

OHIO

SENATE

JOURNAL

TUESDAY, APRIL 15, 2008

ONE HUNDRED SIXTIETH DAY
Senate Chamber, Columbus, Ohio
Tuesday, April 15, 2008, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Paul Nobel, St. Matthew the Apostle Church, 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:

Sub. H. B. No. 327-Representative McGregor, J.

Cosponsors: Representatives Skindell, Webster, Daniels, Flowers, Bolon, Boyd, Chandler, DeBose, Domenick, Driehaus, Harwood, Letson, Newcomb, Stewart, D.

To amend sections 133.01, 3701.15, 3707.01, 3709.01, 3709.05, 3709.081, 3709.11, 3709.14, 3709.15, 3709.28, 3709.29, 3709.34, and 5705.01; to enact new section 3709.08 and sections 319.282, 3701.36, and 3709.092; and to repeal section 3709.08 of the Revised Code with regard to boards of health of city and general health districts.

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

Am. H. B. No. 367-Representative Blessing.

Cosponsors: Representatives Flowers, McGregor, J., Fessler, Webster, Adams, Batchelder, Combs, Daniels, Domenick, Evans, Gibbs, Hite, Hughes, Schindel, Zehringer.

To amend section 4710.01 and to enact section 4710.05 of the Revised Code relative to the practice of debt settlement regulation.

To the Committee on Finance and Financial Institutions.

S. B. No. 317-Senator Padgett.

Cosponsors: Senators Roberts, Schuring, Miller, D., Sawyer, Seitz.

To amend section 4507.071 of the Revised Code to allow a court, under

certain circumstances, to grant unaccompanied driving privileges one time to a probationary driver's license holder who, because of a moving violation, otherwise would be subject to a restriction that the person be accompanied by the holder's parent or guardian.

To the Committee on Highways and Transportation.

YES - 5: J. KIRK SCHURING, SHIRLEY A. SMITH, RAY MILLER, BILL HARRIS, JEFF JACOBSON.

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 Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **Am. H. B. No. 244**-Representative Brinkman, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Cates, Schuler, Seitz, Fedor.

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

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. 260**-Senator Cates, et al., having had the same under consideration, reports it back with the

following amendments and recommends its passage when so amended.

In lines 23 and 94, delete "detection" and insert "detention"

In line 93, after "sheriff" insert ". upon the request of federal immigration officials."; delete "federal immigration" and insert "those"

In line 160, after "including" insert ". upon the request of federal immigration officials."

Co-Sponsors: Fedor, Wagoner.

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

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. C. R. No. 16**-Senator Cates, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Seitz, Wagoner, Schuler, Fedor.

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

NO - 0.

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

The report of the committee was accepted.

Senator Stivers submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which

was referred **S. B. No. 210**-Senator Mason, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Kearney, Stivers.

YES - 8: STEVE STIVERS, STEPHEN C. AUSTRIA, GARY W. CATES, RON AMSTUTZ, DALE MILLER, JOHN A. BOCCIERI, ERIC H. KEARNEY, TIMOTHY O. SCHAFFER.

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:

John R. Aller, from Akron, Summit County, Ohio, as a Member of the Council on Alcohol and Drug Addiction Services for a term beginning October 26, 2007 and ending at the close of business July 31, 2009, replacing Michael Schoenhofer, whose term expired.

William P. Bousquet, from North Madison, Lake County, Ohio, as a Member of the Reclamation Commission for a term beginning August 14, 2007 and ending at the close of business June 28, 2011.

Rebecca L. Finni, Independent, from Amelia, Clermont County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning January 2, 2008 and ending at the close of business August 27, 2010, replacing Lois Borin, whose term expired.

Vernon Higaki, from Macedonia, Summit County, Ohio, as a Member of the State Emergency Response Commission for a term beginning April 4, 2007, and ending at the close of business January 13, 2009, replacing Greg Hemker, whose term expired.

Marilyn J. Huheey, Democrat, from Columbus, Franklin County, Ohio, as a Member of the State Board of Cosmetology for a term beginning December 13, 2007 and ending at the close of business October 31, 2012.

Thomas D. Kmiec, Democrat, from Lyndhurst, Cuyahoga County, Ohio, as a Member of the Petroleum Underground Storage Tank Release Compensation Board for a new term beginning December 10, 2007 and ending at the close of business July 11, 2010.

Kimberly Lawler, Republican, from Frazeytsburg, Muskingum County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and

Athletic Trainers Board for a term beginning January 2, 2008 and ending at the close of business August 27, 2010, replacing Hector Merced, whose term expired.

Mark R. Montoney, from Powell, Delaware, County, Ohio, as a Member of the Ohio University College of Osteopathic Medicine Advisory Board for a term beginning November 16, 2007 and ending at the close of business November 16, 2013, replacing Bruce McWhinney, whose term expired.

Ronald Nichols, Democrat, from Chillicothe, Ross County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a term beginning February 1, 2008 and ending at the close of business September 3, 2010, replacing Tom Ariss, whose term expired.

Averell S. Overby, Democrat, from Athens, Athens County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a new term beginning January 2, 2008 and ending at the close of business August 27, 2008.

Kimberly C. Payne, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning January 2, 2008 and ending at the close of business August 27, 2011, replacing Janet Howels, whose term expired.

Mary Ann Pilotte, from Columbus, Franklin County, Ohio, as a Member of the Tobacco Use Prevention and Control Foundation for a term beginning October 30, 2007 and ending at the close of business June 3, 2012, replacing Patricia Hicks, whose term expired.

Dennis O. Roark, Republican, from Springfield, Clark County, Ohio, as a Member of the State Board of Optometry for a term beginning January 8, 2008 and ending at the close of business September 25, 2012.

Patricia M. Scharf, Democrat, from Toledo, Lucas County, Ohio, as a Member of the State Board of Optometry for a term beginning October 30, 2007 and ending at the close of business September 25, 2012.

Vernon P. Stanforth, Republican, from Washington, Fayette County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning December 20, 2007 and ending at the close of business September 19, 2010.

Kimberly A. Thomas, Democrat, from Richmond Heights, Cuyahoga County, Ohio, as a Member of the State Board of Cosmetology for a term beginning January 2, 2008 and ending at the close of business October 31, 2012, replacing Donna Froelich, whose term expired.

Victor V. Viglucci, Democrat, from Rootstown, Portage County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning December 20, 2007 and ending at the close of business September 3, 2009.

Janet K. Wade-Watts, from Malta, Morgan County, Ohio, as a Member of the Council on Alcohol and Drug Addiction Services for a new term beginning September 19, 2007 and ending at the close of business July 31, 2009.

Stephen E. Walker, Independent, from Springboro, Warren County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a term beginning December 10, 2007 and ending at the close of business September 3, 2009, replacing Patricia Lane, who resigned.

Robert B. Williams, Democrat, from Massillon, Stark County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a term beginning January 23, 2008 and ending at the close of business September 19, 2010, replacing Walter Ugrinic, whose term expired.

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

YES - 11: BILL HARRIS, JEFF JACOBSON, TOM NIEHAUS, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, CAPRI S. CAFARO, LANCE T. MASON, SHIRLEY A. SMITH, RAY MILLER.

NO - 0.

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

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-33.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 332-Representative Wagoner.

Cosponsors: Representatives Combs, Webster, Seitz, Yates, Latta,

McGregor, J., Hite, Stebelton, Oelslager, Coley, Hughes, Bacon, Barrett, Batchelder, Beatty, Blessing, Bolon, Book, Boyd, Brown, Budish, Chandler, Collier, DeBose, Distel, Dolan, Domenick, Evans, Fende, Fessler, Flowers, Foley, Garrison, Gerberry, Gibbs, Harwood, Huffman, Koziura, Letson, Luckie, Lundy, Mallory, McGregor, R., Mecklenborg, Okey, Patton, Sayre, Schindel, Setzer, Sykes, Szollosi, Ujvagi, Wolpert, Yuko, Zehringer. Senators Seitz, Faber, Goodman.

To amend sections 111.16, 150.05, 1322.03, 1329.01, 1329.02, 1329.04, 1701.05, 1702.05, 1703.04, 1705.05, 1782.02, 1782.20, 1782.60, 2329.66, 4715.22, 4749.03, 5810.11, and 5815.35, to enact sections 1775.66, 1776.01 to 1776.08, 1776.10 to 1776.12, 1776.21 to 1776.24, 1776.31 to 1776.38, 1776.41 to 1776.58, 1776.61 to 1776.79, 1776.81 to 1776.89, 1776.91, 1776.92, 1776.95, 1776.96, 1777.07, 1779.12, 1782.64, and 2307.30, and to repeal, effective January 1, 2010, sections 1775.01, 1775.02, 1775.03, 1775.04, 1775.05, 1775.06, 1775.07, 1775.08, 1775.09, 1775.10, 1775.11, 1775.12, 1775.13, 1775.14, 1775.15, 1775.16, 1775.17, 1775.18, 1775.19, 1775.20, 1775.21, 1775.22, 1775.23, 1775.24, 1775.25, 1775.26, 1775.27, 1775.28, 1775.29, 1775.30, 1775.31, 1775.32, 1775.33, 1775.34, 1775.35, 1775.36, 1775.37, 1775.38, 1775.39, 1775.40, 1775.41, 1775.42, 1775.45, 1775.46, 1775.47, 1775.48, 1775.49, 1775.50, 1775.51, 1775.52, 1775.53, 1775.54, 1775.55, 1775.56, 1775.61, 1775.62, 1775.63, 1775.64, 1775.65, 1777.01, 1777.02, 1777.03, 1777.04, 1777.05, 1777.06, 1779.01, 1779.02, 1779.03, 1779.04, 1779.05, 1779.06, 1779.07, 1779.08, 1779.09, 1779.10, and 1779.11 of the Revised Code to adopt the Revised Uniform Partnership Act to be known as the "Ohio Uniform Partnership Act (1997)," to establish that on and after January 1, 2009, the act governs new partnerships and partnerships that elect to be governed by the act, to establish that effective January 1, 2010, the act governs all partnerships in Ohio, and to establish that effective January 1, 2010, the existing Ohio Partnership Law no longer governs partnerships, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 332**, pass?"

The yeas and nays were taken and resulted - yeas 33, 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
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-33.

So the bill passed.

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Bocchieri, Buehrer, Spada, Fedor, Grendell, Harris, Kearney, Morano, Niehaus, Padgett, Roberts, Schuler, Mason, Sawyer, Miller, R., Smith."

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

The motion was agreed to and the title so amended.

Am. H. B. No. 352-Representative Patton.

Cosponsors: Representatives Schlichter, Gibbs, Aslanides, Sayre, Okey, Luckie, Domenick, Batchelder, Chandler, Collier, Dyer, Evans, Fessler, Flowers, Hagan, J., Hite, Hughes, Letson, Mallory, McGregor, J., Schindel, Setzer, Stebelton, Webster, Widowfield, Yates.

To amend sections 901.41, 901.70, 903.01, 943.01, and 947.01 of the Revised Code to include alpacas and llamas in certain statutory definitions of "agricultural animal" and "livestock, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 352**, pass?"

The yeas and nays were taken and resulted - yeas 33, 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
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-33.

So the bill passed.

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

Senator Mumper moved to amend the title as follows:

Add the names: "Buehrer, Cafaro, Faber, Fedor, Harris, Kearney, Miller, R., Morano, Mumper, Padgett, Schaffer, Seitz, Smith, Spada, Stivers, Wagoner, Wilson."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 318-Senator Faber.

Cosponsors: Senators Grendell, Schaffer, Seitz, Mumper, Coughlin, Buehrer, Austria, Amstutz, Cafaro.

To amend sections 311.41, 2923.12, 2923.121, 2923.122, 2923.125, 2923.126, 2923.129, 2923.1212, and 2923.16 and to enact section 5502.371 of the Revised Code to remove the requirement for a retired peace officer identification card that the officer have a nonforfeitable right to retirement benefits, to provide that a retired police officer's successful completion of a firearms requalification program requalifies the peace officer for five years for purposes of obtaining the rights of a concealed carry licensee, to allow a concealed carry licensee to carry concealed handguns in buildings that are owned or leased by the state or a political subdivision of this state and are located in a park or rest area or are not used for a primary governmental function, to alter the requirements for renewing a concealed carry license, to allow a concealed carry licensee to carry a handgun in places of higher education, places of worship, daycare centers, and government buildings if the handgun is unloaded and in a closed package, box, or case, to prohibit a landlord from prohibiting a concealed carry licensee who is a tenant or guest from lawfully carrying or possessing handguns in residential premises, to allow concealed carry licensees to carry a concealed handgun in designated drop-off and pick-up areas of school safety zones, to allow a concealed carry licensee to carry a concealed handgun in a type D liquor permit establishment if the D permit holder does not allow consumption of beer, wine, or intoxicating liquor on the premises, to exempt from certain concealed carry law requirements a person transporting a weapon in a motor vehicle, to modify the records related to the concealed carry licensing process, that a sheriff must destroy to provide that certain records relating to concealed carry licensing are not public records, to redefine unloaded for purposes of the offense of improperly handling firearms in a motor vehicle, and to prohibit the confiscation of lawfully owned and carried firearms during a state of emergency or disaster.

S. B. No. 319-Senator Grendell.

Cosponsors: Senators Miller, R., Spada, Mumper, Miller, D., Roberts, Sawyer, Cafaro, Padgett, Morano, Amstutz, Schuring, Fedor, Smith.

To amend sections 135.63, 1315.35, 1315.36, 1315.39, 1315.40, 1315.41, 1321.13, 1321.131, 1349.72, and 1733.25 and to enact sections 135.68, 135.69, 135.70, and 1315.45 of the Revised Code to prohibit a check-cashing business from making a loan to a borrower who has an outstanding loan with any check-cashing licensee, to create a statewide database of loans by check-cashing licensees, to modify the terms for making a loan under the

check-cashing loan act, to create a small loan linked deposit program, to expand the responsibilities of the consumer finance education board to promote small loan counseling and education for borrowers, and to eliminate a certain credit union lending option.

S. B. No. 320-Senator Seitz.

Cosponsors: Senators Spada, Schuring, Padgett, Coughlin, Schaffer, Grendell.

To amend section 2923.31 of the Revised Code to include organized retail theft within the definition of corrupt activity as used in the Ohio Corrupt Activities Law.

OFFERING OF RESOLUTIONS

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

S. R. No. 201-Senator Fedor.

Cosponsors: Senators Mumper, Coughlin, Cates, Grendell, Wilson, Carey, Mason, Miller, D., Schuler.

Honoring William Buford as Ohio's 2008 Mr. Basketball.

S. R. No. 202-Senator Niehaus.

In memory of Staff Sergeant Keith Matthew "Matt" Maupin.

S. R. No. 203-Senator Miller, R.

In memory of William Royal Watkins, Jr.

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 Speaker of the House of Representatives has signed the following bill:

S. B. No. 219 -Senator Schuring - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, April 16, 2008 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.