Zurz-15.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 272**, pass?"

Senator Dann moved to amend as follows:

In line 60, delete "either" and insert "any"

In line 69, after "(b)" insert "Prohibit the state from extending bereavement leave benefits to persons in nonmarital relationships;

(c)"

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

Senator Randy Gardner moved that the amendment be laid on the table.

A roll call was requested which was properly supported.

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Blessing	Carey
Coughlin	Gardner, Randy	Harris	Hottinger
Jacobson	Jordan	Mumper	Nein
Padgett	Schuler	Schuring	Spada
Wachtmann			White-18.

Those who voted in the negative were: Senators

Armbruster	Brady	Dann	DiDonato
Fedor	Fingerhut	Gardner, Robert	Goodman
Hagan	Mallory	Miller	Prentiss
Roberts	Stivers		Zurz-15.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 272**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Blessing	Carey
Coughlin	Gardner, Randy	Harris	Hottinger
Jacobson	Jordan	Mumper	Nein
Padgett	Schuler	Schuring	Spada
Wachtmann			White-18.

Those who voted in the negative were: Senators

Armbruster	Brady	Dann	DiDonato
Fedor	Fingerhut	Gardner, Robert	Goodman
Hagan	Mallory	Miller	Prentiss
Roberts	Stivers		Zurz-15.

So the bill passed.

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

Senator Harris moved to amend the title as follows:

Add the names : "Jordan, Wachtmann, Padgett."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 149-Representatives Fessler, Seitz, Williams, Gilb, Brinkman, Perry, Reidelbach, Walcher, Book, Harwood, Hollister, Mason, S. Smith, Widowfield, Willamowski, Barrett, Beatty, Blasdel, Brown, Buehrer, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, D. Evans, Faber, Flowers, Gibbs, Grendell, Hagan, Hoops, Hughes, Jerse, Jolivette, Kearns, Kilbane, Latta, Martin, McGregor, Miller, Oelslager, Olman, Otterman, T. Patton, Price, Schaffer, Schmidt, Schneider, Seaver, Setzer, Skindell, D. Stewart, J. Stewart, Sykes, Taylor, Trakas, Wagner, Webster, White, Wolpert, Yates, Young Senator Stivers.

To amend sections 3119.60, 3119.61, 3119.71, and 3119.74 and to enact sections 3119.77, 3119.771, 3119.772, and 3119.773 of the Revised Code to provide for review of a child support order at the request of a member of the uniformed services called to active military service, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 149**, pass?"

Senator Randy Gardner moved that **Sub. H.B. No. 149** be informally passed and retain its place on the calendar.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

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

The motion was agreed to.

MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, January 18, 2004, 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. 184-Senator Blessing.

To amend sections 2323.58, 2323.583, 2323.584, 3770.06, 3770.07, 3770.10, and 3770.12 and to enact section 3770.121 of the Revised Code to require the State Lottery Commission to allow a lottery prize winner who is being paid the prize award in installments to transfer, subject to certain restrictions, portions of the prize winner's outstanding prize award; to make the deferred prizes trust fund into a custodial fund; and to make other changes in the Lottery Law, the Lottery Prize Award Transfer Law, and the Structured Settlement Law.

S. B. No. 185-Senators Jordan, Robert Gardner, Dann, Schuler, Wachtmann.

To amend sections 2111.06, 2151.23, 2151.27, 2152.021, 3109.04, 3109.27, 3109.29, and 3109.37, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3109.27 (3127.23), 3109.29 (3127.24), and 3109.37 (3127.06), to enact sections 3127.01 to 3127.05, 3127.07 to 3127.11, 3127.15 to 3127.22, 3127.31 to 3127.47, 3127.51, 3127.52, and 3127.53, and to repeal sections 3109.21, 3109.22, 3109.23, 3109.24, 3109.25, 3109.26, 3109.28, 3109.30, 3109.31, 3109.32, 3109.33, 3109.34, 3109.35, and 3109.36 of the Revised Code to repeal the Uniform Child Custody Jurisdiction Act and replace it with the Uniform Child Custody Jurisdiction and Enforcement Act.

S. B. No. 186-Senators Hagan, Dann.

To amend section 4501.21 and to enact section 4503.74 of the Revised Code to create "Mahoning River" license plates.

OFFERING OF RESOLUTIONS

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

S. R. No. 1483-Senator Nein.

Honoring William and Mary Smith on their Golden Wedding Anniversary.

S. R. No. 1484-Senator Wachtmann.

Honoring the Columbus Grove High School football team as the 2003 Division VI State Champion.

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

So the resolutions were adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Linda Aller, Republican, from Lewis Center, Delaware County, Ohio, as a Member of the Private Water Systems Advisory Council for a term beginning October 10, 2003, and ending at the close of business March 17, 2005, replacing Harold Kahle whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Brian L. Benick, Independent, from Chippewa Lake, Medina County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning October 10, 2003 and ending at the close of business March 17,

2005.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Steven P. Binns, Democrat, from Gahanna, Franklin County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning October 10, 2003 and ending at the close of business March 17, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Robert W. Briggs, from Akron, Summit County, Ohio, as a Member of the Ohio Venture Capital Authority for a term beginning November 26, 2003 and ending at the close of business January 31, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT

OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Jack H. Cline, Republican, from Rockbridge, Hocking County, Ohio, as a Member of the Hocking Technical College Board of Trustees for a new term beginning October 10, 2003 and ending at the close of business August 26, 2006.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Jennifer Coleman, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Board of Building Standards for a new term beginning October 24, 2003 and ending at the close of business October 13, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Robert E. Derge, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning October 10, 2003 and ending at the close of business March 17 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal] Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Walter Domer, Republican, from Dalton, Wayne County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning October 10, 2003 and ending at the close of business March 17, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal] Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Robert H. Fountain, Republican, from Painesville, Lake County, Ohio, as a Member of the Lakeland Community College Board of Trustees for a term beginning October 10, 2003, and ending at the close of business October 12, 2007, replacing Faith Jackson whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal] Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Terrence W.

Gasper, from Columbus, Franklin County, Ohio, as a Member of the Ohio Venture Capital Authority for a term beginning November 26, 2003 and ending at the close of business January 31, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Scott M. Golden, Republican, from Grove City, Franklin County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning October 10, 2003 and ending at the close of business March 17, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Cheryl L. Grossman, Republican, from Grove City, Franklin County, Ohio, as a Member of the Ohio Retirement Study Council for a term beginning October 10, 2003 and ending at the close of business June 30. 2006.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Eric Von Hendrix, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Venture Capital Authority for a term beginning November 26, 2003 and ending at the close of business January 31, 2006.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, John O. Huston, from New Albany, Franklin County, Ohio, as a Member of the Ohio Venture Capital Authority for a term beginning November 26, 2003 and ending at the close of business January 31, 2004.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Karen R. Kleinhenz, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Ohio Venture Capital Authority for a term beginning November 26, 2003 and ending at the close of business January 31, 2006.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal] Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, David L. Ledvinka, Independent, from Westerville, Franklin County, Ohio, as a Member of the Board of Building Standards for a new term beginning October 24, 2003 and ending at the close of business October 13, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal] Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Phillip S. McClay, Republican, from Waterford, Washington County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning October 10, 2003 and ending at the close of business March 17, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal] Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Todd Mount,

Republican, from Heath, Licking County, Ohio, as a Member of the Private Water Systems Advisory Council for a term beginning October 10, 2003, and ending at the close of business March 17, 2005, replacing David Yeager whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Barbara A. Rounds-Kugler, Republican, from Harrison, Hamilton County, Ohio, as a Member of the Ohio Veteran's Home Board of Trustees for a new term beginning October 24, 2003 and ending at the close of business June 30, 2008.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, James E. Schwab, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Venture Capital Authority for a term beginning November 26, 2003 and ending at the close of business January 31, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Rajesh K. Soin, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Venture Capital Authority for a term beginning November 26, 2003 and ending at the close of business January 31, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Mark E. Tanner, Republican, from Portsmouth, Scioto County, Ohio, as a Member of the Board of Building Standards for a new term beginning October 24, 2003 and ending at the close of business October 13, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal]

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Steve Wright, Republican, from Wooster, Wayne County, Ohio, as a Member of the Private Water Systems Advisory Council for a term beginning October 10, 2003, and ending at the close of business March 17, 2005, replacing Paul Kotterman who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and

caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of December in the year of our Lord, two thousand and three.

[Seal] Bob Taft,
Governor.

Said appointments were referred to the Committee on Rules.

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. S. B. No. 178 - Senators Spada, Austria, Amstutz, Carey, Harris, Jacobson, Padgett, Armbruster. Representatives Allen, Aslanides, Brown, Calvert, Carmichael, Cates, Clancy, Collier, Core, Daniels, DeBose, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hollister, Hughes, Kearns, Key, Kilbane, Martin, McGregor, Niehaus, Oelslager, Olman, S. Patton, T. Patton, Peterson, Price, Raga, Raussen, Redfern, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seitz, Setzer, J. Stewart, Strahorn, Taylor, Wagner, Walcher, Webster, Widener, Willamowski, Williams.

To amend sections 109.572, 313.12, 2108.50, 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 2108.521, 2152.821, 2903.341, 2930.061, 2945.482, 2945.491, 5123.032, 5123.541, 5123.542, 5123.614, 5126.058, 5126.331, 5126.332, and 5126.333 of the Revised Code to implement the recommendations of the MR/DD Victims of Crime Task Force, to make related changes in the law, to 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, and to declare an emergency.

With the following additional amendment, in which the concurrence of the Senate is requested:

After line 3100, insert:

"**Section 5.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that persons who are mentally retarded or developmentally disable crucially need the protections this act affords against their victimization by criminal conduct, and the procedures this act provides regarding the investigation and prosecution of criminal conduct committed against them. Therefore, this act shall go into immediate effect."

In line 10 of the title, delete "and"

In line 14 of the title, after "hearings" insert ", and to declare an emergency"

Attest: Laura P. Clemens,
Clerk..

Senator Randy Gardner moved that Joint Rule No. 16 requiring that bills for concurrence lie over for one Calendar day, be suspended and that the question of concurrence 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 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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

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

On the motion of Senator Randy Gardner, the Senate adjourned until Thursday, January 22, 2004 at 9:30 a.m.

Attest: MATTHEW T. SCHULER,
Clerk.