

OHIO

SENATE

JOURNAL

WEDNESDAY, OCTOBER 26, 2005

ONE HUNDRED EIGHTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, October 26, 2005, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Linworth Baptist Church, Worthington, 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 Schuring reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

Am. Sub. H. B. No. 142-Representatives Willamowski, Evans, C., McGregor, J., Seitz, Raga, Latta, Hartnett, Gibbs, Calvert, Cassell, Coley, Combs, Core, Domenick, Evans, D., Flowers, Gilb, Hagan, Hughes, Martin, Reidelbach, Setzer, Smith, G., Webster.

To amend section 5747.08 and to enact sections 5747.082 and 5747.124 of the Revised Code to authorize the Tax Commissioner to collect from state income tax refunds certain debts owed to courts, counties, municipal corporations, and townships, and to provide "innocent spouse" relief from joint and several liability for income tax under prescribed circumstances.

To the Committee on Ways and Means and Economic Development.

Sub. H. B. No. 257-Representatives Hagan, Evans, D., Strahorn, Ujvagi, Chandler, Allen, Barrett, Beatty, Brown, Calvert, Carano, Cassell, Combs, DeBose, Domenick, Evans, C., Faber, Fende, Flowers, Garrison, Harwood, Hughes, Martin, Mason, McGregor, J., Oelslager, Patton, T., Sayre, Schaffer, Seitz, Smith, S., Stewart, D., Stewart, J., Taylor, Widowfield, Yates, Yuko.

To enact sections 3721.041 and 3727.19 of the Revised Code to require nursing homes and other homes for the elderly to offer residents vaccinations against influenza and pneumonia and to require hospitals to offer certain patients vaccinations against influenza and pneumonia.

To the Committee on Health, Human Services and Aging.

S. B. No. 211-Senators Carey, Stivers, Niehaus, Gardner, Jordan, Mumper, Fedor, Spada, Clancy, Padgett, Fingerhut, Amstutz.

To amend section 5511.09 and to enact section 4503.546 of the Revised Code to create "Gold Star Family" license plates and to permit local jurisdictions to request the Director of Transportation to designate a name for a bridge that is part of the highway system.

To the Committee on Highways and Transportation.

S. B. No. 212-Senators Schuler, Schuring, Gardner, Fingerhut, Grendell, Coughlin, Jordan.

To amend sections 5751.011, 5751.012, 5751.032, 5751.04, 5751.051, and 5751.08 of the Revised Code to eliminate the commercial activity tax one-time registration fee.

To the Committee on Ways and Means and Economic Development.

S. B. No. 213-Senator Clancy.

To amend section 5122.10 of the Revised Code to permit a licensed professional clinical counselor to take certain persons into custody and transport those persons to a hospital.

To the Committee on Health, Human Services and Aging.

YES - 5: J. KIRK SCHURING, JEFF JACOBSON, MARK MALLORY, C. J. PRENTISS, BILL HARRIS.

NO - 0.

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 Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **S. C. R. No. 17**-Senator Jacobson, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Carey, Clancy.

YES - 11: JOHN A. CAREY, DAVID GOODMAN, TOM NIEHAUS, RON AMSTUTZ, GARY W. CATES, JOY PADGETT, STEPHEN C. AUSTRIA, TOM ROBERTS, PATRICIA M. CLANCY, CHARLES A. WILSON, RAY MILLER.

NO - 0.

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

The report of the committee was accepted.

Senator Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **Sub. H. B. No. 162**-Representative Peterson, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: GARY W. CATES, TOM NIEHAUS, J. KIRK SCHURING, DANIEL R. BRADY, TERESA FEDOR, KIMBERLY A. ZURZ, JEFFRY J. ARMBRUSTER, 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 Judiciary - Civil Justice, to which was referred **S. B. No. 117**-Senator Mallory, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schuler, Amstutz, Zurz.

YES - 8: ROBERT L. SCHULER, JAY HOTTINGER, LYNN R. WACHTMANN, RON AMSTUTZ, DAVID GOODMAN, STEPHEN C. AUSTRIA, MARC DANN, KIMBERLY A. ZURZ.

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 Judiciary - Civil Justice, to which was referred **S. B. No. 171**-Senator Coughlin, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Zurz.

YES - 8: ROBERT L. SCHULER, RON AMSTUTZ, KIMBERLY A. ZURZ, DAVID GOODMAN, LYNN R. WACHTMANN, MARC DANN, STEPHEN C. AUSTRIA, JAY HOTTINGER.

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 Judiciary - Civil Justice, to which was referred **Am. H. B. No. 226**-Representative Hoops, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 7: ROBERT L. SCHULER, JAY HOTTINGER, RON AMSTUTZ, LYNN R. WACHTMANN, DAVID GOODMAN, MARC DANN, KIMBERLY A. ZURZ.

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 Judiciary - Civil Justice, to which was referred **H. B. No. 246**-Representative Oelslager, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Zurz.

YES - 7: ROBERT L. SCHULER, JAY HOTTINGER, LYNN R. WACHTMANN, RON AMSTUTZ, DAVID GOODMAN, MARC DANN, KIMBERLY A. ZURZ.

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 Judiciary - Criminal Justice, to which was referred **S. B. No. 141**-Senator Hottinger, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Clancy, Dann, Zurz, Goodman.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, STEPHEN C. AUSTRIA, DAVID GOODMAN, J. KIRK SCHURING, MARC DANN, MARK MALLORY, KIMBERLY A. ZURZ.

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 Judiciary - Criminal Justice, to which was referred **Sub. H. B. No. 108**-Representative Hagan, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Clancy, Schuring, Goodman, Dann.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, MARK MALLORY, KIMBERLY A. ZURZ, J. KIRK SCHURING, DAVID GOODMAN, STEPHEN C. AUSTRIA, MARC DANN.

NO - 0.

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

The report of the committee was accepted.

Senator Mumper submitted the following report:

The standing committee on Agriculture, to which was referred **Am. H. B. No. 209**-Representative Combs, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: JOHN A. CAREY, JOY PADGETT, LARRY A. MUMPER, TOM ROBERTS, CHARLES A. WILSON, J. KIRK SCHURING, JIM JORDAN, MARC DANN.

NO - 0.

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

The report of the committee was accepted.

Senator Padgett submitted the following report:

The standing committee on Education, to which was recommitted **Am. H. B. No. 11** -Representative Schlichter, et al. having had the same under consideration, re-reports back a substitute bill and recommends its passage.

Co-Sponsor: Fingerhut.

YES - 9: ERIC D. FINGERHUT, RAY MILLER, TERESA FEDOR, JOY PADGETT, GARY W. CATES, JOHN A. CAREY, RANDY GARDNER, JEFF JACOBSON, LARRY A. MUMPER.

NO - 0.

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

The report of the committee was accepted.

Senator Padgett submitted the following report:

The standing committee on Education, to which was referred **Am. Sub. H. B. No. 79**-Representative Raga, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Padgett, Fedor, Miller.

YES - 9: ERIC D. FINGERHUT, RAY MILLER, TERESA FEDOR, JOY PADGETT, GARY W. CATES, JOHN A. CAREY, RANDY GARDNER, JEFF JACOBSON, LARRY A. MUMPER.

NO - 0.

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

Senator Schuring submitted the following report:

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

Howard J. Foster, Democrat, from Gallipolis, Gallia County, Ohio, as a Member of the Southern Ohio Agricultural and Community Development Foundation for a new term beginning June 21, 2005 and ending at the close of business June 3, 2010.

Albert Salome, Republican, from Heath, Licking County, Ohio, as a Member of the Ohio Quarter Horse Development Commission for a new term beginning August 5, 2005 and ending at the close of business June 30, 2009.

Robert R. Schwartz, Republican, from Bloomingburg, Fayette County, Ohio, as a Member of the Ohio Standardbred Development Commission for a new term beginning July 22, 2005 and ending at the close of business June 30, 2009.

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

YES - 6: C. J. PRENTISS, MARK MALLORY, TERESA FEDOR, ROBERT F. HAGAN, BILL HARRIS, JEFF JACOBSON.

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 28, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Gardner	Goodman	Hagan
Hottinger	Jacobson	Jordan	Mallory

Miller	Mumper	Niehaus	Padgett
Prentiss	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-28.

Senators Brady and Roberts voted in the negative-2.

So the Senate advised and consented to said appointments.

Senator Schuring submitted the following report:

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

Stephen E. Bittner, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Cemetery Dispute Resolution Commission for a new term beginning July 22, 2005 and ending at the close of business July 2, 2009.

Stanley J. Borgia, Republican, from Loveland, Clermont County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning October 7, 2005 and ending at the close of business September 19, 2008.

Marilyn M. Brandt, Republican, from Chardon, Geauga County, Ohio, as a Member of the Ohio Cemetery Dispute Resolution Commission for a term beginning August 5, 2005 and ending at the close of business July 2, 2009, replacing Gerald Wantz, whose term expired.

James V. Canepa, from Columbus, Franklin County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning October 7, 2005 and ending at the close of business September 19, 2008.

Mary F. Carroll, from Columbus, Franklin County, Ohio, as the State Chief Information Officer and Director of the Office of Information Technology for a term beginning August 8, 2005 and continuing at the pleasure of the Governor.

David L. Carto, Republican, from Mansfield, Richland County, Ohio, as a Member of the Ski Tramway Board for a term beginning July 22, 2005 and ending at the close of business June 30, 2011.

Virginia S. Cheney, Republican, from Columbus, Franklin County, Ohio, as a Member of the Board of Embalmers and Funeral Directors for a new term beginning July 8, 2005 and ending at the close of business June 30, 2010.

Maureen A. Drummond, Democrat, from Canfield, Mahoning County, Ohio, as a Member of the Ohio Community Service Council for a term beginning July 11, 2005 and ending at the close of business April 21, 2007, replacing Maile Doyle, whose term expired.

David G. Gangwer, Republican, from Fremont, Sandusky County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning September 30, 2005 and ending at the close of business

September 9, 2008.

R. Douglas Gillum, Democrat, from Pataskala, Licking County, Ohio, as a Member of the Ohio Retirement Study Council for a new term beginning July 8, 2005 and ending at the close of business June 30, 2008.

John J. Hadley, Republican, from Marietta, Washington County, Ohio, as a Member of the Board of Embalmers and Funeral Directors for a new term beginning July 8, 2005 and ending at the close of business June 30, 2010.

Ronald J. O'Brien, Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning September 30, 2005 and ending at the close of business September 9, 2008.

John Roger Primm, Republican, from Ashland, Ashland County, Ohio, as a Member of the Board of Embalmers and Funeral Directors for a term beginning July 29, 2005 and ending at the close of business June 30, 2006, replacing David B. Tobias, who resigned.

Gregory W. Roberts, Republican, from Wooster, Wayne County, Ohio, as a Member of the Ohio Cemetery Dispute Resolution Commission for a term beginning July 22, 2005 and ending at the close of business July 2, 2009, replacing Gerald Werner, whose term expired.

Mary Lou Rush, Independent, from Columbus, Franklin County, Ohio, as a Member of the Ohio Community Service Council for a term beginning July 22, 2005 and ending at the close of business April 21, 2008, replacing Richard O'Hara, whose term expired.

Kristina A. Short, Democrat, from Marysville, Union County, Ohio, as a Member of the Ohio Community Service Council for a term beginning July 22, 2005 and ending at the close of business April 21, 2008, replacing Cara Dingus, whose term expired.

Kathleen A. Sommers, from Grove City, Franklin County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a term beginning October 7, 2005 and ending at the close of business September 19, 2008.

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

YES - 6: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER,
ROBERT F. SPADA, STEPHEN C. AUSTRIA, J. KIRK
SCHURING.

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 20, nays 10, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Hottinger	Jacobson	Jordan
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Brady	Dann	Fedor	Hagan
Mallory	Miller	Prentiss	Roberts
Wilson			Zurz-10.

So the Senate advised and consented to said appointments.

REPORTS OF CONFERENCE COMMITTEES

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 122, Rep. Wagoner - et al., having had the same under consideration, recommends to the respective houses as follows:

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

In lines 18 and 509, after "3770.072," insert "3770.073, 3770.10,"

In line 19, delete "sections" and insert "section"; delete "and 3770.074"

In line 62, after the first underlined comma insert "in the case of a claim for a lottery prize award made by one or more beneficial owners using a trust."

In line 63, delete "that" and insert "each such"

In line 64, delete "that" and insert "such a"

In line 92, delete "The" and insert "Any"

In line 93, after "sections" insert "that is made confidential by division (A)(1) of this section"

In line 95, after the second "the" insert "applicable"

In line 96, delete ". notarized"

In line 136, after "(1)" insert "No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be assignable except as follows: when the payment is to be made to the executor or administrator, or the trustee of a trust, of the estate of a winning ticket holder; when the award of a prize is disputed, any person may be awarded a prize award to which another has claimed title, pursuant to the order of a court of competent jurisdiction; when a person is awarded a prize award to which another has claimed title, pursuant to

the order of a federal bankruptcy court under Title 11 of the United States Code; or as provided in sections 3770.10 to 3770.14 of the Revised Code.

(2)(a)"

In line 137, after "award" insert "with a remaining unpaid balance of less than one hundred thousand dollars"; strike through "assignable,"

In line 138, strike through the first "or"

In line 139, strike through the first comma; strike through "as follows:"

In line 140, strike through "; when"

Strike through lines 141 through 147

In line 148, strike through "United States Code;" and insert "or"

In line 149, reinsert "or"; delete the first underlined comma; delete ", or 3770.074"

In line 150, strike through everything after "Code"

In line 151, strike through "Revised Code"

In line 152, strike through "(2)" and insert "(b) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award with an unpaid balance of one hundred thousand dollars or more shall be subject to garnishment, attachment, execution, withholding, or deduction except as follows: as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code; when the director is to make a payment pursuant to section 3770.071 or 3770.073 of the Revised Code; or pursuant to the order of a court of competent jurisdiction located in this state in a proceeding in which the state lottery commission is a named party, in which case the garnishment, attachment, execution, withholding, or deduction pursuant to the order shall be subordinate to any payments to be made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 3770.073 of the Revised Code.

(3) The state lottery commission may adopt and amend rules pursuant to Chapter 119. of the Revised Code as necessary to implement division (D) of this section, to provide for payments from prize awards subject to garnishment, attachment, execution, withholding, or deduction, and to comply with any applicable requirements of federal law.

(4) Upon making payments from a prize award as required by division (D) of this section, the director and the state lottery commission are discharged from all further liability for those payments, whether they are made to an executor, administrator, trustee, judgment creditor, or another person, or to the prize winner, as defined in section 3770.10 of the Revised Code.

(5)"

In line 172, after "to" insert "a provision of"

In line 173, after "section" insert "other than a provision of division (D)

of this section"

Delete lines 333 through 432 and insert:

"**Sec. 3770.073.** (A) If a person is entitled to a lottery prize award and is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment contribution, certified claim under section 131.02 or 131.021 of the Revised Code, lottery sales receipts held in trust on behalf of the state lottery commission as described in division (G)(2) of section 3770.05 of the Revised Code, or charge, penalty, or interest arising from these debts and the amount of the prize money or the cost of goods or services awarded as a lottery prize award is five thousand dollars or more, the director of the state lottery commission, or the director's designee, shall do either of the following:

(1) If the prize award will be paid in a lump sum, deduct from the prize award and pay to the attorney general an amount in satisfaction of the debt and pay any remainder to that person. If the amount of the prize award is less than the amount of the debt, the entire amount of the prize award shall be deducted and paid in partial satisfaction of the debt.

(2) If the prize award will be paid in annual installments, on the date the initial installment payment is due, deduct from that installment and pay to the attorney general an amount in satisfaction of the debt and, if necessary to collect the full amount of the debt, do the same for any subsequent annual installments, at the time the installments become due and owing to the person, until the debt is fully satisfied.

(B) If a person entitled to a lottery prize award owes more than one debt, any debt subject to section 5739.33 or division (G) of section 5747.07 of the Revised Code shall be satisfied first.

(C) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 3770.10. As used in sections 3770.07 and 3770.10 to 3770.14 of the Revised Code:

(A) "Court of competent jurisdiction" means either the general division or the probate division of the court of common pleas of the county in which the prize winner or transferor resides, or, if the prize winner or transferor is not a resident of this state, either the general division or the probate division of the court of common pleas of Franklin county or a federal court having jurisdiction over the lottery prize award.

(B) "Discounted present value" means the present value of the future payments of a lottery prize award that is determined by discounting those payments to the present, using the most recently published applicable federal rate for determining the present value of an annuity as issued by the United States internal revenue service and assuming daily compounding.

(C) "Independent professional advice" means the advice of an attorney, a

certified public accountant, an actuary, or any other licensed professional adviser if all of the following apply:

(1) The prize winner has engaged the services of the licensed professional adviser to render advice concerning the legal and other implications of a transfer of the lottery prize award.

(2) The licensed professional adviser is not affiliated in any manner with or compensated in any manner by the transferee of the lottery prize award.

(3) The compensation of the licensed professional adviser is not affected by whether or not a transfer of a lottery prize award occurs.

(D) "Prize winner" means any person that holds the right to receive all or any part of a lottery prize award as a result of being any of the following:

(1) A person who is a claimant under division (A) of section 3770.07 of the Revised Code;

(2) A person who is entitled to a prize award and who is under a legal disability as described in division (B) of section 3770.07 of the Revised Code;

(3) A person who was awarded a prize award to which another has claimed title by a federal bankruptcy court order or other court order referred to in division (D)(4) of section 3770.07 of the Revised Code;

(4) A person who is receiving payments upon the death of a prize winner as provided in division (D)(2) of section 3770.07 of the Revised Code.

(E) "Transfer" means any form of sale, assignment, or redirection of payment of all or any part of a lottery prize award for consideration.

(F) "Transfer agreement" means an agreement that is complete and valid, and that provides for the transfer of all or any part of a lottery prize award from a transferor to a transferee. A transfer agreement is incomplete and invalid unless the agreement contains both of the following:

(1) A statement, signed by the transferor under penalties of perjury, that the transferor irrevocably agrees that the transferor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor will recognize in connection with the transfer. If the transferor is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement that the investor irrevocably agrees that the investor is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferor and the investor will recognize in connection with the transfer.

(2) A statement, signed by the transferee, that the transferee irrevocably agrees that the transferee is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and that the transferee is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with

respect to gain or income which the transferee will recognize in connection with lottery prize awards to be received as a result of the transfer. If the transferee is a pass-through entity, as defined in section 5733.04 of the Revised Code, each investor in the pass-through entity shall also sign under penalties of perjury a statement setting forth that the investor irrevocably agrees that the investor is subject to the withholding requirements imposed by division (C) of section 3770.072 of the Revised Code and is subject to the tax imposed by Chapter 5733. or 5747. of the Revised Code with respect to gain or income which the transferee and the investor will recognize in connection with lottery prize awards to be received as a result of the transfer.

(G) "Transferee" means a party acquiring or proposing to acquire all or any part of a lottery prize award through a transfer.

(H) "Transferor" means either a prize winner or a transferee in an earlier transfer whose interest is acquired by or is sought to be acquired by a transferee or a new transferee through a transfer."

In line 1 of the title, after "3770.072," insert "3770.073, 3770.10,"

In line 2 of the title, delete "sections" and insert "section"; delete the second "and"

In line 3 of the title, delete "3770.074"

In line 13 of the title, delete everything after "that" and insert "amounts"

In line 15 of the title, delete "specified procedure," and insert "court order, to require unpaid lottery sales receipts to be deducted from lottery prize awards,"

Managers on the Part of the House of Representatives

- /s/ MARK D. WAGONER, JR.
MARK D. WAGONER, JR.
- /s/ JIM CARMICHAEL
JIM CARMICHAEL
- /s/ WILLIAM J. HARTNETT
WILLIAM J. HARTNETT

Managers on the Part of the Senate

- /s/ KEVIN J. COUGHLIN
KEVIN J. COUGHLIN
- /s/ JEFFRY ARMBRUSTER
JEFFRY ARMBRUSTER
- /s/ MARK MALLORY
MARK MALLORY

On the motion of Senator Jacobson the report of the Committee of Conference on **Am. Sub. H. B. No. 122**, was brought up for consideration.

The question being, "Shall the report of the Committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper

Niehaus
Schuler
Wilson

Padgett
Schuring
Zurz

Prentiss
Spada

Roberts
Wachtmann
Harris-31.

So the report of Committee of Conference was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 11-Representatives Schlichter, J. Stewart, Latta, Hartnett, C. Evans, S. Patton, Buehrer, Wolpert, Oelslager, Willamowski, Carano, Kearns, Setzer, Reidelbach, Combs, Hughes, Flowers, DeWine, Chandler, Brown, McGregor, Harwood, T. Patton, Calvert, Walcher, Taylor, Raga, Fessler, Seaver, Webster, Peterson, Wagner, Hood, Williams, Garrison, Barrett, Distel, Allen, Aslanides, Beatty, Blessing, Book, Bulp, Carmichael, Cassell, Coley, Collier, Core, Daniels, DeGeeter, Dolan, Domenick, Driehaus, D. Evans, Faber, Fende, Gibbs, Gilb, Hagan, Healy, Hoops, Key, Koziura, Law, Martin, Mason, Miller, Mitchell, Otterman, Perry, Redfern, Reinhard, Sayre, Schaffer, Skindell, G. Smith, D. Stewart, Strahorn, Sykes, Trakas, Uecker, Ujvagi, Wagoner, White, Widener, Widowfield Senators Fedor, Carey, Cates, Gardner, Jacobson, Padgett, Mumper, Fingerhut.

To amend sections 3313.616 and 5735.142 of the Revised Code to grant high school diplomas to certain veterans of the Vietnam Conflict; to permit school districts, educational service centers, and county MR/DD boards in fiscal year 2006 to apply to use funds appropriated for school bus purchases to pay the cost of purchasing fuel for buses; and to reimburse county MR/DD boards for certain motor fuel taxes, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 11**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz
Carey
Dann
Goodman
Jordan
Niehaus
Schuler
Wilson

Armbruster
Cates
Fedor
Hagan
Mallory
Padgett
Schuring
Zurz

Austria
Clancy
Fingerhut
Hottinger
Miller
Prentiss
Spada

Brady
Coughlin
Gardner
Jacobson
Mumper
Roberts
Wachtmann
Harris-31.

So the bill passed.

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

Senator Padgett moved to amend the title as follows:

Add the names: "Austria, Clancy, Hagan, Roberts, Schuring, Spada, Dann, Jordan, Armbruster, Zurz."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 79-Representatives Raga, Latta, Setzer, C. Evans, Hagan, DeWine, McGregor, Willamowski, Gilb, Flowers, Seaver, Reidelbach, Schlichter, Reinhard, Blasdel, Boccieri, Brown, Bubp, Calvert, Carmichael, Cassell, Coley, Collier, Combs, Core, Daniels, Dolan, Domenick, D. Evans, Faber, Gibbs, Harwood, Healy, Hughes, Koziura, Law, Martin, Otterman, T. Patton, Schaffer, Schneider, G. Smith, J. Stewart, Strahorn, Trakas, Ujvagi, Wagoner, Webster, Widener, Williams, Wolpert, Yates, Yuko Senators Padgett, Fedor, Miller.

To amend sections 3301.0714, 3302.021, 3314.03, 3317.01, 3317.02, 3317.03, 3319.291, 3319.311, 3323.091, 3323.20, and 5153.175; to enact sections 3310.11, 3310.12, 3319.313, 3319.314, 3319.315, 5126.253, 5126.254, 5126.255, and 5153.176 of the Revised Code; and to amend Section 612.36.03 of Am. Sub. H.B. 66 of the 126th General Assembly to require that information about specified professional misconduct or child abuse or neglect committed by a person licensed by the State Board of Education be submitted to the Superintendent of Public Instruction, to require the State Board to request a criminal records check prior to renewing an educator license, to require the State Board to request a criminal records check every five years for a person teaching under a professional or permanent teaching certificate issued under former law, to clarify the information provided by a public children services agency to the Department of Job and Family Services about a person applying for licensure or certification to operate a family day-care home, to delay until fiscal year 2007 the requirement that school districts report ADM twice annually, to require the Department of Education to propose penalties for intentional reporting of inaccurate attendance data by school districts and community schools, to clarify reporting requirements regarding handicapped preschool children, to require contracting entities to complete value-added analyses of student data by timelines established by the Superintendent of Public Instruction, and to make changes regarding the use of student data verification codes, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 79**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner

Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the bill passed.

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

Senator Padgett moved to amend the title as follows:

Add the names: "Austria, Jacobson, Wilson, Zurz, Niehaus, Gardner, Cates."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 108-Representatives Hagan, Willamowski, C. Evans, D. Evans, Webster, McGregor, DeGeeter, Harwood, Beatty, Latta, Gilb, Hughes, Seaver, Allen, Barrett, Brown, Bubp, Carano, Cassell, Chandler, Coley, DeBose, Domenick, Flowers, Gibbs, Healy, Mason, Miller, Otterman, T. Patton, Perry, Reidelbach, Schaffer, S. Smith, J. Stewart, Strahorn, Ujvagi, Williams, Yuko Senators Clancy, Schuring, Goodman, Dann.

To amend section 2930.01 and to enact section 2930.062 of the Revised Code to allow certain victims of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident to receive the rights of a victim under the Victim's Rights Law and to allow those victims to send notice of injury to the prosecutor, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 108**, pass?"

Senator Jordan moved to amend as follows:

In line 20, after the first "(A)" insert "or (B)"

In line 147, delete "watercraft" and insert "aquatic device"

In line 149, delete "watercraft" and insert "aquatic device"; delete "that results" and insert an underlined period

Delete lines 150 and 151

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 108**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the bill passed.

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

Senator Jordan moved to amend the title as follows:

Add the name: "Carey."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 162-Representatives Peterson, Latta, D. Evans, Hughes, Seitz, Yuko, Bulp, Buehrer, Carano, Cassell, Collier, Core, DeBose, Domenick, C. Evans, Flowers, Gilb, Hartnett, Key, Martin, McGregor, Otterman, T. Patton, Raussen, Reidelbach, Seaver, G. Smith, Williams.

To amend sections 2152.20, 2301.51, 2301.52, 2301.55, 2301.56, 2301.57, 2744.01, 2929.01, 2929.34, 2929.37, 2929.38, 5120.031, 5120.111, 5120.112, and 5149.34, to enact new section 2301.58 and section 2301.571, and to repeal sections 2301.53, 2301.54, and 2301.58 of the Revised Code to revise the law governing community-based correctional facilities and district community-based correctional facilities, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 162**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the bill passed.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Coughlin, Jacobson."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 209-Representatives Combs, Carano, Chandler, C. Evans, Harwood, Martin, Perry, Trakas, Daniels, Fende, Yuko, Wolpert, Allen, Barrett, Blessing, Boccieri, Brown, Distel, Domenick, D. Evans, Flowers, Hughes, Kearns, Key, Otterman, Reidelbach, Schneider, Seaver, Seitz, Webster, Yates.

To amend sections 4301.24 and 4303.181 and to enact section 4301.242 of the Revised Code to allow manufacturers and wholesale distributors of alcohol to provide to other manufacturers or wholesale distributors travel, lodging, food, and beverages and to liquor permit holders food, beverages, and recreational activities, to qualify the owner or operator of a community arts center or a community theater meeting specified qualifications for issuance of a D-5h liquor permit, to exclude wine sales from the total gross receipts requirement governing the issuance of a D-5i liquor permit, to modify the population requirements for the issuance of a D-5i liquor permit, and to create an additional qualification under which a D-5j liquor permit may be issued within a community entertainment district, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 209**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

- | | | | |
|---------|------------|-----------|------------|
| Amstutz | Armbruster | Austria | Brady |
| Carey | Cates | Clancy | Coughlin |
| Dann | Fedor | Fingerhut | Gardner |
| Goodman | Hagan | Hottinger | Jacobson |
| Jordan | Mallory | Miller | Mumper |
| Niehaus | Padgett | Prentiss | Roberts |
| Schuler | Schuring | Spada | Wachtmann |
| Wilson | Zurz | | Harris-31. |

So the bill passed.

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

Senator Mumper moved to amend the title as follows:

Add the name: "Mumper."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 40-Senators Jordan, Spada.

To enact section 4734.162 of the Revised Code regarding solicitation of chiropractic business, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 40**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 3, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Hagan	Harris	Hottinger	Jordan
Mallory	Miller	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Wilson	Zurz-28.

Senators Goodman, Jacobson, and Wachtmann voted in the negative-3.

So the bill passed.

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

Senator Jordan moved to amend the title as follows:

Add the names: "Gardner, Schuler, Schuring, Hagan."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 117-Senators Mallory, Dann, Fedor, Jacobson, Miller, Schuler, Amstutz, Zurz.

To amend section 2307.60 of the Revised Code to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 117**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin

Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

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

So the bill passed.

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

Senator Mallory moved to amend the title as follows:

Add the names: "Armbruster, Brady, Clancy, Fingerhut, Goodman, Hagan, Jordan, Mumper, Niehaus, Padgett, Schuring, Wachtmann, Wilson, Harris, Spada, Cates."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 141-Senators Hottinger, Jacobson, Gardner, Clancy, Dann, Zurz, Goodman.

To amend sections 2152.02, 2152.19, 4510.07, 4510.13, 4510.14, 4510.17, 4510.31, 4511.19, 4511.191, 4511.193, and 4511.195 of the Revised Code to increase the administrative license suspension periods for persons who are arrested for OVI and refuse a request of a law enforcement officer to consent to a chemical test of the person's whole blood, blood serum or plasma, breath, or urine to determine its alcohol content; to increase the period that a person must serve under such an administrative license suspension in certain circumstances before becoming eligible for limited driving privileges; to provide that the suspension period for a judicial post-conviction OVI suspension of a person serving an administrative license suspension must be not less than the greater of the period of time remaining in the administrative license suspension or the minimum applicable judicial post-conviction suspension period specified for the offender; to clarify the circumstances in which a person serving an administrative license suspension for refusal to consent to a chemical test or for having a prohibited concentration of alcohol in the person's system or serving a judicial post-conviction OVI suspension never is eligible for limited driving privileges; to increase from six years to twenty years the "look back" period during which a person's prior convictions or chemical test refusals are considered in determining certain specified sanctions against the person; to clarify and reaffirm that acts that would be minor misdemeanors if committed by an adult are delinquent acts when committed by a juvenile; and to specify as a presumptive disposition for the offenses of trafficking in marihuana and possession of marihuana when

committed by a juvenile either a requirement of confinement in a detention facility for a specified minimum period of time or a requirement of drug assessment, counseling, or treatment plus probation, or both, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 141**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 3, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Hagan	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Niehaus
Padgett	Schuler	Schuring	Spada
Wachtmann	Wilson	Zurz	Harris-28.

Senators Brady, Prentiss, and Roberts voted in the negative-3.

So the bill passed.

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

Senator Amstutz moved to amend the title as follows:

Add the names: "Cates, Coughlin."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 171-Senators Coughlin, Zurz.

To amend sections 1901.02 and 2301.02 of the Revised Code to clarify that the former township of Northampton is no longer within the jurisdiction of the Akron Municipal Court and to create one additional judge for the Summit County Court of Common Pleas to be elected in 2006, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 171**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the bill passed.

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

The title was agreed to.

On the motion of Senator Jacobson, the Senate reverted to the Second Order of Business, Reports of Standing and Select Committees.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Armbruster submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 153**-Senator Wachtmann, having had the same under consideration, reports it back and recommends its passage.

YES - 8: J. KIRK SCHURING, JOY PADGETT, LYNN R. WACHTMANN, KEVIN J. COUGHLIN, JEFFRY J. ARMBRUSTER, PATRICIA M. CLANCY, MARC DANN, MARK MALLORY.

NO - 0.

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

The report of the committee was accepted.

On the motion of Senator Jacobson **S. C. R. No. 17**, was brought up for consideration.

S. C. R. No. 17-Senators Jacobson, Coughlin, Dann, Fingerhut, Goodman, Jordan, Miller, Mumper, Prentiss, Schuler, Wachtmann, Padgett, Carey, Clancy.

To focus on the Darfur genocide, which the United States Department of State has concluded is genocide, occurring in the Darfur region of Sudan, to encourage the United States to continue its support of humanitarian efforts in and contributions of humanitarian aid to the region, to encourage the United States to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice, and to encourage Ohio companies and institutions, multinational corporations operating in Ohio, and agencies and political subdivisions of the state to divest themselves of interests in any companies that conduct business in Sudan.

WHEREAS, In February 2003, the Sudan Liberation Army (SLA) and Justice Equality Movement (JEM) from the Darfur region of Sudan clashed with the Janjaweed militia, a group supported by the government of Sudan, in an attempt to oppose the region's extreme political and economic marginalization. Since that time, tens of thousands of civilians have been killed and more than two million civilians have been made internally displaced peoples by the two

warring factions. Furthermore, approximately two hundred thousand Darfur refugees have fled across the border to Chad; and

WHEREAS, On July 22, 2004, the United States House of Representatives and the United States Senate declared that the atrocities occurring in Darfur are genocide; and

WHEREAS, On September 9, 2004, Secretary of State Colin L. Powell stated before the United States Senate Committee on Foreign Relations, "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the (Janjaweed) bear responsibility a?? and genocide may still be occurring"; and

WHEREAS, President George W. Bush, in an address before the United Nations General Assembly on September 21, 2004, stated, "At this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide"; and

WHEREAS, As a stabilizing force, the United States has an obligation to promote peace in the region and to work with other foreign governments to end the genocide in the Darfur region of Sudan; now therefore be it

RESOLVED, That we, the members of the 126th General Assembly of the State of Ohio, wish to focus attention on the killing of tens of thousands of civilians at the hands of the armed belligerents; and be it further

RESOLVED, That we, the members of the 126th General Assembly of the State of Ohio, encourage the President of the United States and the Congress of the United States to continue supporting the humanitarian efforts of international aid groups to relieve the suffering of those who have been affected by the genocide occurring in the Darfur region of Sudan, to protect the workers of those aid groups, to encourage foreign governments to provide water, food, shelter, and medical care to those suffering in Darfur, and to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice; and be it further

RESOLVED, That we, the members of the 126th General Assembly of the State of Ohio, encourage Ohio companies and institutions, multinational corporations operating in Ohio, and agencies and political subdivisions of the state to divest themselves of interests in any companies that conduct business in Sudan; and be it further

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

The question being, "Shall the concurrent resolution, **S. C. R. No. 17**, be

adopted?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the concurrent resolution was adopted.

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

Senator Jacobson moved to amend the title as follows:

Add the names: "Armbruster, Spada, Niehaus, Fedor, Gardner, Brady, Zurz, Wilson, Harris."

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

The motion was agreed to and the title so amended.

On the motion of Senator Jacobson **S. B. No. 153**, was brought up for consideration.

BILLS FOR THIRD CONSIDERATION

S. B. No. 153-Senator Wachtmann.

To enact section 5533.811 of the Revised Code to designate a bridge on State Route 108 over the Maumee River as the "Henry County Veterans Bridge, was considered the third time."

The question being, "Shall the bill, **S. B. No. 153**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the bill passed.

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

Senator Wachtmann moved to amend the title as follows:

Add the names: "Fedor, Gardner, Harris, Spada."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Hottinger moved that Senators absent the week of Sunday, October 23, 2005, 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.

On the motion of Senator Harris the Senate recessed.

The Senate met pursuant to the recess.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 214-Senators Dann, Fedor, Schuring, Stivers, Hagan, Miller, Fingerhut.

To amend sections 5902.02 and 5902.08 and to enact section 5902.09 of the Revised Code to require the Director of the Governor's Office of Veterans Affairs to develop the Ohio Veterans Legion of Honor Program.

S. B. No. 215-Senators Gardner, Mumper, Grendell, Dann, Schuler, Wachtmann, Padgett, Amstutz, Jordan, Austria, Hottinger, Wilson.

To amend section 312.06 of Am. Sub. H.B. 66 of the 126th General Assembly to ensure that investment earnings of the Agricultural Commodity Depositors Fund are credited to that Fund.

S. B. No. 216-Senators Dann, Zurz.

To amend section 149.43 and to enact section 3.18 of the Revised Code to require certain state officers to keep a personal calendar and an appointment book containing certain information and to provide that their calendars and appointment books are public records subject to inspection and copying.

OFFERING OF RESOLUTIONS

Senator Schuler offered the following resolution:

S. R. No. 128-Senator Schuler.

In memory of Staff Sergeant Rick Pummill.

The question being, "Shall the resolution, **S. R. No. 128**, be adopted?"

So the resolution was adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has refused to concur in the Senate amendments to:

Sub. H. B. No. 107 - Representative Setzer - et al.

Attest:

Laura P. Clemens,
Clerk.

Senator Jacobson moved that the Senate insist on the Senate amendments to **Sub. H. B. No. 107**, and ask for a Committee of Conference.

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

The motion was agreed to.

Message from the House of Representatives

Mr. President:

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

Am. Sub. S. B. No. 167 - Senators Grendell, Zurz, Harris, Jacobson, Cates, Mallory, Brady, Amstutz, Armbruster, Carey, Dann, Gardner, Goodman, Miller, Roberts, Schuler, Schuring, Spada, Wachtmann, Wilson, Padgett, Austria, Clancy, Mumper, Hottinger, Niehaus, Jordan, Fedor, Coughlin, Representatives Seitz, Harwood, Wagoner, Willamowski, Latta, Core, Oelslager, Coley, Book, Beatty, Mason, Allen, Aslanides, Barrett, Blasdel, Blessing, Boccieri, Brinkman, Bulp, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Collier, Combs, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, Evans, C., Evans, D., Faber, Fende, Fessler, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Healy, Hood, Hoops, Hughes, Key, Kilbane, Koziura, Law, Martin, McGregor, J., McGregor, R., Mitchell, Otterman, Patton, S., Patton, T., Perry, Peterson, Raga, Raussen, Reidelbach, Sayre, Schaffer, Schlichter, Setzer, Smith, G., Stewart, D., Stewart, J., Taylor, Uecker, Ujvagi, Wagner, Webster, White, Widener,

Widowfield, Williams, Wolpert, Yates, Yuko, Brown

To establish, until December 31, 2006, a moratorium on the use of eminent domain by any entity of the state government or any political subdivision of the state to take, without the owner's consent, private property that is in an unblighted area when the primary purpose for the taking is economic development that will ultimately result in ownership of the property being vested in another private person, to create the Legislative Task Force to Study Eminent Domain and Its Use and Application in the State, and to declare an emergency.

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

In line 67, delete "with two"

In line 68, delete "members"

In line 69, delete "and one member appointed by" and insert "in consultation with"

In line 73, delete "with two members"

In line 74, delete "and one member appointed by" and insert "in consultation with"

Attest:

Laura P. Clemens,
Clerk.

On the motion of Senator Jacobson **Am. Sub. S. B. No. 167**, was brought up for consideration.

The question being, "Shall the section, Section 8, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

So the section, Section 8, setting forth the emergency features of the bill

stood as a part of the bill.

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

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Hagan	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Wachtmann
Wilson	Zurz		Harris-31.

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

On the motion of Senator Jacobson, the Senate adjourned until Thursday, October 27, 2005 at 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.