

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, MARCH 17, 2004**

ONE HUNDRED FIFTY-SEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, March 17, 2004, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend James E. Schroeder, Director of Institutional Advancement, Circleville Bible College, Circleville, 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 and concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

**Am. H. B. No. 219**-Representatives Schlichter, DeWine, C. Evans, Hollister, Husted, McGregor, Reinhard, Schmidt, Setzer, Jerse, Otterman, S. Patton, Price, Redfern, Aslanides, Flowers, Hoops, Sferra, Widowfield, Allen, Beatty, Carmichael, Chandler, Cirelli, Daniels, DeBose, DeGeeter, Gilb, Hartnett, Hughes, Latta, Niehaus, Perry, Reidelbach, Skindell, G. Smith, S. Smith, Taylor, Walcher.

To enact section 4549.20 of the Revised Code to prohibit any person from installing in any motor vehicle any air bag other than one designed in accordance with and meeting federal law standards for the make, model, and model year of the vehicle.

To the Committee on Highways and Transportation.

**Sub. H. B. No. 350**-Representatives Gibbs, Wagner, Setzer, Seitz, Husted, Williams, Hollister, Young, C. Evans, Webster, Hagan, Martin, Aslanides, McGregor, Collier, Allen, Raussen, Faber, Schaffer, Seaver, Widener, Latta, Core, Willamowski, Book, Buehrer, Calvert, Carmichael, Cates, Clancy, Daniels, Distel, Domenick, D. Evans, Flowers, Gilb, Harwood, Hoops, Hughes, Niehaus, T. Patton, Peterson, Raga, Reidelbach, Reinhard, Schlichter, Schneider, Sferra, G. Smith, J. Stewart, Taylor, Trakas, Walcher, White, Wilson, Wolpert.

To amend sections 1533.18 and 2323.51 and to enact sections 901.52, 1519.07, and 2305.36 of the Revised Code to provide qualified immunity from civil damages for food manufacturers, sellers, and trade associations for

claims resulting from a person's cumulative consumption, obesity, or weight gain or any health condition related to cumulative consumption, obesity, or weight gain; to prohibit imputing any assurances or assumption of liability regarding public access to premises used for growing agricultural produce; to preclude assumption of liability regarding the use of recreational trails; and to modify the provisions on frivolous conduct in filing civil actions.

To the Committee on Judiciary.

**H. B. No. 366**-Representatives D. Evans, C. Evans, Flowers, Hughes, Latta, T. Patton, Schaffer, Schlichter, Walcher, Willamowski.

To amend sections 2301.02 and 2301.03 of the Revised Code to add a judge to the Domestic Relations Division of the Licking County Court of Common Pleas and to declare an emergency.

To the Committee on Judiciary.

**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.

To the Committee on Agriculture.

**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.

To the Committee on Energy, Natural Resources and Environment.

**S. B. No. 202**-Senator Mumper.

To amend sections 901.22, 918.01, 918.02, 918.08, 918.11, 918.25, 918.28, 955.51 to 955.53, and 3715.65 of the Revised Code to revise the laws

governing the inspection of meat and poultry, claims for injuries to certain animals by coyotes or black vultures, agricultural easements, and applications concerning new drugs.

To the Committee on Agriculture.

**S. B. No. 203**-Senators Fingerhut, Fedor, Hagan, Miller, Dann, Brady.

To enact section 4928.70 of the Revised Code to prevent an electric utility from receiving, beyond the dates authorized in its transition plan in effect on December 1, 2003, revenues based on, equal, equivalent, or related to, or reflective of authorized transition charges; and to declare an emergency.

To the Committee on Public Utilities.

**S. B. No. 204**-Senator Schuring.

To generally impose a moratorium for one year on increases in medical malpractice insurance premiums and to declare an emergency.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 205**-Senators Roberts, Prentiss, Hagan, Brady, Zurz, Fedor, Miller, Dann, Mallory.

To amend sections 1321.56, 1321.60, 1322.02, 1322.08, 1322.09, 1322.11, 1345.01, 1349.25, 1349.27, 1349.29, and 1349.32 and to enact section 1349.39 of the Revised Code relating to civil penalties and advertisement requirements of licensed mortgage lenders; the application and civil penalties of the Mortgage Broker Law and duties and advertisements of mortgage brokers; the application of the Consumer Sales Practices Act relating to unfair and deceptive acts; the application, prohibitions, and civil penalties of the Consumer Credit Mortgage Loan Law and specifications about loans regulated under this law; and to enact consumer protection laws relating to mortgages.

To the Committee on Finance and Financial Institutions.

**S. B. No. 207**-Senators Dann, DiDonato, Fingerhut, Hagan, Miller, Zurz, Roberts.

To amend sections 101.34, 3517.01, 3517.10, and 3517.992 and to enact

sections 3517.30 to 3517.39 of the Revised Code to require political fundraisers and their employers to file statements regarding their fundraising activities and financial transactions, to require campaign finance statements to identify contributions received through the efforts of political fundraisers, and to prohibit political fundraisers from receiving payment on a contingent fee basis.

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

**S. B. No. 208**-Senators Zurz, Fingerhut, Dann, Roberts, Fedor.

To enact section 101.533 of the Revised Code to require that an appropriations bill for education agencies be enacted separate from and prior to any other operating appropriations bills.

To the Committee on Finance and Financial Institutions.

**S. C. R. No. 25**-Senators DiDonato, Prentiss, Roberts, Dann, Zurz, Mallory, Padgett, Miller, Fedor.

To urge the President and the Congress to fully fund the No Child Left Behind Act of 2001.

To the Committee on Education.

JIM JORDAN  
DOUG WHITE  
BILL HARRIS

MARK MALLORY  
GREGORY L. DIDONATO

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

The report of the committee was accepted.

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

## REPORTS OF STANDING AND SELECT COMMITTEES

Senator Austria submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 160**-Senator Wachtmann, et al., having had the same under consideration,

reports it back and recommends its passage.

YES - 8: STEVE STIVERS, J. KIRK SCHURING, DAVID GOODMAN, JIM JORDAN, STEPHEN C. AUSTRIA, MARC DANN, KIMBERLY A. ZURZ, TERESA FEDOR.

NO - 0.

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

The report of the committee was accepted.

Senator Austria submitted the following report:

The standing committee on Judiciary, to which was referred **Sub. H. B. No. 252**-Representative Cates, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 8: STEVE STIVERS, J. KIRK SCHURING, DAVID GOODMAN, JIM JORDAN, STEPHEN C. AUSTRIA, MARC DANN, KIMBERLY A. ZURZ, 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:

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**Robin C. Hovis**, Republican, from Millersburg, Holmes County, Ohio, as a Member of the State Board of Education for a term beginning January 12, 2004 and ending when duly elected, replacing Marlene Jennings, whose term expired.

**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.

**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.

**Patricia A. Lane**, Democrat, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a term beginning December 12, 2003 and ending at the close of business September 3, 2006.

**Thomas G. Maurer**, from Wooster, Wayne County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning December 12, 2003 and ending at the close of business September 19, 2006.

**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.

**Paul McClellan**, from Columbus, Franklin County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning December 12, 2003 and ending at the close of business September 19, 2006.

**Kimberly S. McConville**, Republican, from Columbus, Franklin County, Ohio, as a Member of the Recycling And Litter Prevention Advisory Council for a new term beginning December 12, 2003 and ending at the close of business November 18, 2006.

**Larry M. Mitchell**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Recycling And Litter Prevention Advisory Council for a new term beginning December 12, 2003 and ending at the close of business November 18, 2006.

**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.

**Alan E. Robbins**, Republican, from Chippewa Lake, Medina County, Ohio, as a Member of the Recycling And Litter Prevention Advisory Council for a new term beginning December 12, 2003 and ending at the close of business November 16, 2006.

**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.

**Arthur M. Scott**, from Lebanon, Warren County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning December 12, 2003 and ending at the close of business September 19, 2006.

**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.

**Victor V. Vigluicci**, Democrat, from Ravenna, Portage County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning December 12, 2003 and ending at the close of business September 3, 2006.

**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, whose term expired.

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



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

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 32, 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	Harris	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Nein	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Zurz	White-32.

So the Senate advised and consented to said appointments.

## HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

**Am. Sub. S. B. No. 58**-Senators Jacobson, Stivers, Goodman, Armbruster, Harris, Carey, Brady, Fingerhut, Hottinger, Austria, Carnes, Dann, Randy Gardner, Hagan, Miller, Mumper, Roberts, Zurz Representatives Willamowski, Gilb, Brown, Latta, Callender, Grendell, Allen, Aslanides, Beatty, Book, Buehrer, Calvert, Carmichael, Cates, Cirelli, Collier, Core, Daniels, DeBose, DeGeeter, Distel, Domenick, Driehaus, C. Evans, D. Evans, Flowers, Hartnett, Harwood, Hughes, Martin, McGregor, Niehaus, Oelslager, Olman, Otterman, T. Patton, Price, Raga, Reidelbach, Schaffer, Schlichter, Schmidt, Seaver, Setzer, Sferra, Slaby, G. Smith, J. Stewart, Strahorn, Taylor, Walcher, White, Widener, Woodard, Young.

To amend sections 2919.22, 2925.04, and 2925.041 of the Revised Code to increase the penalties for certain drug offenses if the offense is committed in the vicinity of a school or in the vicinity of a juvenile and to expand the offense of endangering children to prohibit allowing children to be within the vicinity of certain drug offenses, were taken up.

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

The yeas and nays were taken and resulted - yeas 32, 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	Harris	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Nein	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Zurz	White-32.

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

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 101**-Senators Schuler, Fedor, Goodman.

To amend section 4501.21 and to enact sections 955.201, 955.202, and 4503.551 of the Revised Code to create the "Pets" license plate, the Pets Program Funding Board, and the Pet Support Fund and to provide that moneys in the fund be used to support programs for the sterilization of dogs and cats, and for educational programs concerning the proper veterinary care of those animals, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 101**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Coughlin	Dann
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Harris	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Nein	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		White-31.

Senator Padgett voted in the negative-1.

So the bill passed.

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

Senator Schuler moved to amend the title as follows:

Add the names : "Spada, Stivers, Armbruster."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 146**-Senators Austria, Harris, Randy Gardner, Schuring, Goodman, Robert Gardner, Jacobson, Stivers.

To amend sections 2901.04, 2909.01, 2909.04, 2909.07, 2913.01, and 2913.04 of the Revised Code to expand "disrupting public services" to specifically prohibit the use of a computer, another specified type of device or the Internet so as to disrupt, interrupt, or impair any police, fire, educational, commercial, or governmental function; to expand "criminal mischief" to specifically include certain conduct related to computer hacking or the introduction of a computer contaminant; to increase the penalty for "unauthorized use of computer, cable, or telecommunication property" when committed under certain specified circumstances and when the value of the involved property, services, or victim's loss is at least \$10,000; to specifically include "computer hacking" within the scope of "criminal mischief" and "unauthorized use of computer, cable, or telecommunication property;" and to provide a rule for interpreting statutory references that define or specify a criminal offense, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 146**, pass?"

Senator Hottinger moved to amend as follows:

In line 124, delete "know" and insert "known"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 146**, pass?"

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

Those who voted in the affirmative were: Senators

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

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, Brady, Spada."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 151**-Senators Austria, Schuring, Jacobson.

To enact sections 1349.04 and 1349.51 of the Revised Code to require consumer reporting agencies to furnish consumers with one free consumer report per calendar year, to prohibit consumer reporting agencies from disclosing certain information obtained from insurer inquiries, and to indemnify insurance agents who obtain or use credit information or insurance scores for an insurer, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 151**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Austria moved to amend the title as follows:

Add the names : "Armbruster, Harris, Roberts, Spada."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 130**-Representatives Reidelbach, Hagan, McGregor, Kearns, Faber, Otterman, Grendell, Williams, S. Patton, Cirelli, Allen, Clancy, Hollister, Gilb, Willamowski, Boccieri, Buehrer, Carano, Carmichael, Cates, Collier, Daniels, DeBose, Distel, Domenick, C. Evans, Fessler, Flowers, Gibbs, Hughes, Jolivette, Key, Martin, Niehaus, Olman, T. Patton, Price, Schaffer, Setzer, G. Smith, J. Stewart, Taylor, Wagner, Widener, Wolpert, Young Senators Goodman, Stivers, Hottinger, Dann.

To amend sections 3313.64, 3313.66, and 3313.672 and to enact sections 3109.51 to 3109.62, 3109.65 to 3109.80, and 3313.649 of the Revised Code to permit the execution of a power of attorney or caretaker authorization affidavit permitting a grandparent with whom a child resides authority over the care,

custody, and control of the child including the authority to make decisions regarding school matters and to consent to the medical, psychological, and dental care for the child, to require the power of attorney or caretaker authorization affidavit be filed with the juvenile court or any other court that may have jurisdiction, to require the grandparent to provide certain specified information to the court with the power of attorney of caretaker authorization affidavit, and to allow the court to report that information to a public children services agency for the purpose of investigating the grandparent, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 130**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the names : "White, Brady, Carey, Roberts, Schuler, Schuring, Robert Gardner."

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

The motion was agreed to and the title so amended.

**Am. Sub. H. B. No. 135**-Representatives Willamowski, Seitz, Latta, Beatty, Book, Harwood, Schlichter, Mason, Barrett, Buehrer, Collier, Daniels, DePiero, C. Evans, D. Evans, Flowers, Gilb, Grendell, Hagan, Hughes, Husted, Jolivette, Kearns, Koziura, McGregor, Niehaus, T. Patton, Perry, Reidelbach, Schmidt, Seaver, Setzer, J. Stewart, Widowfield, Woodard Senator Dann.

To amend sections 317.08, 317.09, 5301.01, 5301.25, 5301.255, 5311.03, 5311.04, 5311.05, 5311.051, 5311.052, 5311.06, 5311.07, 5311.08, 5311.09, 5311.10, 5311.11, 5311.12, 5311.13, 5311.14, 5311.16, 5311.17, 5311.18, 5311.19, 5311.20, 5311.21, 5311.22, 5311.23, 5311.24, 5311.25, 5311.26, 5311.27, and 5721.35, to enact new section 5311.01 and sections 5311.031, 5311.032, 5311.033, 5311.041, 5311.081, and 5311.091, and to repeal sections

5311.01, 5311.15, and 5311.241 of the Revised Code to revise the Ohio Condominium Law, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 135**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 3, 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	Harris	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-29.

Senators Brady, Nein, and Zurz voted in the negative-3.

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the name : "Schuler."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 142**-Representatives Hagan, Willamowski, Schmidt, Setzer, Husted, Schaffer, Seitz, Kearns, Gilb, McGregor, Hoops, Jolivette, Collier, White, Williams, Hollister, Reinhard, Miller, Otterman, Redfern, Allen, Carano, D. Evans, Barrett, Chandler, Ujvagi, S. Smith, Yates, DeBose, Reidelbach, Taylor, Schneider, Beatty, Aslanides, Boccieri, Brown, Buehrer, Callender, Carmichael, Clancy, Daniels, Domenick, C. Evans, Faber, Hartnett, Harwood, Hughes, Kilbane, Koziura, Niehaus, Oelslager, T. Patton, Price, Schlichter, Seaver, G. Smith, D. Stewart, J. Stewart, Strahorn, Trakas, Webster, Wilson, Woodard.

To enact sections 1713.55, 3332.25, 3345.85, and 3701.133 of the Revised Code regarding meningococcal meningitis and hepatitis B vaccination status of students living in on-campus housing at institutions of higher education, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 142**, pass?"

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

Those who voted in the affirmative were: Senators

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

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

Senator Armbruster moved to amend the title as follows:

Add the names : "Armbruster, Austria, Robert Gardner, Stivers, Schuring."

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

The motion was agreed to and the title so amended.

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

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

The question being, "Shall the bill, **Sub. H. B. No. 281**, pass?"

Senator Hottinger moved to amend as follows:

In lines 15 and 740, after "3905.14," insert "3917.01,"

Between lines 699 and 700, insert:

**"Sec. 3917.01.** (A) Group life insurance is that form of life insurance covering not less than ten employees with or without medical examination, written under a policy issued to the employer, or to a trustee of a trust created by

such employer, the premium on which is to be paid by the employer, by the employer and employees jointly, or by such trustee out of funds contributed by the employer or by the employer and employees jointly, and insuring only all of the employer's employees or all of any classes thereof, determined by sex, age, or conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer; but when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per cent of such employees may be so insured. Such group policy may provide that "employees" includes retired employees of the employer and the officers, managers, employees, and retired employees of subsidiary or affiliated corporations and the individual proprietors, partners, employees, and retired employees of affiliated individuals and firms, when the business of such subsidiary or affiliated corporations, firms, or individuals is controlled by the common employer through stock ownership, contract, or otherwise. This section does not define as a group the lives covered by a policy issued on more than one life which provides for payments upon the death of any one or more or upon the death of each of the lives so insured, and upon which the premium rates charged are computed on the same basis as used by the issuing company on single life policies and upon its regular forms of insurance.

(B) As used in sections 3917.01 to 3917.06 of the Revised Code, the following forms of life insurance are group life insurance:

(1) Life insurance covering the members of one or more companies, batteries, troops, battalions, divisions, or other units of the national guard or naval militia of any state, written under a policy issued to the commanding general of the national guard or commanding officer of the naval militia, who is the employer for the purposes of such sections, the premium on which is to be paid by the members of such units for the benefit of persons other than the employer; provided that when the benefits of the policy are offered to all eligible members of a unit of the national guard or naval militia, not less than seventy-five per cent of the members of such a unit may be insured;

(2) Life insurance covering the members of one or more troops or other units of the state troopers or state police of any state, written under a policy issued to the commanding officer of the state troopers or state police who is the employer for the purposes of such sections, the premium on which is to be paid by the members of such units for the benefit of persons other than the employer; provided that when the benefits of the policy are offered to all eligible members of a unit of the state troopers or state police, not less than seventy-five per cent of the members of such a unit may be insured;

(3) Life insurance covering the members of any labor union, written under a policy issued to such union which is the employer for the purposes of such sections, the premium on which is to be paid by the union or by the union and its members jointly, and insuring only all of its members, who are actively engaged in the same occupation, for amounts of insurance based upon some plan which



will preclude individual selection, for the benefit of persons other than the union or its officials; provided that in case the insurance policy is cancellable at the end of any policy year at the option of the insurance company and that the basis of premium rates may be changed by the insurance company at the beginning of any policy year, all members of a labor union may be insured; and provided that when the premium is to be paid by the union and its members jointly and the benefits are offered to all eligible members, not less than seventy-five per cent of such members may be insured; and provided that when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts if they pass satisfactory medical examinations or submit satisfactory evidence of insurability;

(4) Life insurance written under a policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor, excepting that no debtor is eligible unless the indebtedness constitutes an obligation to repay that is binding upon the debtor during the debtor's lifetime at and from the date the insurance becomes effective upon the debtor's life. The policy may provide that "debtors" includes the debtors of one or more subsidiary corporations and the debtors of one or more affiliated corporations, proprietors, or partnerships if the business of the policyholder and of such affiliated corporations, proprietors, or partnerships is under common control through stock ownership, contract, or otherwise.

(b) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least seventy-five per cent of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least one hundred persons yearly, or may reasonably be expected to receive at least one hundred new entrants during the first policy year, and continues to receive not less than one hundred new entrants to the group yearly, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five per cent of the new entrants become insured. The policy may exclude from the classes eligible for insurance classes of debtors determined by age.

(d) The amount of insurance on the life of any debtor may be determined by the age of the debtor based upon a plan which will preclude individual selection and shall at no time exceed the amount owed by the debtor that is

repayable in installments to the creditor.

(e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(5) Life insurance covering the members of any duly organized corporation or association of veterans or veteran society or association of the World War veterans, written under a policy issued to such corporation, association, or society which is the employer for the purpose of such sections, the premium on which is to be paid by the corporation, association, society, and its members jointly, and insuring all of its members who are actively engaged in any occupation for amounts of insurance based upon some plan which will preclude individual selection for the benefit of persons other than the corporation, association, or society or its officials; provided that when the premium is to be paid by the corporation, association, or society and its members jointly and the benefits are offered to all eligible members, not less than seventy-five per cent of such members may be insured; and provided that when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts if they pass satisfactory medical examinations or submit satisfactory evidence of insurability;

(6) Life insurance covering the members of any organization of agriculturists or horticulturists organized under the co-operative laws of this state, written under a policy issued to such co-operative association which is the employer for the purpose of such sections, the premium on which is to be paid by the association or by the association and its members jointly, and insuring all of its members who are actively engaged in agricultural or horticultural pursuits, for an amount of insurance based upon some plan which will preclude individual selection, and for the benefit of persons other than the association or its officials; provided that when the premium is to be paid by the corporation, association, or society and its members jointly and the benefits are offered to all eligible members, not less than seventy-five per cent of such members may be insured; provided that when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts if they pass satisfactory medical examinations or submit satisfactory evidence of insurability;

(7) Life insurance covering employees of a political subdivision or district of this state, or of an educational or other institution supported in whole or in part by public funds, or of any classes thereof, determined by conditions pertaining to employment, or of this state or any department or division thereof, written under a policy issued to such political subdivision, district, or institution, or the proper official or board of this state or of such state department or division thereof, which is the employer for the purpose of such sections, the premium on which is to be paid by such employees, unless otherwise provided by law, charter, or ordinance, for the benefit of persons other than the employer; provided that when the benefits of the policy are offered to all eligible employees of a political

subdivision or district of the state or of an educational or other institution supported in whole, or in part by public funds, or of this state or a state department or division thereof, not less than seventy-five per cent of such employees may be insured; and provided that when employees apply and pay for additional amounts of insurance, a smaller percentage of employees may be insured for such additional amounts if they pass satisfactory medical examinations or submit satisfactory evidence of insurability; and provided that upon acquisition by a political subdivision of any privately owned property or enterprise, the employees of which have been covered by a group policy of life or other insurance as employees of such private employer, such political subdivision and insurance company may continue such contract in force upon similar conditions as the last preceding private employer;

(8) Life insurance covering the members, or the members and the employees of members of any duly organized association, other than an association subject to any other provision of this division, written under a policy issued to such association, which association is the employer for the purpose of such sections, the premium on which is to be paid by the insured members or their employees, insuring members and their employees for amounts of insurance based upon some plan which will preclude individual selection except as provided in this section, for the benefit of persons other than the association; provided the association has been in existence for at least two years immediately preceding the purchase of the insurance; provided that there must be at least fifty insured members in any group; and provided that the association has been organized and is maintained in good faith for purposes other than that of obtaining insurance;

(9) Life insurance issued to trustees of a trust fund established jointly by one or more employers in the same industry, on the one hand, and one or more labor unions representing as bargaining agents employees of such employers, on the other hand, or by two or more employers in the same industry, or by two or more labor unions, which trustees shall be deemed the policyholder to insure employees of the employers or members of unions for the benefit of persons other than the employers or the unions or the trustees, subject to the following requirements:

(a) The persons eligible for such insurance shall be all of the employees of the employers, or all of the members of the unions, or all of any class of such employees determined by sex, age, or conditions pertaining to their employment, or to membership in the unions, or to any or all of them. The policy may provide that "employees" includes the retired employees of the employer and the officers, managers, employees, and retired employees of subsidiary or affiliated corporations and the individual proprietors, partners, employees, and retired employees of affiliated individuals and firms, when the business of such subsidiary or affiliated corporations, firms, or individuals is controlled by the common employer through stock ownership, contract, or otherwise. The policy may provide that "employees" includes the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that

"employees" includes the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(b) The premium for the policy shall be paid by the trustees, either wholly from funds contributed by the employers of the insured persons, or partly from such funds and partly from funds contributed by the insured employees. If part of the premium is to be derived from funds contributed by the insured employees, then such policy may be placed in force only if it covers at least seventy-five per cent of the then eligible employees. A policy on which no part of the premium is derived from funds contributed by the insured employees must insure all eligible employees.

(c) Any policy must insure at least ten persons at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection by the insured persons or the policyholder or the employers or the unions or the trustees.

(10) Life insurance covering the members of a credit union, which shall be deemed to be the employer for the purposes of this section, the premium on which is to be paid by the credit union or by the credit union and its members jointly, and insuring all of its eligible members for amounts of insurance not in excess of the share balance as to each member, and for the benefit of persons other than the credit union or its officers; provided that in the determination of the eligibility of members there may be classifications and limitations based upon age; provided also that when the premium is to be paid by the credit union and its members jointly and the benefits are offered to all eligible members, not less than seventy-five per cent of such members may be so insured; provided also that in obtaining such insurance, the officers of the credit union shall consider proposals from any licensed insurer; provided also that members may be required to provide evidence of insurability satisfactory to the insurer.

(11) Life insurance covering the members of any duly organized corporation or association of members of the Ohio national guard, the Ohio naval militia, and the Ohio military reserve, which shall have been in existence for at least two years immediately preceding the purchase of such insurance, written under a policy issued to such corporation or association, which corporation or association is the employer for the purpose of such sections, the premium on which is to be paid by the insured members, insuring members for amounts of insurance based upon some plan which will preclude individual selection, except as provided in this section, for the benefit of persons other than the corporation or association, provided that there must be at least fifty insured members in any group, and provided further that unless seventy-five per cent of all members or one thousand members, whichever is the lesser number, are insured, each member must pass a satisfactory medical examination in order to be insured; and provided that, when members apply and pay for additional amounts of insurance, they may be insured for such additional amounts if they pass satisfactory medical examinations or submit satisfactory evidence of insurability.

(12) Life insurance that is written under a policy issued to a trustee under a trust established by an insurer for the purpose of providing continued group life insurance coverage to those former employees, former members, or former members and the employees of such members, and their spouses and dependent children, previously covered under policies of group life insurance issued by the insurer to employers or trustees pursuant to division (A) of this section, to associations pursuant to division (B)(8) of this section, or to trustees pursuant to division (B)(9) of this section, and that is evidenced by the issuance of a certificate of insurance to such former employees or members; provided that the amount of the continued life insurance coverage made available to a former employee or member and to the employee's or member's spouse and dependents shall not exceed the amount of the group life insurance coverage previously provided to the employee or member and the employee's or member's eligible dependents at the time of the employee's separation from employment or the member's termination of membership.

(13) Life insurance covering the members of a workforce actively engaged in an occupation for, and performing services on behalf of, a duly organized corporation, limited liability company, partnership, proprietor, or similar organization, whose members are not employees of the organization, written under a policy issued to the organization, which organization is the members' employer for this purpose, the premium on which is to be paid by the organization or by the organization and the members jointly, insuring members for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the organization; provided, that when the premium is to be paid by the organization and its members jointly and the benefits are offered to all eligible members, not less than seventy-five per cent of the members may be so insured; provided also that members may be required to furnish evidence of insurability satisfactory to the insurer. Life insurance meeting this definition may also cover the organization's employees at the option of the organization.

(C) Any policy issued pursuant to this section, except a policy issued to a creditor pursuant to division (B)(4) of this section, may be extended, in the form of group term life insurance only, to insure the spouse and dependent children of an insured employee or member, or any class or classes thereof, subject to the following requirements:

(1) The premiums for the group term life insurance shall be paid by the policyholder, either from the employer, union or association funds, or from funds contributed by the employer, union, or association, or from funds contributed by the insured employee or member, or from both.

(2) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured employee or member or by the policyholder.

(3) Upon termination of the group term life insurance with respect to the spouse of any insured employee or member by reason of such person's

termination of employment or membership or death, the spouse insured pursuant to this section shall have the same conversion rights as to the group term life insurance on the spouse's life as is provided for the insured employee or member.

(4) Only one certificate need be issued for delivery to an insured employee or member if a statement concerning any dependent's coverage is included in such certificate."

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 281**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Nein moved to amend as follows:

In line 2 of the title, after "3905.14," insert "3917.01,"

In line 7 of the title, after the comma insert "to provide an option for group life insurance coverage for certain members of a workforce,"

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

The motion was agreed to.

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

Senator Nein moved to amend the title as follows:

Add the names : "Nein, Hottinger, Padgett, Robert Gardner, Mumper, Roberts, Zurz."

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

The motion was agreed to and the title so amended.

**OFFERING OF RESOLUTIONS**

Senator White offered the following resolution:

**S. R. No. 1631**-Senator White.

Authorizing the YMCA Youth in Government program to use the Ohio Senate Chambers to conduct its model legislature, April 1, 2, and 3, 2004.

WHEREAS, The members of the Senate of the 125th General Assembly of Ohio have learned that the Ohio-West Virginia YMCA Youth in Government program has requested permission to use the Ohio Senate Chambers for its model legislature event, April 1-3, 2004; and

WHEREAS, A beneficial educational event, the YMCA Youth in Government program provides students with the opportunity to better appreciate and understand government and its components, and the knowledge gained through this presentation will certainly be of value to all participants throughout their lifetime; and

WHEREAS, By utilizing the facilities which accommodate those involved in the state legislative process, the YMCA Youth in Government program will offer students an accurate depiction of state government and the manner in which legislation is created and processed; and

WHEREAS, Through participation in the YMCA Youth in Government program, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience which the participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 125th General Assembly of Ohio, in adopting this Resolution, permit the Ohio-West Virginia YMCA Youth in Government program to use the Ohio Senate Chambers for its model legislature event, contingent upon the availability of those facilities, and salute its participants as conscientious young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the YMCA Youth in Government program.

The question being, "Shall the resolution, **S. R. No. 1631**, be adopted?"

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

Those who voted in the affirmative were: Senators

Amstutz  
Brady  
DiDonato

Armbruster  
Carey  
Fedor

Austria  
Coughlin  
Fingerhut

Blessing  
Dann  
Randy Gardner

Robert Gardner	Goodman	Harris	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Nein	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Zurz	White-32.

So the resolution was adopted.

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

**S. R. No. 1632**-Senator Mumper.

Honoring Ralph and Martha Boots on their Sixtieth Wedding Anniversary.

**S. R. No. 1633**-Senator Mumper.

Honoring Ivan and Louise Ulmer on their Golden Wedding Anniversary.

**S. R. No. 1634**-Senator Mumper.

Honoring John and Joy Groat on their Golden Wedding Anniversary.

**S. R. No. 1635**-Senator Mumper.

Honoring Gaile and Mary Jo Baker on their Golden Wedding Anniversary.

**S. R. No. 1636**-Senator Mumper.

Honoring Robert and Laurabelle Fellhauer on their Sixtieth Wedding Anniversary.

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

So the resolutions were adopted.



## Message from the House of Representatives

Mr. President:

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

**Am. Sub. S. B. No. 189** - Senators Harris, Amstutz, Carey, Armbruster, Austria, Coughlin, DiDonato, Mallory, Spada, Wachtmann, Zurz, Padgett, Miller, Robert Gardner, Mumper Representatives Calvert, D. Evans, Flowers, Peterson.

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, 1503.05, 3311.059, 3327.01, 3334.01, 3383.09, 3701.881, 3712.09, 3734.02, 3734.18, 3734.57, 3769.021, 3769.087, 3770.07, 3781.19, 4701.03, 4707.05, 4723.431, 4758.20, 4758.40, 4758.41, 4758.42, 4758.55, 4758.56, 4758.57, 4758.58, 4758.59, 4758.61, 5101.27, 5110.35, 5111.022, 5111.87, 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; to amend Sections 8.04, 12, 38.12, 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; and to amend Section 41.33 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.

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

In line 33, after "(F)" insert "of"

In line 6466, after "from" insert "the"

In line 7460, move appropriation item CAP-956, Apple Creek Developmental Center, to between lines 7465 and 7466

In lines 7613, 7622, 7633, and 7637, delete "Action and Investment Funds" and insert "Investment Loans/Grants"

In line 7630, delete "ACTION AND"

In line 7631, delete "INVESTMENT FUNDS" and insert "INVESTMENT LOANS/GRANTS"

In line 7675, delete "section" and insert "sections"

In line 8722, delete "CAP 080" and insert "CAP-080"

In lines 8896 and 8908, after the second comma insert "and"

In line 9099, after "28.01" insert "of this act"

In line 9255, delete "Fund"

In line 9295, delete "CAP 068" and insert "CAP-068"

In line 9497, delete "or" and insert "nor"

In lines 10986, 11042, 11044, and 11085, strike through "this act" and insert "Am. Sub. H.B. 95 of the 125th General Assembly"

In line 11090, strike through "student" and insert "students"

In line 26, delete "3354.121, 3357.112,"

Delete lines 2744 through 2821

In line 6069, delete "3354.121,"

In line 6070, delete "3357.112,"

In line 4 of the title, delete "3354.121, 3357.112,"

In line 9841, after "Devices" insert an underlined comma

In line 9852, delete "third" and insert "two-thirds"

In line 9853, delete "Prevention" and insert "Prediction"

In line 9854, after the first "to" insert "any"; delete "subdivisions" and insert "subdivision"

In line 9856, delete "that meet all the" and insert an underlined period

Delete line 9857

In line 9859, delete "political subdivision" and insert "county"

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 Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Coughlin	Dann
DiDonato	Fedor	Fingerhut	Randy Gardner
Robert Gardner	Goodman	Harris	Hottinger
Jacobson	Jordan	Mallory	Miller
Mumper	Nein	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Zurz		White-31.

Senator Wachtmann voted in the negative-1.

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

On the motion of Senator Randy Gardner, the Senate adjourned until Thursday, March 18, 2004 at 11:00 o'clock a.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.