

**OHIO**

**SENATE**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, FEBRUARY 18, 2004**

TWO HUNDRED FORTY-EIGHTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, February 18, 2004, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ken Johnson, Seaman United Methodist Church, Seaman, 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 Jordan reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

**Sub. H. B. No. 230**—Representatives Reinhard, Schlichter, Widowfield, Aslanides, Carmichael, Cates, DeBose, C. Evans, Flowers, Gibbs, Hagan, Otterman, Perry, Raussen, Schmidt, Seitz, Setzer, Webster.

To amend sections 109.801, 121.08, 1548.08, 1548.09, 1548.13, 1548.20, 2935.27, 2937.221, 3937.41, 3937.43, 3937.45, 4501.01, 4501.02, 4501.021, 4501.11, 4503.01, 4503.03, 4503.034, 4503.04, 4503.041, 4503.042, 4503.10, 4503.12, 4503.13, 4503.231, 4503.24, 4503.44, 4504.01, 4505.07, 4505.08, 4505.09, 4505.10, 4505.11, 4505.13, 4505.141, 4506.01, 4506.08, 4506.09, 4506.11, 4506.12, 4507.13, 4507.141, 4507.19, 4507.20, 4507.50, 4507.51, 4507.53, 4507.99, 4509.05, 4509.101, 4509.79, 4510.10, 4510.22, 4510.31, 4510.43, 4511.01, 4513.61, 4513.63, 4517.01, 4517.03, 4517.05, 4517.10, 4517.14, 4519.03, 4519.05, 4519.56, 4519.57, 4519.58, 4519.61, 4519.631, 4519.68, 4738.05, 4738.18, 4749.02, 4749.03, 4749.04, 4749.05, 4749.06, 4749.07, 4749.08, 4749.10, 4749.11, 4749.12, 4749.13, 4749.14, 4905.06, 4919.79, 4923.20, 5502.01, 5502.11, 5503.34, 5516.01, 5516.04, 5516.061, 5516.10, 5577.042, 5577.05, and 5577.99 and to enact sections 4503.642, 4507.1614, 4511.121, 4549.081, 4738.19, 5502.011, and 5516.062 of the Revised Code to amend Sections 29 and 85 of Am. Sub. H.B. 95 of the 125th General Assembly, to revise and clarify the laws governing the Department of Public Safety, including the Bureau of Motor Vehicles and the State Highway Patrol, to make changes and corrections to the motor vehicle certificate of title law and registration law, to clarify that the state is the sole regulator for the registration, licensing, and regulation of motor vehicle salvage dealers, to expand the authority of the Department of Transportation concerning the regulation of advertising devices, to transfer regulatory authority for private investigators and security guard providers from the Division of Real Estate and Professional Licensing in the Department of Commerce to the Department

of Public Safety, and to make an appropriation.

To the Committee on Highways and Transportation.

**Sub. H. B. No. 262**-Representatives Carmichael, Peterson, Seitz, Niehaus, Boccieri, Aslanides, Reinhard, Koziura, Buehrer, Calvert, D. Evans, Flowers, Gilb, Grendell, Kilbane, Schmidt, Taylor.

To amend sections 3501.10, 3501.28, 3509.07, 3513.30, 3519.16, 4117.03, 4301.323, 4301.355, and 4301.365 of the Revised Code to revise the Election Law, the Liquor Control Law, or the Collective Bargaining Law by increasing the maximum poll worker pay, permitting employees of the state and of political subdivisions to work as judges of elections and receive poll worker pay in addition to their regular employment compensation under certain circumstances, eliminating the required ballot language describing certain past local option elections when a local option election is held on sales of alcoholic beverages at a specific location, changing the ballot language for certain of those local option elections to specify that the election applies to spirituous liquor instead of intoxicating liquor, establishing requirements for protests against initiative or referendum petitions, prohibiting collective bargaining between county boards of elections and their employees, and making other changes.

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

**Sub. H. B. No. 292**-Representatives Oelslager, Seitz, Widener, Aslanides, Collier, Daniels, Faber, Flowers, Schaffer, Setzer.

To amend sections 1701.76, 1701.82, and 2505.02 and to enact sections 2307.91 to 2307.94, 2307.941, and 2307.95 to 2307.98 of the Revised Code to establish minimum medical requirements for filing certain asbestos claims, to specify a plaintiff's burden of proof in tort actions involving exposure to asbestos, to establish premises liability in relation to asbestos claims, to establish limitations on successor asbestos-related liabilities relating to corporations, and to prescribe the requirements for shareholder liability for asbestos claims under the doctrine of piercing the corporate veil.

To the Committee on Judiciary.

**Sub. H. B. No. 299**-Representatives Gibbs, Calvert, Seitz, Gilb, Raussen, Fessler, D. Evans, Faber, Collier, Kearns, Schmidt, Hartnett, Barrett, Wolpert, Wagner, Daniels, McGregor, Domenick, C. Evans, Price, Sferra, Martin, Aslanides, Book, Carano, Carmichael, Cates, Chandler, Clancy, DeBose,

Distel, Flowers, Grendell, Hagan, Hollister, Hughes, Niehaus, T. Patton, Peterson, Reinhard, Schneider, Setzer, J. Stewart, Taylor, Walcher, Webster, Willamowski.

To amend sections 5543.01, 5555.02, 5571.02, 5571.08, and 5571.12 and to enact sections 5541.05, 5553.045, and 5571.20 of the Revised Code to provide for the vacation upon petition of a township of certain township roads that are not used by and maintained for the public and to permit a board of county commissioners and a board of township trustees to place a graveled or unimproved county or township road on nonmaintained status.

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

**H. B. No. 318**—Representatives Seitz, Fessler, Distel, McGregor, Webster, Husted, Willamowski, Aslanides, Martin, Raussen, Carano, Reidelbach, DePiero, Calvert, Widener, Hoops, Gibbs, Young, Barrett, Beatty, Book, Brown, Buehrer, Chandler, Clancy, Collier, Daniels, DeBose, DeGeeter, Domenick, C. Evans, Flowers, Gilb, Hartnett, Harwood, Hollister, Hughes, Key, Latta, Mason, Miller, Niehaus, Otterman, T. Patton, Perry, Price, Schmidt, Schneider, Setzer, G. Smith, J. Stewart, Strahorn, Taylor, Walcher, Woodard, Yates.

To amend section 2107.27 and to enact section 2107.24 of the Revised Code to provide a procedure for a probate court to treat a document as a will notwithstanding its noncompliance with the statutory formalities for executing wills.

To the Committee on Civil Justice.

**S. B. No. 192**—Senators Carey, Jacobson, Harris, Blessing, Goodman, Randy Gardner, Miller.

To amend sections 121.37, 2151.23, 2151.353, 2151.361, 2151.412, 2151.413, 2151.416, 2151.417, 5153.16, and 5153.19 and to enact sections 121.381, 121.382, 5103.40, 5103.41, 5103.42, 5103.43, 5103.44, 5103.45, 5103.46, 5103.47, 5103.48, 5103.49, 5103.50, 5103.51, 5103.52, and 5103.53 of the Revised Code to provide for voluntary placement agreements for children with mental illness, to prohibit a public children services agency from requiring that a parent or custodian relinquish legal custody in order to access services under a voluntary placement agreement, and to revise the law governing county families and children first councils.

To the Committee on Finance and Financial Institutions.

**S. B. No. 193**-Senator Schuring.

To amend sections 5707.03, 5725.18, 5725.24, 5727.30, 5729.03, 5731.02, 5731.18, 5731.181, 5731.19, 5733.06, 5733.065, 5733.066, 5733.41, 5739.02, 5739.025, 5739.10, 5741.02, 5743.02, 5743.51, 5747.02, 5747.41, and 5749.02 of the Revised Code to repeal most state taxes effective January 1, 2006, in order to advance deliberations on reforming Ohio's tax law.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 195**-Senator Padgett.

To amend Sections 89 and 89.11 of Am. Sub. H.B. 95 of the 125th General Assembly and to make a supplemental appropriation for the National Guard Scholarship Program.

To the Committee on Finance and Financial Institutions.

**S. B. No. 196**-Senator Wachtmann.

To amend section 4729.01 and to enact section 4729.40 of the Revised Code to provide a procedure whereby a pharmacist may, pursuant to a compounding request by a licensed provider, compound and dispense a dangerous drug to that provider, in accordance with rules adopted by the State Board of Pharmacy.

To the Committee on Health, Human Services and Aging.

**S. B. No. 197**-Senators Goodman, Randy Gardner, Jacobson, Harris, Blessing.

To enact sections 109.45, 109.46, 109.47, 109.48, and 109.49 of the Revised Code to prohibit and provide civil penalties for the filing of false or fraudulent claims with the state and for defrauding the state of money or property, to create a procedure for the investigation by the Attorney General of suspected violations, and to authorize the Attorney General and private persons to bring civil enforcement actions on behalf of the state.

To the Committee on Judiciary.

**S. B. No. 198**-Senator Blessing.

To amend section 4729.99 and to enact sections 4729.261 and 4729.362 of the Revised Code to require retail sellers of prescription drugs to disclose price information to consumers.

To the Committee on Health, Human Services and Aging.

**S. B. No. 199**-Senators Amstutz, Schuring, Coughlin, Randy Gardner, Nein, Carey, Harris, Schuler, Blessing, Jacobson, Hottinger, Dann.

To amend section 2923.01 and to enact section 2913.421 of the Revised Code to prohibit a person from transmitting multiple electronic mail advertisements, falsifying the originating address or other routing information in multiple electronic mail advertisements, or falsifying registration information for multiple electronic mail accounts, and to prohibit unauthorized access to a public computer to transmit multiple electronic mail advertisements.

To the Committee on Ways and Means and Economic Development.

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

The report of the committee was accepted.

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

## **REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Austria submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 144**-Senator Austria, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: RAY MILLER, J. KIRK SCHURING, KIMBERLY A ZURZ, STEVE STIVERS, DAVID GOODMAN, JIM JORDAN, STEPHEN C. AUSTRIA.

NO - 1: TERESA FEDOR.

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

The report of the committee was accepted.

Senator Robert Gardner submitted the following report:

The standing committee on Education, to which was referred **Sub. H. B. No. 275**-Representative Key, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Harris, Randy Gardner, Fedor, Prentiss.

YES - 8: ROBERT A. GARDNER, BILL HARRIS, DANIEL R. BRADY, RON AMSTUTZ, RANDY GARDNER, TERESA FEDOR, C. J. PRENTISS, LARRY A. MUMPER.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Civil Justice, to which was referred **S. B. No. 137**-Senator Wachtmann, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: STEVE STIVERS, JAY HOTTINGER, LYNN R. WACHTMANN, MARC DANN, KIMBERLY A ZURZ, DAVID GOODMAN, RON AMSTUTZ, ERIC D. FINGERHUT.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Civil Justice, to which was referred **S. B. No. 180**-Senator Hottinger, having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

In line 1124, reinsert "The"; after the reinserted "The" insert "administrative"

In line 1125, delete "The"; after "judge" insert "of the division of domestic relations"; reinsert the stricken language

Reinsert line 1126

In line 1127, reinsert the stricken language; delete "of domestic"

Delete lines 1128 through 1133

In line 1134, delete "and annulment cases"

In line 1135, after "The" insert "administrative"; delete ", senior in"

In line 1136, delete "point of service, also"

YES - 8: STEVE STIVERS, JAY HOTTINGER, LYNN R. WACHTMANN, RAY MILLER, KIMBERLY A ZURZ, DAVID GOODMAN, RON AMSTUTZ, ERIC D. FINGERHUT.

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 **S. B. No. 139**-Senator Mumper, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Carey, Harris.

YES - 13: RON AMSTUTZ, LOUIS W. BLESSING, JOY PADGETT, STEVE STIVERS, JOHN A. CAREY , BILL HARRIS, JAY HOTTINGER, ERIC D. FINGERHUT, MARK MALLORY, C. J. PRENTISS, RAY MILLER, RANDY GARDNER, STEPHEN C. AUSTRIA.

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 **S. B. No. 189**-Senator Harris, having had the same under



consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Amstutz, Carey.

YES - 13: RON AMSTUTZ, C. J. PRENTISS, LOUIS W. BLESSING, JOY PADGETT, STEVE STIVERS, RANDY GARDNER, JOHN A. CAREY , JAY HOTTINGER, BILL HARRIS, ERIC D. FINGERHUT, MARK MALLORY, RAY MILLER, STEPHEN C. AUSTRIA.

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. 388**-Representative Latta, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 11: RON AMSTUTZ, LOUIS W. BLESSING, JOY PADGETT, STEVE STIVERS, JOHN A. CAREY , BILL HARRIS, JAY HOTTINGER, RAY MILLER, MARK MALLORY, RANDY GARDNER, STEPHEN C. AUSTRIA.

NO - 2: ERIC D. FINGERHUT, C. J. PRENTISS.

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

The report of the committee was accepted.

Senator Nein submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 102**-Senators Wachtmann, Jacobson, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Prentiss.

YES - 9: ROBERT F. SPADA, STEPHEN C. AUSTRIA, LARRY A. MUMPER, LYNN R. WACHTMANN, JAY HOTTINGER, RAY MILLER, SCOTT R. NEIN, TERESA FEDOR, C. J. PRENTISS.

NO - 0.

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

The report of the committee was accepted.

Senator Nein submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 151**-Senator Austria, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: JAY HOTTINGER, LYNN R. WACHTMANN,  
STEPHEN C. AUSTRIA, LARRY A. MUMPER, SCOTT  
R. NEIN, RAY MILLER, C. J. PRENTISS, TERESA  
FEDOR.

NO - 0.

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

The report of the committee was accepted.

Senator Nein submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Sub. H. B. No. 282**-Representative Flowers, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: ROBERT F. SPADA, STEPHEN C. AUSTRIA, LARRY  
A. MUMPER, SCOTT R. NEIN, JAY HOTTINGER, C. J.  
PRENTISS, RAY MILLER, TERESA FEDOR.

NO - 1: LYNN R. WACHTMANN.

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

The report of the committee was accepted.

Senator Nein submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Am. H. B. No. 301**-Representative Core, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 8: JAY HOTTINGER, LYNN R. WACHTMANN,  
STEPHEN C. AUSTRIA, LARRY A. MUMPER, SCOTT  
R. NEIN, RAY MILLER, C. J. PRENTISS, TERESA

FEDOR.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report: The standing committee on Rules to which were referred the appointments by the Governor of:

**Edward J. Bernert** , Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Business Gateway Steering Committee for a term beginning October 10, 2003 and ending at the pleasure of the Governor.

**V. Fay Gibson** , Republican, from Dublin, Franklin County, Ohio, as a Member of the Ohio Business Gateway Steering Committee for a term beginning October 10, 2003 and ending at the pleasure of the Governor.

**Daniel John Navin** , Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Business Gateway Steering Committee for a term beginning October 10, 2003 and ending at the pleasure of the Governor.

**Teresa Richter** , Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Business Gateway Steering Committee for a term beginning October 10, 2003 and ending at the pleasure of the Governor.

**Dwight E. Smith** , from New Albany, Franklin County, Ohio, as a Member of the Ohio Business Gateway Steering Committee for a term beginning October 10, 2003 and ending at the pleasure of the Governor.

**J. Matthew Yuskewich** , Independent, from Columbus, Franklin County, Ohio, as a Member of the Ohio Business Gateway Steering Committee for a term beginning October 10, 2003 and ending at the pleasure of the Governor.

**Thomas J. Zammikiel** , Independent, from Berea, Cuyahoga County, Ohio, as a Member of the Ohio Business Gateway Steering Committee for a term beginning October 10, 2003 and ending at the pleasure of the Governor.

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

YES - 11: DOUG WHITE, RANDY GARDNER, JEFF JACOBSON, JIM JORDAN, MARK MALLORY, BILL HARRIS, SCOTT R. NEIN, TERESA FEDOR, C. J. PRENTISS, GREGORY L. DIDONATO, JAY HOTTINGER.

NO - 0.

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

appointments by the Governor?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Carey	Coughlin	Randy Gardner	Robert Gardner
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.

So the Senate advised and consented to said appointments.

Senator Jordan submitted the following report: The standing committee on Rules to which were referred the appointments by the Governor of:

**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.

**Stephen P. Foley** , Republican, from Waynesville, Warren County, Ohio, as a Member of the Warren County Community College Board of Trustees for a term beginning November 7, 2003 and ending at the close of business July 31, 2005.

**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.

**Cindy Garland** , Republican, from Springboro, Warren County, Ohio, as a Member of the Warren County Community College Board of Trustees for a term beginning November 17, 2003 and ending at the close of business July 31, 2005.

**Della M. Green** , from Kettering, Montgomery County, Ohio, as a Member of the Central State University Board of Trustees for a term beginning September 8, 2003 and ending at the close of business June 30, 2006, replacing John Jackson.

**Anthony D. Houston** , from Berea, Cuyahoga County, Ohio, as a Member of the Ohio Board of Regents for a term beginning January 12, 2003 and ending at the close business September 20, 2011, replacing Edwin J. Rigaud,

who resigned.

**Neal E. Hubbard** , Republican, from Elyria, Lorain County, Ohio, as a Member of the Savings and Loan Associations and Savings Bank Board for a term beginning December 12, 2003 and ending at the close of business January 31, 2005, replacing Kenneth Koehler, whose term expired.

**Charles A. Knight** , Republican, from Fostoria, Seneca County, Ohio, as a Member of the Terra State Community College Board of Trustees for a term beginning October 24, 2003 and ending at the close of business December 31, 2006, replacing Ralph A. Fegley, who resigned.

**Barbara A. Rounds-Kugler** , Republican, from Harrison, Hamilton County, Ohio, as a Member of the Ohio Veterans? Home Board of Trustees for a new term beginning October 24, 2003 and ending at the close of business June 30, 2008.

**George E. Terwilleger** , Republican, from Goshen, Warren County, Ohio, as a Member of the Warren County Community College Board of Trustees for a term beginning November 17, 2003 and ending at the close of business July 31, 2005.

**Rosalind Thompson** , Democrat, from Orange Village, Cuyahoga County, Ohio, as a Member of the Cuyahoga Community College Board of Trustees for a term beginning December 5, 2003 and ending at the close of business October 12, 2008, replacing William Hulett, whose term expired.

**Elizabeth McKinley Watkins** , Republican, from Kenton, Hardin County, Ohio, as a Member of the Central State University Board of Trustees for a new term beginning September 8, 2003 and ending at the close of business June 30, 2012.

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

YES - 11: DOUG WHITE, RANDY GARDNER, JIM JORDAN, BILL HARRIS, SCOTT R. NEIN, JEFF JACOBSON, C. J. PRENTISS, TERESA FEDOR, MARK MALLORY, GREGORY L. DIDONATO, JAY HOTTINGER.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	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 Senate advised and consented to said appointments.

### RESOLUTIONS REPORTED BY COMMITTEE

**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  
Senators Carey, Harris.

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, was taken up for consideration.

The question being, "Shall the concurrent resolution, **H. C. R. No. 31**, 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 Padgett moved to amend the title as follows:

Add the names : "Padgett, DiDonato, Spada."

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

The motion was agreed to and the title so amended.

### BILLS FOR THIRD CONSIDERATION

**Sub. S. B. No. 189**-Senators Harris, Amstutz, Carey.

To amend sections 9.24, 102.02, 123.01, 123.10, 124.15, 124.152, 124.181, 124.183, 124.382, 126.32, 152.09, 175.21, 3311.059, 3327.01, 3334.01, 3383.09, 3701.881, 3712.09, 3734.02, 3734.18, 3734.57, 3769.021, 3769.087, 3781.19, 4701.03, 4707.05, 4758.20, 4758.40, 4758.41, 4758.42, 4758.55, 4758.56, 4758.57, 4758.58, 4758.59, 4758.61, 5101.27, 5111.022, 5119.18, 5123.352, 5731.47, 5731.48, and 6301.03 and to repeal sections 152.101 and 901.85 of the Revised Code and to amend Section 11.04 of Am. Sub. H.B. 87 of the 125th General Assembly, as subsequently amended, and to amend Sections 8.04, 12, 41.06, 41.13, 55, 59, 59.29, 66, 89, 89.04, 89.05, 89.08, 89.11, and 145 of Am. Sub. H.B. 95 of the 125th General Assembly to make capital reappropriations for the biennium ending June 30, 2006, to make certain supplemental and capital appropriations, and to provide authorization and conditions for the operation of state programs, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 189**, 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	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 bill passed.

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

Senator Harris moved to amend the title as follows:

Add the names : "Armbruster, Austria, Coughlin, DiDonato, Mallory, Spada, Wachtmann, Zurz, Padgett, Miller, Robert Gardner, Mumper."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 388**-Representatives Latta, Kearns, Willamowski, Hughes, Calvert, D. Evans, Flowers, Grendell.

To enact section 2503.45 of the Revised Code to authorize the Supreme Court to create a board, commission, or other entity to operate and maintain the facilities and attendant exterior grounds of the state-owned real estate

located in Franklin County that this act conveys, to exempt that real estate from taxation and assessments, to authorize the conveyance of that real estate to the Supreme Court, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 19, nays 14, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Blessing	Carey
Gardner, Randy	Gardner, Robert	Goodman	Harris
Hottinger	Jordan	Mallory	Miller
Mumper	Nein	Padgett	Schuring
Spada	Stivers		White-19.

Those who voted in the negative were: Senators

Armbruster	Brady	Coughlin	Dann
DiDonato	Fedor	Fingerhut	Hagan
Jacobson	Prentiss	Roberts	Schuler
Wachtmann			Zurz-14.

So the section, Section 3, setting forth the emergency features of the bill did not stand as a part of the bill.

The question being, "Shall the bill, **Sub. H. B. No. 388**, pass?"

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Blessing	Carey
Dann	Fedor	Gardner, Randy	Goodman
Harris	Hottinger	Jordan	Mallory
Miller	Mumper	Nein	Padgett
Schuler	Schuring	Spada	Stivers
			White-21.

Those who voted in the negative were: Senators

Armbruster	Brady	Coughlin	DiDonato
Fingerhut	Gardner, Robert	Hagan	Jacobson
Prentiss	Roberts	Wachtmann	Zurz-12.

So the bill passed.

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

The title was agreed to.

**Sub. S. B. No. 102**-Senators Wachtmann, Jacobson, Prentiss.



To amend sections 119.12, 3733.02, 3781.06, and 4743.05 and to enact sections 4781.01, 4781.02, 4781.03, 4781.04, 4781.05, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 4781.11, 4781.12, 4781.13, and 4781.14 of the Revised Code to establish the Ohio Manufactured Homes Commission to regulate the installation of manufactured housing in Ohio, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 102**, 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
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-32.

Senator Brady voted in the negative-1.

So the bill passed.

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

The title was agreed to.

**Sub. S. B. No. 115**-Senator Robert Gardner.

To amend sections 711.001, 711.10, 711.131, 713.21, and 713.22 of the Revised Code to change the definition of "subdivision" in the Platting Law, to change the procedure for the approval of plats by county or regional planning commissions, to provide different methods for implementing the statute authorizing the approval of certain subdivisions without the submission of a plat, and to permit the payment of compensation to the appointive members of county or regional planning commissions, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 115**, 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	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.
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So the bill passed.

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

The title was agreed to.

**Sub. S. B. No. 137-Senator Wachtmann.**

To amend sections 1901.01, 1901.02, 1901.03, 1901.08, 1901.34, and 1907.11 of the Revised Code to change the status of the judge of the Napoleon Municipal Court from part-time to full-time, to create the Darke County Municipal Court on January 1, 2005, to establish one full-time judgeship in that court, to abolish the Darke County County Court on that date, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 7, 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	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 section, Section 7, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	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 bill having received the required constitutional majority passed as an emergency measure.

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

Senator Wachtmann moved to amend the title as follows:

Add the names : "Blessing, Jordan, Roberts."

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

The motion was agreed to and the title so amended.

Senator Harris moved that the vote, whereby **Sub. H. B. No. 388** - Representative Latta et al. was passed, be now reconsidered.

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

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

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

The motion was agreed to.

The question being, "Shall the bill, **Sub. H. B. No. 388**, pass?"

Senator Jacobson moved that the vote, whereby the emergency clause on **Sub. H. B. No. 388** - Representative Latta et al. was lost, be now reconsidered.

The question being, "Shall the motion 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
Carey	Coughlin	Gardner, Randy	Gardner, Robert
Goodman	Harris	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Padgett	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-25.

Senators Brady, Dann, DiDonato, Fedor, Fingerhut, Hagan, Prentiss, and Roberts voted in the negative-8.

The motion was agreed to.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 24, nays 9, 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	Mallory	Miller	Mumper
Nein	Padgett	Schuler	Schuring
Spada	Stivers	Wachtmann	White-24.

Those who voted in the negative were: Senators

Brady	Dann	DiDonato	Fedor
Fingerhut	Hagan	Prentiss	Roberts
			Zurz-9.

So the section, Section 3, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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	Coughlin	Dann	Gardner, Randy
Gardner, Robert	Goodman	Harris	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Nein	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-25.

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

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Harris moved to amend the title as follows:

Add the name : "Harris."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 144**-Senators Austria, Harris, Jacobson, Jordan.

To amend sections 2907.01 and 2907.31 and to enact sections 3375.351 and 3375.352 of the Revised Code to expand the criminal offense of "disseminating matter harmful to juveniles" to also prohibit selling, providing, presenting, etc., a prepaid adult entertainment card to a juvenile; to prohibit public libraries from using state money or money from a county library and local government support fund for Internet access purposes unless they install specified types of filtering devices or filtering software and require parental approval for a juvenile to borrow library video materials; to allow a public library or its personnel to disable the filtering devices or software to enable a person to have full access to a computer for specified proper purposes; and to make funding of any public library with state money or money from a county library and local government support fund contingent upon its compliance with the filter, notice, and parental approval requirements as to use of prior state money or money from the fund, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 144**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 5, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Blessing	Brady
Carey	Coughlin	Dann	DiDonato
Fingerhut	Randy Gardner	Goodman	Hagan
Harris	Hottinger	Jacobson	Jordan
Mallory	Mumper	Nein	Padgett
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Zurz	White-28.

Senators Armbruster, Fedor, Robert Gardner, Miller, and Prentiss voted in the negative-5.

So the bill passed.

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

Senator Austria moved to amend the title as follows:

Add the names : "Amstutz, Hottinger, Mumper, Spada."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 164**-Senators Schuler, Blessing, Dann, Robert Gardner, Fingerhut, Hagan.

To amend section 4301.22 of the Revised Code to remove under specified conditions the prohibition against allowing liquor agency stores to sell spirituous liquor on Sunday, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 164**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 5, as follows:

Those who voted in the affirmative were: Senators

Armbruster	Austria	Blessing	Brady
Carey	Coughlin	Dann	DiDonato
Fedor	Fingerhut	Randy Gardner	Robert Gardner
Goodman	Hagan	Harris	Mallory
Mumper	Nein	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Zurz	White-28.

Senators Amstutz, Hottinger, Jacobson, Jordan, and Miller voted in the negative-5.

So the bill passed.

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

The title was agreed to.

**Am. S. B. No. 180**-Senator Hottinger.

To amend sections 2301.02 and 2301.03 of the Revised Code to add one additional judge for the domestic relations division of the Licking County Court of Common Pleas to be elected in 2004, and to declare an emergency, was considered the third time.

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

The question being, "Shall the bill pass as an emergency measure?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	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 bill having received the required constitutional majority passed as an emergency measure.

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

The title was agreed to.

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

To amend sections 3333.26 and 5910.01 and contingently to amend section 3319.60 of the Revised Code to specify War Orphans Scholarship eligibility of children of deceased or disabled veterans who served during Operation Enduring Freedom or Operation Iraqi Freedom, to qualify children of members of the United States armed forces killed in the line of duty during Operation Enduring Freedom or Operation Iraqi Freedom for college tuition waivers or reductions if they do not receive War Orphans Scholarships, contingently to require the Educator Standards Board to create a standing subcommittee on higher education, and contingently to clarify the selection process for higher education representatives appointed to the Board, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 275**, 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
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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 bill passed.

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

Senator Prentiss moved to amend the title as follows:

Add the names : "Austria, Carey, DiDonato, Robert Gardner, Jordan, Mallory, Miller, Mumper, Nein, Roberts, Schuler, Stivers, Zurz, Dann, Goodman, Padgett, Hottinger, Armbruster, Spada, Jacobson, Coughlin, Blessing, Brady, Amstutz, Fingerhut, Hagan, Schuring, Wachtmann, White."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 282**-Representatives Flowers, Martin, Seitz, Setzer, Allen, G. Smith, Daniels, Driehaus, Faber, Fessler, Gibbs, Hughes, Koziura, T. Patton, Seaver, Sferra, White, Wolpert, Woodard, Barrett, Book, Brown, Calvert, Carano, Cirelli, Clancy, Collier, DeBose, Distel, Domenick, C. Evans, D. Evans, Gilb, Hagan, Hartnett, Harwood, Hollister, Hoops, Jerse, Key, Mason, Miller, Niehaus, Oelslager, Olman, Reidelbach, Schaffer, Schlichter, Schmidt, S. Smith, D. Stewart, J. Stewart, Strahorn, Taylor, Widener, Willamowski, Wilson, Yates.

To amend sections 3903.28 and 3903.32 and to enact sections 3929.62, 3929.63, 3929.631, 3929.632, 3929.64, 3929.65, 3929.66, 3929.661, 3929.67, 3929.68, 3929.681, 3929.682, 3929.69, and 3929.70 of the Revised Code to lengthen the time period during which the liquidator of an insolvent insurance company may void certain preferential transfers, to provide for the establishment of a Medical Liability Underwriting Association for medical liability insurance, to make an appropriation, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 6, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Fingerhut moved to amend as follows:

In line 276, delete "may be" and insert "is hereby"; delete "for one"

Delete lines 277 through 288



In line 289, delete "of individuals in this state"

In line 305, delete "In the event the superintendent of"

In line 306, delete "insurance creates" and insert "At the creation of"

In line 307, delete "reactivates" and insert "the reactivation of"

In line 394, delete the third "the"

Delete line 395

In line 396, delete "Revised Code no longer exist, or" and insert "a substantial percentage of applicants for medical liability insurance have been placed with insurers authorized to write medical liability insurance in this state and medical liability insurance is readily available in this state. The medical liability underwriting association created under section 3929.63 of the Revised Code also may be dissolved, or its operations suspended, by rule of the superintendent of insurance adopted pursuant to Chapter 119. of the Revised Code."

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 19, nays 14, 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	Schuler	Spada
Stivers	Wachtmann		White-19.

Those who voted in the negative were: Senators

Brady	Dann	DiDonato	Fedor
Fingerhut	Hagan	Mallory	Miller
Nein	Padgett	Prentiss	Roberts
Schuring			Zurz-14.

The amendment was laid on the table.

The question recurred, "Shall the section, Section 6, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Fingerhut moved to amend as follows:

In line 536, delete "has been declined for" and insert "provide proof that the premium cost of the appliant's"

In line 537, delete "by two insurers authorized to write"

In line 538, delete "medical liability insurance in this state" and insert "increased by one hundred per cent or more during the prior two-year time period"

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 19, nays 14, 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	Schuler	Spada
Stivers	Wachtmann		White-19.

Those who voted in the negative were: Senators

Brady	Dann	DiDonato	Fedor
Fingerhut	Hagan	Mallory	Miller
Nein	Padgett	Prentiss	Roberts
Schuring			Zurz-14.

The amendment was laid on the table.

The question recurred, "Shall the section, Section 6, 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	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 section, Section 6, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	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 bill having received the required constitutional majority passed as an emergency measure.

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

Senator Nein moved to amend the title as follows:

Add the names : "Nein, Fingerhut, Austria, Mumper, Stivers, Padgett, Carey, Fedor, Robert Gardner, Coughlin, Armbruster, Harris, Jacobson, Randy Gardner, Spada, Schuring."

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

The motion was agreed to and the title so amended.

### **MOTIONS**

Senator Jacobson moved that Senators absent the week of Sunday, February 15, 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. 200-Senator Wachtmann.**

To amend section 4301.22 of the Revised Code to allow a person who is 15 years of age or older to sell or serve beer or intoxicating liquor in a permit premises that is a business owned or operated by that person's parent, grandparent, aunt, or uncle.

#### **S. B. No. 201-Senator Schuring.**

To amend section 3714.09, to enact new section 3714.07, and to repeal section 3714.07 of the Revised Code to replace the construction and demolition debris facility license fee with a fee on the disposal of construction and demolition debris at construction and demolition debris facilities and solid waste facilities.

## OFFERING OF RESOLUTIONS

Senator Fedor offered the following resolution:

**S. R. No. 1550**-Senators Fedor, Jacobson.

To request the Congress of the United States to direct the Election Assistance Commission to develop standards and security accreditation guidelines for all electronic voting devices, to establish standards for the design and use of reasonably affordable voter-verifiable paper ballots for electronic voting systems, and to expedite its efforts to provide for the testing and certification of voting system hardware and software and to adopt voluntary voting system guidelines, and to reaffirm the Ohio Senate's commitment to make electronic voting as safe and secure as possible for the citizens of Ohio.

WHEREAS, The Help America Vote Act of 2002, Public Law No. 107-252, establishes the Election Assistance Commission to serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of federal elections; and

WHEREAS, The Election Assistance Commission, among its other responsibilities, is charged with providing for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories, as well as the adoption of voluntary voting system guidelines; and

WHEREAS, States desiring to implement voter-verifiable paper ballots for electronic voting systems are dependent upon the Election Assistance Commission issuing its certifications and voluntary voting system guidelines in order to acquire secure voting machines; and

WHEREAS, The members of the Senate of the 125th General Assembly of Ohio are committed to seeing the provisions of the Help America Vote Act of 2002 implemented in such a manner as to make electronic voting as safe and secure as possible for Ohio citizens; now therefore be it

RESOLVED, That we, the members of the Senate of the 125th General Assembly of Ohio, request the Congress of the United States to direct the Election Assistance Commission to develop standards and security accreditation guidelines for all electronic voting devices in accordance with the Help America Vote Act of 2002; and be it further

RESOLVED, That we, the members of the Senate of the 125th General Assembly of Ohio, request the Congress of the United States to direct the Election Assistance Commission to establish standards for the design and use of reasonably affordable voter-verifiable paper ballots for electronic voting systems for states that desire to implement the use of those ballots; and be it further

RESOLVED, That we, the members of the Senate of the 125th General Assembly of Ohio, further request the Congress of the United States to direct the Election Assistance Commission to expedite its efforts regarding the testing, certification, decertification, and recertification of voting system hardware and software and the adoption of voluntary voting system guidelines pursuant to the Help America Vote Act of 2002; and be it further

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

The question being, "Shall the resolution, **S. R. No. 1550**, be adopted?"

So the resolution was adopted.

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

Senator Fedor moved to amend the title as follows:

Add the names : "Brady, Dann, DiDonato, Fingerhut, Randy Gardner, Hagan, Harris, Hottinger, Mallory, Mumper, Prentiss, Roberts, Schuring, Stivers."

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

The motion was agreed to and the title so amended.

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

**S.R. No. 1551** - Senators 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, White, Zurz.

In memory of Jeffrey H. Manning.

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

So the resolution was 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, Rocky E. Black, Republican, from Grove City, Franklin County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a new term beginning January 8, 2004 and ending at the close of business October 10, 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 February in the year of our Lord, two thousand and four.

[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 L. Bollin, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Savings and Loan Associations and Savings Banks Board for a new term beginning February 1, 2004 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 February in the year of our Lord, two thousand and four.

[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 Cress, from Bowling Green, Wood County, Ohio, as a Member of the State Board of Emergency Medical Services for a term beginning January 8, 2004, and ending at the close of business November 12, 2006, replacing Joe Toth 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 February in the year of our Lord, two thousand and four.

[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, Alfred S. Fricano, Republican, from East Liverpool, Columbiana County, Ohio, as a Member of the Financial Planning and Supervision Commission for East Liverpool City School District for a term beginning January 16, 2004 and continuing at the pleasure of the Governor or the life of the commission.

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 16th day of January in the year of our Lord, two thousand and four.

[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, Jonathan I. Groner, from Bexley, Franklin County, Ohio, as a Member of the State Board of Emergency Medical Services for a term beginning January 8, 2004, and ending at the close of business November 12, 2006, replacing Rick Fratianne 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 February in the year of our Lord, two thousand and four.

[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, Lodge L.

Hanlon, Republican, from Barnesville, Belmont County, Ohio, as a Member of the Financial Planning and Supervision Commission for Barnesville Exempted Village School District for a term beginning January 16, 2004 and continuing at the pleasure of the Governor or the life of the commission.

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 16th day of January in the year of our Lord, two thousand and four.

[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, Andrew C. Hawk, from Springboro, Montgomery County, Ohio, as a Member of the State Board of Emergency Medical Services for a term beginning January 8, 2004 and ending at the close of business November 12, 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 February in the year of our Lord, two thousand and four.

[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, Timothy J. Jakacki, from Maumee, Lucas County, Ohio, as a Member of the State Board of Emergency Medical Services for a term beginning January 8, 2004, and ending at the close of business November 12, 2006, replacing Larry Willard 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 February in the year of our Lord, two thousand and four.

[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, Carl A. Jordan, from Massillon, Stark County, Ohio, as a Member of the State Board of Emergency Medical Services for a term beginning January 8, 2004 and ending at the close of business November 12, 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 February in the year of our Lord, two thousand and four.

[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 L. Marchetta, from Hopeland, Summit County, Ohio, as a Member of the State Board of Emergency Medical Services for a term beginning January 8, 2004 and ending at the close of business November 12, 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 February in the year of our Lord, two thousand and four.

[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, Molly Michelbrink, Independent, from Kettering, Montgomery County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning January 8, 2004, and ending at the close of business October 10, 2006, replacing Penny Wyman 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 February in the year of our Lord, two thousand and four.

[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 N. Resanovich, from Uniontown, Stark County, Ohio, as a Member of the State Board of Emergency Medical Services for a new term beginning January 8, 2004 and ending at the close of business November 12, 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 February in the year of our Lord, two thousand and four.

[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, Raymond V. Walendzak, from Oregon, Lucas County, Ohio, as a Member of the State Board of Emergency Medical Services for a new term beginning January 8, 2004 and ending at the close of business November 12, 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 February in the year of our Lord, two thousand and four.

[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, Jan White, from Clayton, Montgomery County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning January 8, 2004 and ending at the close of business October 10, 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 February in the year of our Lord, two thousand and four.

[Seal]

Bob Taft,  
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Randy Gardner, the Senate adjourned until Thursday, February 19, 2004 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.