

OHIO

SENATE

JOURNAL

CORRECTED VERSION
WEDNESDAY, APRIL 16, 2008

ONE HUNDRED SIXTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 16, 2008, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Steven Smith, 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:

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.

To the Committee on Judiciary - Criminal Justice.

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.

To the Committee on Finance and Financial Institutions.

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.

To the Committee on Judiciary - Criminal Justice.

YES - 5: J. KIRK SCHURING, STEPHEN C. AUSTRIA, 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 Buehrer submitted the following report:

The standing committee on Highways and Transportation, to which was referred **Am. H. B. No. 392**-Representative McGregor, J., et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Austria, Cafaro, Buehrer, Miller, D., Padgett.

YES - 9: STEPHEN BUEHRER, STEPHEN C. AUSTRIA, KEVIN J. COUGHLIN, TIMOTHY O. SCHAFFER, J. KIRK SCHURING, CAPRI S. CAFARO, JASON H. WILSON, DALE MILLER, JOY PADGETT.

NO - 0.

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

The report of the committee was accepted.

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **S. B. No. 289**-Senator Spada, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Cates, Sawyer, Wilson, Kearney.

YES - 13: JOHN A. CAREY, MARK D. WAGONER, GARY W. CATES, THOMAS SAWYER, TOM NIEHAUS, JASON H. WILSON, ERIC H. KEARNEY, CAPRI S. CAFARO, RON AMSTUTZ, STEPHEN C. AUSTRIA, KEITH L. FABER, STEVE STIVERS, JOY PADGETT.

NO - 0.

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

The report of the committee was accepted.

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **Am. H. B. No. 381**-Representative Webster, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Between lines 277a and 278, insert " ~~\$2,797,445,876~~ ~~\$2,891,851,143~~

Co-Sponsors: Cates, Sawyer, Padgett.

YES - 13: JOHN A. CAREY, STEVE STIVERS, STEPHEN C. AUSTRIA, KEITH L. FABER, RON AMSTUTZ, MARK D. WAGONER, GARY W. CATES, CAPRI S. CAFARO, THOMAS SAWYER, JASON H. WILSON, ERIC H. KEARNEY, TOM NIEHAUS, JOY PADGETT.

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. 302**-Senator Goodman, Schuler, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Seitz, Kearney, Fedor.

YES - 9: DAVID GOODMAN, STEVE STIVERS, BILL SEITZ, STEPHEN BUEHRER, KEITH L. FABER, J. KIRK SCHURING, ERIC H. KEARNEY, TERESA FEDOR, LANCE T. MASON.

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 **Sub. H. B. No. 46**-Representatives Stewart, J., DeGeeter, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Fedor, Mason, Goodman.

YES - 9: DAVID GOODMAN, STEVE STIVERS, BILL SEITZ, KEITH L. FABER, J. KIRK SCHURING, ERIC H. KEARNEY, TERESA FEDOR, LANCE T. MASON,

STEPHEN BUEHRER.

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 **Sub. H. B. No. 374**-Representative Coley, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Seitz, Kearney, Fedor, Goodman.

YES - 9: DAVID GOODMAN, STEVE STIVERS, BILL SEITZ, STEPHEN BUEHRER, KEITH L. FABER, J. KIRK SCHURING, ERIC H. KEARNEY, TERESA FEDOR, LANCE T. MASON.

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. 184**-Senator Buehrer, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Austria, Seitz.

YES - 6: TIMOTHY J. GRENDELL, KEITH L. FABER, STEVE STIVERS, TIMOTHY O. SCHAFFER, STEPHEN C. AUSTRIA, BILL SEITZ.

NO - 2: SHIRLEY A. SMITH, TERESA FEDOR.

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 **H. B. No. 281**-Representative Schlichter, et al., having had the same under

consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 269, strike through "twenty" and insert " ten"

In line 270, strike through "loss or injury was dicovered" and insert "warden finds that not all of the owner's statements are correct or disagrees with the owner's estimated fair market value, whichever is applicable"

Co-Sponsors: Mumper, Padgett, Carey.

YES - 9: LARRY A. MUMPER, JOY PADGETT, KEITH L. FABER, JOHN A. CAREY, TOM ROBERTS, JOHN A. BOCCIERI, JASON H. WILSON, TIMOTHY J. GRENDELL, J. KIRK SCHURING.

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 **Sub. H. B. No. 293**-Representative Goodwin, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Mumper, Padgett, Faber, Grendell, Schuring, Roberts.

YES - 9: LARRY A. MUMPER, JOY PADGETT, KEITH L. FABER, JOHN A. CAREY, TOM ROBERTS, JOHN A. BOCCIERI, JASON H. WILSON, TIMOTHY J. GRENDELL, J. KIRK SCHURING.

NO - 0.

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

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 16-Senator Cates.

Cosponsors: Senators Harris, Cafaro, Faber, Mumper, Buehrer, Austria, Coughlin, Seitz, Wagoner, Schuler, Fedor.

To urge the President of the United States and the United States Congress to

secure our nation's borders and to aggressively enforce all existing federal immigration laws.

WHEREAS, It is the duty of the federal government to secure the borders of the United States and to protect the security of United States citizens; and

WHEREAS, Ohio welcomes immigrants and refugees who are entering the United States legally; and

WHEREAS, The growing number of illegal immigrants currently in the United States demonstrates that existing immigration laws and enforcement measures are not sufficient to stop illegal immigrants from crossing our borders; and

WHEREAS, Current federal immigration law and practices do not adequately address illegal immigration and drain limited local, state, and federal resources for educational, social services, judicial, law enforcement, and penal systems, thereby causing an economic hardship on the State of Ohio and our nation; and

WHEREAS, Current federal immigration law and practices cause our citizens to question, the federal government's ability to secure our borders; and

WHEREAS, Current federal immigration law and practices have caused Ohio citizens and the citizens of other states to look to state and local government to solve immigration problems that would be more adequately addressed by a comprehensive and vigorous federal effort to secure our borders and to enforce current immigration laws more effectively; now therefore be it

RESOLVED, That we, the members of the 127th General Assembly of the State of Ohio, on behalf of the citizens of Ohio, urge the President of the United States and the members of the United States Congress to take swift action to enhance and enforce federal immigration law in order to provide a comprehensive national resolution to the illegal immigration problem that exists in Ohio and throughout the nation, and that federal action include, but not be limited to:

(1) Securing our nation's borders by stopping unlawful entry that is now made by many means of transportation;

(2) Aggressively enforcing federal immigration laws that are already in place; and

(3) Cooperating with the State of Ohio and other states in order to address current problems faced in the states by the illegal immigration that now exists; 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 Speaker and Clerk of the United States House of Representatives, the President Pro Tempore

and the 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. 16**, 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	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuring
Seitz	Smith	Spada	Stivers
Wagoner	Wilson		Harris-31.

So the concurrent resolution was adopted.

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

Senator Cates moved to amend the title as follows:

Add the names: "Carey, Grendell, Niehaus, Schaffer, Spada."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 46-Representatives Stewart, J., DeGeeter.

Cosponsors: Representatives Stewart, D., Daniels, Patton, Budish, Williams, S., Koziura, Sayre, Hite, Gibbs, Aslanides, Batchelder, Bolon, Book, Boyd, Brown, Bulp, Celeste, Chandler, Combs, DeBose, Distel, Domenick, Dyer, Evans, Flowers, Foley, Garrison, Goyal, Hagan, R., Harwood, Healy, Heard, Hughes, Latta, Letson, Luckie, Mallory, Miller, Oelslager, Okey, Otterman, Peterson, Strahorn, Sykes, Szollosi, Uecker, White, Williams, B., Yates. Senators Fedor, Mason, Goodman.

To amend sections 125.18, 317.082, 319.28, 319.54, 2305.09, and 2901.13 and to enact sections 109.941, 111.241, 149.434, 149.45, 1349.52, and 1349.53 of the Revised Code to allow a consumer to place a security freeze on the consumer's credit report, to require a public office to redact from a document that is otherwise a public record certain information, to require a public office to redact Social Security numbers or federal tax identification numbers from any document that is made available online to the public through the internet, to require the Office of Criminal Justice Services to make state funding grants available to local law enforcement agencies for

enforcement of identity fraud laws, to require the attorney general to support local law enforcement agencies with the enforcement of identity fraud laws, to enact a special statute of limitations for criminal prosecutions and civil actions against identity fraud, to allow a safety worker to request the county auditor to remove the safety worker's name from the general tax list of real and public utility property and the general duplicate of real and public utility property and insert the safety worker's initials, and to prohibit a county auditor from charging a real property conveyance fee to a safety worker who changes the current owner name on the general tax list of real and public utility property and the general duplicate of real and public utility property to the safety worker's initials, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 46**, pass?"

Senator Miller, R. moved to amend as follows:

In line 34, delete "and"; after "1349.53" insert ", and 4113.11"

Between lines 1133 and 1134, insert:

" **Sec. 4113.11.** (A) As used in this section, "employer" has the same meaning as in section 4113.51 of the Revised Code.

(B) No employer shall use a person's credit score as a factor in making decisions regarding that person's employment, including hiring, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment."

In line 3 of the title, delete "and"

In line 4 of the title, after "1349.53" insert ", and 4113.11"

In line 25 of the title, delete "and"

In line 31 of the title, after "initials" insert ", and to prohibit an employer from using a person's credit score as a factor in making decisions regarding that person's employment"

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

Senator Niehaus moved that the amendment be laid on the table.

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Cates	Coughlin	Faber	Goodman
Grendell	Jacobson	Mumper	Niehaus
Padgett	Schaffer	Schuring	Seitz

Spada Stivers Wagoner Harris-20.

Those who voted in the negative were: Senators

Boccieri Cafaro Fedor Kearney
Miller D Miller R Morano Roberts
Sawyer Smith Wilson-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 46**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz Austria Boccieri Buehrer
Cafaro Carey Cates Coughlin
Faber Fedor Goodman Grendell
Jacobson Kearney Miller D Morano
Mumper Niehaus Padgett Roberts
Sawyer Schaffer Schuring Seitz
Spada Stivers Wagoner Wilson
Harris-29.

Senators Miller R and Smith voted in the negative-2.

So the bill passed.

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

Senator Niehaus moved to amend the title as follows:

Add the names: "Boccieri, Cafaro, Coughlin, Faber, Grendell, Harris, Jacobson, Kearney, Miller, D., Morano, Niehaus, Padgett, Roberts, Sawyer, Schaffer, Seitz, Spada, Wagoner, Wilson, Carey, Mumper, Austria."

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

The motion was agreed to and the title so amended.

Am. H. B. No. 295-Representative Wagoner.

Cosponsors: Representatives Ujvagi, Szollosi, Peterson, Latta, Stebelton, Brown, Uecker, Chandler, McGregor, J., Combs, Celeste, Yuko, Fende, Mallory, Bolon, Bacon, Collier, Dyer, Evans, Flowers, Foley, Gardner, Garrison, Goyal, Hagan, R., Harwood, Hughes, Letson, Lundy, Otterman, J., Patton, Sayre, Setzer, Stewart, J., Williams, B., Williams, S., Zehringer.

To amend sections 133.20 and 307.041 of the Revised Code to require that the amount spent by counties on energy conservation measures be unlikely to exceed the amount saved in energy and operating costs over the average system life of the measures, and to require that financed measures be paid for within the lesser of their average system life or thirty years, was considered

the third time.

The question being, "Shall the bill, **Am. H. B. No. 295**, pass?"

The yeas and nays were taken and resulted - yeas 31, 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	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuring
Seitz	Smith	Spada	Stivers
Wagoner	Wilson		Harris-31.

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: "Buehrer, Cafaro, Fedor, Harris, Padgett, Seitz, Wilson, Niehaus, Spada, Miller, D.."

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

The motion was agreed to and the title so amended.

Am. H. B. No. 392-Representative McGregor, J.

Cosponsors: Representatives Peterson, Evans, Hughes, Wagoner, Gibbs, Chandler, Stewart, J., Stewart, D., Bacon, Zehringer, McGregor, R., Wolpert, Combs, Okey, Bulp, Collier, Stebelton, Batchelder, Strahorn, Adams, Latta, Daniels, Hite, Book, Brown, Carmichael, Domenick, Flowers, Lundy, Reinhard, Schlichter, Skindell, Sykes, Beatty, Brady, Coley, DeGeeter, Driehaus, Fende, Foley, Hottinger, Oelslager, Patton, Sayre, Schindel, Setzer, Uecker. Senators Austria, Cafaro, Buehrer, Miller, D., Padgett.

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, **Am. H. B. No. 392**, pass?"

The yeas and nays were taken and resulted - yeas 31, 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	Miller D	Miller R

Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuring
Seitz	Smith	Spada	Stivers
Wagoner	Wilson		Harris-31.

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: "Bocchieri, Carey, Cates, Coughlin, Faber, Fedor, Goodman, Grendell, Harris, Kearney, Miller, R., Morano, Mumper, Niehaus, Roberts, Sawyer, Schaffer, Seitz, Spada, Stivers, Wagoner, Wilson."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 184-Senator Buehrer.

Cosponsors: Senators Faber, Grendell, Niehaus, Stivers, Padgett, Carey, Goodman, Mumper, Clancy, Schuring, Schaffer, Schuler, Cafaro, Kearney, Gardner, Austria, Seitz.

To amend sections 2307.60, 2901.05, and 2929.14 and to enact sections 2307.601 and 2901.09 of the Revised Code to bar recovery of damages in tort actions commenced by criminal offenders in specified circumstances even if the offender has not been charged with or convicted of any offense based on the offender's criminal conduct, to create a rebuttable presumption that a person acted in self defense or defense of another when using defensive force that is intended or likely to cause death or great bodily harm to another if the person against whom the defensive force is used is in the process of entering or has entered, unlawfully and without privilege to do so, the residence or vehicle occupied by the person using the defensive force, and to remove current sentencing restrictions and impose new sentencing requirements when a court sentences an offender convicted of multiple felonies and multiple gun specifications, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 184**, pass?"

The yeas and nays were taken and resulted - yeas 31, 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	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuring

Seitz
Wagoner

Smith
Wilson

Spada

Stivers
Harris-31.

So the bill passed.

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

Senator Buehrer moved to amend the title as follows:

Add the names: "Bocchieri, Cates, Fedor, Harris, Spada, Wagoner, Wilson."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 260-Senator Cates.

Cosponsors: Senators Mumper, Seitz, Schuring, Faber, Spada, Austria, Fedor, Wagoner.

To amend sections 9.63, 311.07, and 341.21 of the Revised Code to provide that a board of county commissioners may direct a sheriff to take custody of persons who are being detained for deportation or who are charged with civil violations of immigration law and to expressly authorize state and local employees and county sheriffs to render assistance to federal immigration officials in the investigation and enforcement of federal immigration law, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 260**, pass?"

Senator Bocchieri moved to amend as follows:

In line 96, after the underlined period insert " A sheriff, upon the request of federal immigration officials, may render assistance to those officials related to the investigation of businesses suspected of employing aliens who violate criminal or civil provisions of federal immigration law."

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

The motion was agreed to.

The question recurred, "Shall the bill, **Am. S. B. No. 260**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz
Cafaro
Faber
Jacobson

Austria
Carey
Fedor
Kearney

Bocchieri
Cates
Goodman
Miller D

Buehrer
Coughlin
Grendell
Miller R

Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuring
Seitz	Smith	Spada	Stivers
Wagoner	Wilson		Harris-31.

So the bill passed.

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

Senator Carey moved to amend the title as follows:

Add the names: "Buehrer, Carey, Harris, Niehaus, Padgett, Schaffer, Stivers."

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

The motion was agreed to and the title so amended.

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

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

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, 5902.06, 5902.07, 5902.08, 5902.15, 5904.01, 5907.01, 5907.02, 5907.022, 5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 5907.13, 5907.141, and 5910.02, to enact section 5902.09, and to repeal section 5902.05 of the Revised Code to create a Department of Veterans Services and a Director of Veterans Services, 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, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 289**, pass?"

The yeas and nays were taken and resulted - yeas 31, 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	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuring
Seitz	Smith	Spada	Stivers
Wagoner	Wilson		Harris-31.

So the bill passed.

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

Senator Spada moved to amend the title as follows:

Add the names: "Bocchieri, Cafaro, Carey, Faber, Goodman, Miller, D., Roberts, Schaffer, Miller, R., Smith, Morano."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Austria moved that Senators absent the week of Sunday, April 13, 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

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

S. R. No. 204-Senator Harris.

Honoring the Twelfth Annual All-Ohio Academic Team.

S. R. No. 205-Senator Faber.

Honoring the Lima Central Catholic High School volleyball team on winning the 2007 Division III State Championship.

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 passed the following bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 130 -Representatives White, Yates
Cosponsors: Representatives Seitz, Peterson, Hagan, R., Carano, Miller, Yuko, Wagner, McGregor, J., Flowers, Letson, Strahorn, Williams, S., DeWine, Luckie, Brinkman, Celeste, DeBose, Heard, Otterman, J., Sykes

To amend sections 9.06, 121.05, 124.11, 309.02, 321.44, 341.192, 1713.34, 2921.36, 2929.01, 2929.13, 2929.14, 2929.141, 2929.15, 2929.17, 2929.19,

2929.20, 2935.36, 2943.032, 2949.12, 2951.021, 2951.041, 2953.08, 2953.13, 2967.03, 2967.05, 2967.12, 2967.121, 2967.141, 2967.15, 2967.26, 2967.28, 4507.51, 5120.52, 5120.63, 5120.66, 5139.02, 5139.18, 5139.281, 5139.31, 5139.36, 5139.38, 5139.41, 5139.43, 5139.50, 5145.01, 5145.163, and 5149.06, to enact sections 9.871, 109.37, 2967.29, 4743.06, 5120.07, 5120.59, and 5120.70, and to repeal section 2967.11 of the Revised Code to modify sentencing procedures with respect to post-release control and related releases from prison, to conform the Revised Code to the decision of the Ohio Supreme Court in *State ex rel. Bray v. Russell* (2000), 89 Ohio St.3d 132 by removing provisions related to bad time, to authorize courts to participate in the supervision of released prisoners, to provide released prisoners with identification cards and additional procedures for access to social services, to make other changes relative to opportunities for prisoner training and employment, to modify procedures for the judicial or medical release of prisoners and intervention in lieu of conviction, to grant the Adult Parole Authority more flexibility in determining periods of post-release control, to adopt other cost-control measures, to create the Ex-offender Reentry Coalition, to provide for the indemnification of the Department of Rehabilitation and Correction for legal costs incurred in certain cases, to provide for legal representation of Department employees charged with offenses in certain cases until a grand jury has acted, to create a fund for the deposit of money received in certain federal law enforcement cases, to authorize the Department to enter into contracts to provide water and sewage treatment services, to make other changes related to the operations of the Department of Rehabilitation and Correction, to clarify the duties of juvenile parole officers, to establish reimbursement rates paid by the Department of Youth Services for outside medical providers, to authorize the Director of Youth Services to designate a deputy director, to modify the formula for expending appropriations for the care and custody of felony delinquents and the purposes for which money in the Felony Delinquent Care and Custody Fund may be used, to allow for unlimited reappointments of members of the Release Authority, to make other changes related to the operations of the Department of Youth Services, and to terminate the ex-offender reentry coalition on December 31, 2011, by repealing section 5120.07 of the Revised Code on that date.

Am. H. B. No. 215 -Representative Collier

Cosponsors: Representatives Evans, Latta, Brown, Chandler, Stebelton, Combs, Setzer, Aslanides, Bacon, Batchelder, Blessing, Book, Boyd, Core, Daniels, DeBose, DeGeeter, Dodd, Domenick, Dyer, Flowers, Gibbs, Hagan, J., Hagan, R., Mallory, Patton, Schindel, Schlichter, Sears, Wagner, Williams, B., Williams, S., Yuko

To amend section 3719.41 of the Revised Code to list *Salvia divinorum* as a

controlled substance.

Attest: Laura P. Clemens,
Clerk.

Said bills were considered the first time.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, April 17, 2008 at 11:00 o'clock a.m.

Attest: VINCENT L. KEERAN,
Clerk.