

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, FEBRUARY 6, 2008**

ONE HUNDRED THIRTY-EIGHTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, February 6, 2008, 11:30 a.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, St. Catherine's Church, Bexley, 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:

**H. B. No. 48**-Representative Gibbs.

Cosponsors: Representatives Fessler, Seitz, McGregor, J., Setzer, Brown, Collier, Wagner, Wagoner, Combs, Aslanides, Bacon, Bolon, Chandler, Driehaus, Evans, Flowers, Hagan, R., Hite, Schlichter, Batchelder, Blessing, Domenick, Gardner, Hagan, J., Hughes, Luckie, Mecklenborg, Patton, Raussen, Schindel, Schneider, Stewart, D., Wachtmann, Williams, B., Zehringer.

To amend sections 4707.02, 4707.20, 4707.21, and 4707.26 of the Revised Code to exempt certain tax exempt organizations and schools that sell at auction items donated to them from license and contract requirements for such an auction, to require those organizations and schools to maintain records of the auction for two years, and to preclude claims against the Auction Recovery Fund for any loss associated with those types of auctions.

To the Committee on Ways and Means and Economic Development.

**H. B. No. 281**-Representative Schlichter.

Cosponsors: Representatives Gibbs, McGregor, J., Brown, Wagoner, Combs, Webster, Stebelton, Collier, Aslanides, Domenick, Evans, Batchelder, Book, Daniels, Flowers, Gardner, Hagan, R., Harwood, Hottinger, Patton, Setzer, Zehringer.

To amend sections 955.12, 955.14, 955.27, 955.29, 955.32, 955.34, 955.35, 955.37, and 955.38; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 955.34 (955.351); and to repeal sections 955.31 and 955.33 of the Revised Code to provide for the uniform determination of the fair market value of certain animals killed by a dog.

To the Committee on Agriculture.

**S. B. No. 287**-Senator Stivers.

Cosponsors: Senators Harris, Cates, Wagoner, Seitz, Schaffer, Schuler, Schuring.

To amend section 4123.29 of the Revised Code to allow an employer to reimburse the Administrator of Workers' Compensation for the first fifteen thousand dollars of medical bills incurred in any type of workers' compensation claim rather than allow an employer to pay directly only those medical bills incurred in medical-only claims.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 288**-Senator Wilson.

Cosponsors: Senators Mason, Coughlin, Morano, Miller, R., Miller, D., Roberts, Boccieri, Fedor, Kearney.

To enact sections 901.90 to 901.94 of the Revised Code to establish the healthy farms and healthy schools grant program for the purpose of providing grants to schools to establish nutrition education and agricultural education programs for kindergarteners.

To the Committee on Finance and Financial Institutions.

**S. B. No. 289**-Senator Spada.

Cosponsors: Senators Harris, Stivers, Grendell, Schuler, Schuring, Seitz, Padgett, Fedor, Niehaus, Austria, Mumper.

To amend sections 121.02, 121.03, 3313.616, 5901.02, 5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 5902.03, 5902.04, 5902.05, 5902.06, 5902.07, 5902.08, 5902.15, 5904.01, 5907.01, 5907.02, and 5910.02 and to enact sections 5902.021 and 5902.09 of the Revised Code to create a Department of Veterans Affairs and a Director of Veterans Affairs, to create duties for the department and the director, to transfer the duties of the Governor's Office of Veterans Affairs to the department, and to place the Ohio Veterans' Home Agency and the Ohio War Orphans Scholarship Board under the department.

To the Committee on Finance and Financial Institutions.

YES - 5: J. KIRK SCHURING, SHIRLEY A. SMITH, RAY MILLER, JEFF JACOBSON, 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. B. No. 247**-Senator Spada, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 12: RON AMSTUTZ, STEPHEN C. AUSTRIA, TOM NIEHAUS, STEVE STIVERS, JOHN A. CAREY, MARK D. WAGONER, CAPRI S. CAFARO, THOMAS SAWYER, JASON H. WILSON, ERIC H. KEARNEY, KEITH L. FABER, GARY W. CATES.

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 **S. B. No. 286**-Senator Cates, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 161, delete " may"

In line 162, delete " properly" and insert " is allowed by law to"

In line 166, delete " properly"; after " cast" insert " .in accordance with the law"

In line 177, delete the second " of"

Delete line 178

In line 179, delete " precinct polling place" and insert " at each precinct of voted ballots"

In line 180, delete " the"

In line 181, after " precincts" insert " , including optical scan ballots voted by absent voters."

Between lines 198 and 199, insert:

**"Section 4.** (A) Notwithstanding division (D)(1) of section 3506.21 of the Revised Code, optical scan ballots required to be provided for the March 4, 2008, primary election at each precinct pursuant to Directive 2008-01, issued by the Secretary of State, may be counted at a central location.

(B) As used in this section, "optical scan ballot" has the same meaning as in section 3506.21 of the Revised Code."

In line 199, delete "4" and insert "5"

Co-Sponsors: Fedor, Roberts.

YES - 9: GARY W. CATES, TIMOTHY J. GRENDELL, BILL SEITZ, JOHN A. CAREY, MARK D. WAGONER, ROBERT L. SCHULER, TERESA FEDOR, JOHN A. BOCCIERI, TOM ROBERTS.

NO - 0.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 220**-Senator Schuring, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: KEITH L. FABER, STEVE STIVERS, TIMOTHY O. SCHAFFER, STEPHEN C. AUSTRIA, LANCE T. MASON, SHIRLEY A. SMITH, TIMOTHY J. GRENDELL, BILL SEITZ, TERESA FEDOR.

NO - 0.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **H. B. No. 113**-Representatives White, Luckie, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Mason, Fedor.

YES - 9: KEITH L. FABER, STEVE STIVERS, TIMOTHY O. SCHAFFER, STEPHEN C. AUSTRIA, LANCE T. MASON, SHIRLEY A. SMITH, TIMOTHY J. GRENDALL, BILL SEITZ, TERESA FEDOR.

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 the Senate recessed to meet in Joint Convention.

The Senate met pursuant to recess.

**BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 249**-Senator Faber.

Cosponsors: Senators Mumper, Schuler, Mason, Seitz, Buehrer, Stivers, Sawyer, Gardner, Miller, D.

To enact section 4501.81 of the Revised Code to establish a next of kin database within the Bureau of Motor Vehicles, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 249**, pass?"

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

Those who voted in the affirmative were: Senators

- |          |         |          |            |
|----------|---------|----------|------------|
| Amstutz  | Austria | Boccieri | Buehrer    |
| Cafaro   | Carey   | Cates    | Coughlin   |
| Faber    | Fedor   | Goodman  | Grendell   |
| Jacobson | Kearney | Mason    | Miller D   |
| Miller R | Morano  | Mumper   | Niehaus    |
| Roberts  | Sawyer  | Schaffer | Schuler    |
| Schuring | Seitz   | Smith    | Spada      |
| Stivers  | Wagoner | Wilson   | Harris-32. |

So the bill passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Cafaro, Carey, Coughlin, Harris, Niehaus, Schaffer, Wagoner, Wilson, Miller, R., Boccieri, Spada, Fedor, Cates."

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

The motion was agreed to and the title so amended.

**Am. S. B. No. 286**-Senator Cates.

Cosponsors: Senators Fedor, Roberts.

To amend section 3506.21; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3505.25 (3599.07); and to enact new section 3505.25 of the Revised Code to clarify that an optical scan ballot with more than the proper number of selections for a particular office, issue, or question is invalidated only for that office, issue, or question; to permit midday collection and delivery to the board of elections of optical scan ballots that will be counted at a central location for the March 4, 2008, primary election; to generally prohibit the central counting of optical scan ballots; to terminate the provisions of this act authorizing the midday collection and delivery of optical scan ballots on May 1, 2008, by repealing section 3505.25 of the Revised Code on that date; and to declare an emergency, was considered the third time.

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

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wagoner	Wilson	Harris-32.

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

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

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wagoner	Wilson	Harris-32.

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

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

Senator Cates moved to amend the title as follows:

Add the names: "Harris, Miller, R., Spada, Wilson."

The motion was agreed to.

The motion was agreed to and the title so amended.

### MOTIONS

Senator Austria moved that Senators absent the week of Sunday, February 3, 2008, 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.

### OFFERING OF RESOLUTIONS

Senator Harris offered the following resolution:

**S. R. No. 172**-Senator Harris.

Authorizing Ohio Hi-Y Youth in Government to use the Ohio Senate Chambers to conduct its 2008 model legislature.

The question being, "Shall the resolution, **S. R. No. 172**, 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	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus



Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wagoner	Wilson	Harris-32.

So the resolution was adopted.  
 The question being, "Shall the title be agreed to?"  
 The title was agreed to.

Senator Harris offered the following resolution:  
**S. R. No. 175**-Senator Harris.

Permitting the use of the Ohio Senate Chambers by the National Forensic League on April 5, 2008.

The question being, "Shall the resolution, **S. R. No. 175**, 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	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wagoner	Wilson	Harris-32.

So the resolution was adopted.  
 The question being, "Shall the title be agreed to?"  
 The title was agreed to.

Pursuant to Senate Rule No. 54, the following resolutions were offered:  
**S. R. No. 173**-Senator Bocchieri.

Honoring Tuscarawas County on its Bicentennial.

**S. R. No. 174**-Senator Faber.

Honoring the Marion Local High School football team on winning the 2007 Division V State Championship.

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

So the resolutions were adopted.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, February 7, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.