

**OHIO**

**SENATE**

**JOURNAL**

THURSDAY, MAY 22, 2008

ONE HUNDRED SEVENTY-EIGHTH DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, May 22, 2008, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Paul Noble, St. Matthew the Apostle Church, Gahanna, 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 and joint resolution, standing in order for second consideration, be referred to committee as recommended:

**Sub. H. B. No. 74**-Representative Schlichter.

Cosponsors: Representatives McGregor, J., Bacon, Wagoner, Setzer, Fende, Dodd, Combs, Adams, Collier, Aslanides, Batchelder, Boyd, Daniels, DeBose, Domenick, Dyer, Evans, Flowers, Gibbs, Goyal, Hagan, J., Harwood, Heard, Hughes, Luckie, Mandel, Patton, Schindel, Szollosi, Williams, B.

To amend section 2907.08 of the Revised Code to make spying or eavesdropping upon a minor in a state of nudity for the purpose of sexual gratification or arousal a felony of the fourth degree under all circumstances.

To the Committee on Judiciary - Criminal Justice.

**Am. Sub. H. B. No. 111**-Representative Collier.

Cosponsors: Representatives Patton, McGregor, J., Aslanides, Bacon, Boyd, DeBose, Domenick, Evans, Flowers, Hagan, J., Heard, Hughes, Letson, Luckie, Schindel, Setzer, Skindell, Williams, S., Yuko.

To amend sections 2151.03 and 2717.01 of the Revised Code to expand the definition of neglected child to include a child whose parent, guardian, or custodian knowingly allows certain sexually oriented offenders or child-victim offenders to reside in the same residence as that child, and to prohibit a court from ordering a statutory change of name for a person who has committed identity fraud or who must register under the SORN Law for having committed a sexually oriented offense or child-victim oriented offense.

To the Committee on Judiciary - Criminal Justice.

**Sub. H. B. No. 428**-Representative Setzer.

Cosponsors: Representatives Evans, Stebelton, Williams, B., Adams, Bacon, Boyd, Brown, Budish, Celeste, Coley, Collier, Combs, DeBose, DeGeeter, Domenick, Fende, Flowers, Goyal, Hagan, J., Hagan, R., Heard, Hite, Hughes, Jones, Luckie, Mandel, McGregor, J., Newcomb, Patton, Sayre, Schlichter, Slesnick, Strahorn, Sykes, Webster, White, Yuko.

To amend sections 109.57, 2953.33, 3313.31, 3314.03, 3314.19, 3319.01, 3319.20, 3319.291, 3319.302, 3319.304, 3319.31, 3319.311, 3319.313, 3319.314, 3319.39, 3319.391, 3319.52, 3319.99, 3326.11, 3326.23, 3327.10, 5126.253, 5126.254, 5126.99, and 5153.176 and to enact sections 3314.101, 3314.40, 3314.401, 3314.402, 3314.403, 3314.41, 3314.99, 3319.292, 3319.316, 3319.317, 3319.392, 3319.40, 3326.081, 3326.24, 3326.241, 3326.242, 3326.243, 3326.25, 3326.99, and 5153.99 of the Revised Code regarding the reporting of and discipline for school employee misconduct.

To the Committee on Education.

**Sub. H. B. No. 554**-Representative Hottinger.

Cosponsors: Representatives Peterson, Skindell, Bacon, Boyd, Brown, Budish, Evans, Flowers, Gardner, Jones, McGregor, R., Redfern, Schlichter, Sears, Yates, Beatty, Bolon, Book, Brady, Celeste, Chandler, Daniels, DeBose, DeGeeter, Dodd, Dolan, Domenick, Dyer, Fende, Foley, Garrison, Gerberry, Gibbs, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hughes, Koziura, Letson, Luckie, Lundy, Mallory, McGregor, J., Mecklenborg, Newcomb, Oelslager, Otterman, J., Patton, Sayre, Schindel, Schneider, Setzer, Slesnick, Stewart, D., Sykes, Szollosi, Uecker, Ujvagi, White, Widener, Widowfield, Williams, B., Wolpert, Yuko, Zehring.

To amend sections 149.311, 151.01, 166.01, 166.02, 166.08, 166.11, 184.02, 1555.03, 3333.38, 3345.32, 4511.101, 5725.151, 5733.47, 5747.76, and 5747.98 and to enact sections 151.071, 164.28, 166.25, 166.26, 166.30, 184.23 to 184.26, 184.30 to 184.37, 3333.71 to 3333.80, and 5537.141 of the Revised Code to establish the Ohio Bioproducts Development Program and Ohio Biomedical Development Program to be administered by the Third Frontier Commission, to establish the Third Frontier Economic Stimulus Advisory Board, to expand the economic development programs administered by the Department of Development to include transportation logistics and distribution infrastructure projects, to provide additional money for capital improvement projects of local subdivisions and for highway capital improvement projects, to modify the authority of the Ohio Coal Development Office to provide for coal research and development projects administered by the Third Frontier Commission, to provide for advanced energy projects administered by the Third Frontier Commission, to establish the Choose Ohio First Co-op/Internship Program, to extend the historical building rehabilitation

tax credit, limit credit amounts, require regional distributive balance and economic effects to be considered, and to make an appropriation.

To the Committee on Finance and Financial Institutions.

**H. J. R. No. 5**-Representative Sears.

Cosponsors: Representatives Hottinger, Peterson, Skindell, Bacon, Bolon, Boyd, Brown, Budish, Chandler, Core, Driehaus, Evans, Flowers, Garrison, Gardner, Hagan, R., Hite, Jones, McGregor, R., Mecklenborg, Patton, Redfern, Schlichter, Stewart, D., Strahorn, Yates, Adams, Aslanides, Beatty, Blessing, Brady, Brinkman, Celeste, Collier, Combs, DeBose, DeGeeter, Dodd, Dolan, Domenick, Dyer, Fende, Foley, Gibbs, Goyal, Hagan, J., Harwood, Heard, Hughes, Letson, Luckie, Lundy, Mallory, McGregor, J., Newcomb, Oelslager, Raussen, Sayre, Schindel, Schneider, Setzer, Szollosi, Ujvagi, White, Williams, B., Yuko, Zehringer.

Proposing to enact Section 2q of Article VIII of the Constitution of the State of Ohio to authorize the issuance of general and other obligations of the state to pay the costs relating to environmental and related conservation, preservation, and revitalization purposes.

To the Committee on Finance and Financial Institutions.

**S. B. No. 342**-Senator Stivers.

To amend sections 3111.29, 3111.38, 3111.78, 3111.80, 3111.81, 3111.84, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 3119.76, 3119.77, 3119.82, 3119.88, 3121.01, 3121.02, 3121.035, 3121.12, 3121.29, 3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 3123.34, 3123.72, 3123.821, and 3123.822, to enact sections 3111.801 and 3119.631, and to repeal section 3121.11 of the Revised Code to amend the Child Support Laws.

To the Committee on Judiciary - Civil Justice.

YES - 4: JEFF JACOBSON, SHIRLEY A. SMITH, RAY MILLER,  
BILL HARRIS.

NO - 0.

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

The report of the committee was accepted.

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

### REPORTS OF STANDING AND SELECT COMMITTEES

Senator Schuring submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

**Susan M. Ciarlariello**, Democrat, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Respiratory Care Board for a new term beginning April 3, 2008 and ending at the close of business March 14, 2011.

**Susan Huss**, from Luckey, Wood County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a new term beginning March 6, 2008 and ending at the close of business October 10, 2010.

**Esther L. Kester**, Republican, from Ravenna, Portage County, Ohio, as a Member of the Ohio Respiratory Care Board for a term beginning April 3, 2008 and ending at the close of business March 14, 2011, replacing Margaret Traband, whose term expired.

**James R. Lynch**, from Columbus, Franklin County, Ohio, as a Member of the Wildlife Council for a new term beginning March 31, 2008 and ending at the close of business January 31, 2012.

**Melvin W. Mock**, Republican, from Gallipolis, Gallia County, Ohio, as a Member of the Hearing Aid Dealers and Fitters Licensing Board for a new term beginning March 12, 2008 and ending at the close of business January 25, 2012.

**Susan E. Stephens**, Democrat, from Gates Mills, Cuyahoga County, Ohio, as a Member of the State Medical Board for a term beginning March 19, 2008 and ending at the close of business March 18, 2013, replacing Deepak Kumar, whose term expired.

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

YES - 10: BILL HARRIS, ROBERT F. SPADA, STEPHEN C. AUSTRIA, TOM NIEHAUS, JOHN A. CAREY, CAPRI S. CAFARO, LANCE T. MASON, SHIRLEY A. SMITH, RAY MILLER, 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 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.

### HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

**Sub. S. B. No. 150**-Senator Roberts.

Cosponsors: Senators Fedor, Bocchieri, Miller, D., Kearney, Schuler, Austria, Cafaro, Cates, Clancy, Faber, Gardner, Grendell, Harris, Mason, Morano, Niehaus, Padgett, Sawyer, Schuring, Spada, Stivers, Wilson, Carey. Representatives Daniels, Hite, Stewart, D., Domenick, Flowers, Boyd, Evans, Garrison, Hughes, Patton, Sayre, Williams, S., Zehringer.

To amend sections 4301.10, 4301.12, 4301.16, 4301.20, 4301.30, 4301.355, 4301.432, 4301.47, 4301.58, 4301.62, 4301.639, 4303.03, 4303.05, 4303.071, 4303.181, 4303.182, 4303.184, 4303.232, 4303.233, 4303.25, 4303.27, 4303.271, 4303.29, 4303.30, 4303.33, 4303.333, 4399.12, and 5703.21 and to enact sections 4301.404, 4301.441, 4301.81, and 4303.234 of the Revised Code to modify, and also to clarify and correct, the law pertaining to liquor control and alcoholic beverage taxes, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 150**?"

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 concurred in the amendments of the House of Representatives.

The amendments of the House of Representatives to:

**Sub. S. B. No. 171**-Senator Stivers.

Cosponsors: Senators Jacobson, Schuring, Schuler, Mumper, Amstutz, Buehrer, Harris, Schaffer, Wagoner, Padgett, Goodman, Faber. Representatives Daniels, Hite, Domenick, Flowers, Carmichael, Boyd, Chandler, Collier, DeBose, DeGeeter, Dodd, Dyer, Evans, Fende, Garrison, Hagan, J., Hagan, R., Hottinger, Koziura, Letson, Luckie, Mallory, McGregor, J., Oelslager, Okey, Sayre, Stewart, J., Szollosi, Ujvagi, Williams, B., Williams, S., Yuko, Zehringer.

To amend sections 1333.99, 4737.01, 4737.04, and 4737.99 and to enact sections 1333.71, 4737.041, 4737.042, 4737.043, and 4737.044 of the Revised Code to make certain changes to the laws regulating secondhand dealers and scrap metal dealers, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 171**?"

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

Those who voted in the negative 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 did not concur in the amendments of the House of Representatives.

The amendments of the House of Representatives to:

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

Cosponsors: Senators Harris, Stivers, Grendell, Schuler, Schuring, Seitz, Padgett, Fedor, Niehaus, Austria, Mumper, Cates, Sawyer, Wilson, Kearney, Boccieri, Cafaro, Carey, Faber, Goodman, Miller, D., Roberts, Schaffer, Miller, R., Smith, Morano. Representatives Hite, Book, Collier, Domenick, Flowers, Lundy, Reinhard, Schneider, Aslanides, Bacon, Beatty, Blessing, Bolon, Boyd, Brady, Brown, Budish, Celeste, Chandler, Combs, DeBose, DeGeeter, Dodd, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garrison, Gerberry, Gibbs, Goyal, Hagan, J., Hagan, R., Harwood, Hottinger, Hughes, Koziura, Letson, Luckie, McGregor, J., Mecklenborg, Newcomb, Oelslager, Otterman, J., Patton, Raussen, Redfern, Sayre, Schindel, Schlichter, Setzer, Skindell, Slesnick, Stewart, D., Stewart, J., Szollosi, Uecker, Ujvagi, Widener, Widowfield, Williams, B., Yates, Yuko, Zehringer.

To amend sections 121.02, 121.03, 2311.07, 2311.08, 2743.03, 3313.616, 3319.13, 4112.01, 5901.02, 5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 5902.03, 5902.04, 5902.06, 5902.07, 5902.08, 5902.15, 5903.02, 5903.99, 5904.01, 5907.01, 5907.02, 5907.022, 5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 5907.13, 5907.141, 5910.02, and 5923.05, to enact sections 2743.091, 5533.871, and 5902.09, and to repeal sections 124.29, 5902.05, and 5903.01 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, to place the Ohio Veterans' Home Agency and the Ohio War Orphans Scholarship Board under the department, to establish specified employment rights for private sector employees in the uniformed services, to permit a person aggrieved under the federal "Uniformed Services Employment and Reemployment Rights Act" to file a claim against the person's employer in a state court, to require the clerk of the court to give the action priority on the court's dockets, to prohibit the court from requiring a plaintiff to pay court costs, and to designate State Route 660 in Guernsey County as the "Major James W. Reed Memorial Highway, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 289**?"

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 Senate concurred in the amendments of the House of Representatives.

### RESOLUTIONS REPORTED BY COMMITTEE

#### Sub. S. J. R. No. 8-Senator Grendell.

Cosponsors: Senators Harris, Wagoner, Niehaus, Spada, Jacobson, Seitz, Faber, Mumper, Padgett, Schuler, Cates, Carey, Schaffer, Amstutz, Austria, Cafaro.

Proposing to enact Section 19b of Article I of the Constitution of the State of Ohio to affirm certain property interests with respect to ground water and other water on or flowing through a property owner's land so as to maintain the stability of Ohio's economy.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 4, 2008, a proposal to enact Section 19b of Article I of the Constitution of the State of Ohio to read as follows:

#### ARTICLE I

Section 19b. (A) The protection of the rights of Ohio's property owners, the protection of Ohio's natural resources, and the maintenance of the stability of Ohio's economy require the recognition and protection of property interests in ground water, lakes, and watercourses.

(B) The preservation of private property interests recognized under divisions (C) and (D) of this section shall be held inviolate, but subservient to the public welfare as provided in Section 19 of Article I of the Constitution.

(C) A property owner has a property interest in the reasonable use of the ground water underlying the property owner's land.

(D) An owner of riparian land has a property interest in the reasonable use of the water in a lake or watercourse located on or flowing through the owner's riparian land.

(E) Ground water underlying privately owned land and nonnavigable waters located on or flowing through privately owned land shall not be held in trust by any governmental body. The state, and a political subdivision to the extent authorized by state law, may provide for the regulation of such waters. An owner of land voluntarily may convey to a governmental body the owner's property interest held in the ground water underlying the land or nonnavigable waters located on or flowing through the land.

(F) Nothing in this section affects the application of the public trust doctrine as it applies to Lake Erie or the navigable waters of the state.

(G) No other provision of the Constitution shall impair or limit the rights

established in this section.

#### EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal, the enactment shall take effect December 1, 2008.

The question being, "Shall the joint resolution, **Sub. S. J. R. No. 8**, be adopted?"

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 joint resolution was adopted.

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

Senator Grendell moved to amend the title as follows:

Add the names: "Buehrer, Fedor, Miller, R., Smith, Mason."

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. 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. Senators Amstutz, Stivers, Miller, D., Kearney, Sawyer, Spada, Schaffer, Schuler.

To amend sections 307.12, 505.10, 4707.02, 4707.20, 4707.21, and 4707.26 of the Revised Code to exempt certain tax exempt organizations and schools that sell donated items at auction from license and contract requirements for the auction, to require those organizations and schools to maintain auction records for two years, to preclude claims against the Auction Recovery Fund for any loss associated with those types of auctions, and to reduce from fifteen

to ten days the minimum bidding period for internet auctions of certain township or county personal property, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 48**, 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 Amstutz moved to amend the title as follows:

Add the names: "Carey, Faber, Grendell, Harris, Mason, Mumper, Niehaus, Seitz, Smith, Miller, R.."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 283**-Representative Webster.

Cosponsors: Representatives Setzer, Stebelton, Wagner, Williams, S., Schindel, McGregor, J., Fessler, Evans, Seitz, Latta, Yuko, Koziura, Coley, Combs, Collier, Fende, Peterson, Heard, Ujvagi, Hughes, Reinhard, Letson, Otterman, Williams, B., Uecker, Aslanides, Bacon, Batchelder, Brown, Budish, Chandler, Daniels, DeBose, Dodd, Domenick, Dyer, Flowers, Gibbs, Goodwin, Hagan, J., Huffman, Luckie, Patton, Schlichter, Schneider, Wachtmann, Wagoner, Yates, Zehringer. Senators Schuring, Seitz, Wagoner, Miller, D., Morano.

To amend sections 2947.23, 3715.521, 3715.55, 3715.63, 4729.51, and 4729.54 and to enact sections 2947.231, 3715.88, 3715.89, 3715.90, 3715.91, 3715.92, and 4729.541 of the Revised Code to permit pharmacy schools to accept for instructional purposes donations of certain dangerous drugs, including expired drugs, to eliminate the requirement that certain professional business entities be licensed as a terminal distributor of dangerous drugs, and to permit the Board of Pharmacy to recover investigation costs in certain cases, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 283**, 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 Coughlin moved to amend the title as follows:

Add the names: "Cafaro, Cates, Fedor, Harris, Kearney, Mason, Mumper, Niehaus, Sawyer, Schaffer, Spada, Coughlin."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 285**-Representative McGregor, R.

Cosponsors: Representatives Widener, Wagner, McGregor, J., Fessler, Combs, Setzer, Flowers, Oelslager, Zehringer, Adams, Webster, Wachtmann, Huffman, Evans, Collier, Reinhard, Uecker, Daniels, Gibbs, Wagoner, Batchelder, Brinkman, Hite, Stewart, D., Book, Brown, Carmichael, Domenick, Lundy, Schneider, Aslanides, Bacon, Blessing, Bolon, Boyd, Budish, Celeste, Chandler, Coley, DeBose, Dodd, Dolan, Dyer, Gardner, Garrison, Goodwin, Goyal, Hagan, J., Harwood, Hottinger, Hughes, Jones, Luckie, Mecklenborg, Okey, Patton, Raussen, Schindel, Schlichter, Sears, Stebelton, Stewart, J., White, Williams, S., Yates, Yuko. Senators Cates, Grendell, Seitz, Carey, Wagoner, Schuler, Fedor.

To enact section 119.14 of the Revised Code to waive fines or penalties for paperwork violations that are first-time offenses committed by small businesses, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 285**, 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
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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 Faber moved to amend the title as follows:

Add the names: "Amstutz, Boccieri, Buehrer, Coughlin, Faber, Kearney, Mason, Miller, D., Morano, Niehaus, Padgett, Roberts, Sawyer, Schaffer, Schuring, Smith, Spada, Wilson, Mumper, Cafaro, Miller, R., Stivers, Harris."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 346**-Representative Hughes.

Cosponsors: Representatives Hagan, R., DeGeeter, Yuko, Strahorn, Flowers, Peterson, Setzer, Oelslager, Williams, S., Fende, Skindell, Bacon, Batchelder, Beatty, Boyd, Brown, Celeste, Chandler, Combs, DeBose, Distel, Driehaus, Dyer, Evans, Gerberry, Goyal, Harwood, Heard, Jones, Letson, Luckie, McGregor, J., Okey, Patton, Sayre, Schneider, Slesnick, Szollosi, White, Williams, B., Yates. Senators Cafaro, Morano, Goodman, Padgett, Schuring, Miller, D., Wagoner.

To enact sections 3727.50 to 3727.57 of the Revised Code regarding hospital staffing guidelines for registered nurses and licensed practical nurses, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 346**, 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 Coughlin moved to amend the title as follows:

Add the names: "Bocchieri, Buehrer, Coughlin, Fedor, Grendell, Kearney, Mason, Miller, R., Roberts, Sawyer, Schaffer, Smith, Spada, Amstutz, Harris."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 196**-Senator Schaffer.

Cosponsors: Senators Carey, Cates, Schuler.

To amend sections 1151.345, 1161.59, 1721.211, 1733.51, 2108.81, 2117.251, 3103.03, 3901.04, 3905.451, 4717.01, 4717.03, 4717.13, 4717.14, 4717.99, and 5747.02, to enact sections 4717.31 to 4717.38, and to repeal sections 1111.19 and 1111.99 of the Revised Code to revise the Preneed Funeral Contract Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 196**, pass?"

Senator Wilson moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 196**, 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	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	Harris-32.

So the bill passed.

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Austria, Fedor, Harris, Jacobson, Kearney, Mason, Mumper, Niehaus, Padgett, Roberts, Sawyer, Smith, Spada, Wagoner."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 210**-Senator Mason.

Cosponsors: Senators Boccieri, Cafaro, Miller, D., Morano, Padgett, Schuler, Smith, Kearney, Stivers.

To enact section 5104.041 of the Revised Code to require Type A and Type B family day-care homes to generally procure and maintain liability insurance and permit an owner of real property where a family day-care home is located to be listed as an additional insured party on a liability insurance policy under certain circumstances, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 210**, 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 Mason moved to amend the title as follows:

Add the names: "Austria, Fedor, Harris, Jacobson, Miller, R., Niehaus, Sawyer, Schaffer, Spada, 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. 306**-Senator Schuler.

Cosponsors: Senators Mumper, Seitz, Wagoner, Schaffer, Spada, Cates.

To amend sections 135.804, 323.151, 323.153, 323.159, 4503.065, and 4503.066 of the Revised Code to change the definition of "housing cooperative" for the purposes of the county homestead tax exemptions and property tax payment link deposit programs for low-to-moderate income

senior citizens and permanently disabled citizens, and to expand the definition of a homestead owner to include settlors of irrevocable inter vivos trusts, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 306**, 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 Schuler moved to amend the title as follows:

Add the names: "Amstutz, Austria, Buehrer, Grendell, Harris, Niehaus, Padgett, Schuring, Stivers, Jacobson."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 320**-Senator Seitz.

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

To amend section 2923.31 of the Revised Code to include organized retail theft and substantially similar conduct occurring in another state within the definition of corrupt activity as used in the Ohio Corrupt Activities Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 320**, 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 Seitz moved to amend the title as follows:

Add the names: "Amstutz, Austria, Boccieri, Buehrer, Cates, Faber, Harris, Kearney, Mason, Miller, R., Morano, Mumper, Niehaus, Sawyer, Schuler, Stivers, Wagoner, Wilson, Smith, Jacobson."

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, May 18, 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.

### INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

**S. B. No. 343**-Senator Roberts.

Cosponsor: Senator Miller, D.

To amend sections 2925.02, 2925.03, 2925.04, 2925.11, 2925.14, and 3781.32 and to enact sections 2925.41, 2925.43, 2925.44, 2925.45, 3728.01, 3728.02, 3728.03, 3728.04, 3728.05, 3728.06, 3728.07, 3728.08, 3728.10, 3728.11, 3728.12, 3728.13, 3728.14, 3728.15, 3728.16, 3728.17, 3728.18, 3728.20, 3728.21, 3728.22, 3728.25, 3728.26, 3728.27, 3728.28, 3728.29, 3728.30, 3728.35, 3728.36, 3728.37, 3728.371, 3728.372, 3728.373, 3728.38, 3728.381, 3728.382, 3728.40, 3728.41, 3728.42, 3728.43, 3728.45, 3728.47, and 3728.99 of the Revised Code regarding the medical use of cannabis.

**S. B. No. 344**-Senator Wagoner.

To enact section 4513.264 of the Revised Code to require all buses

purchased, leased, rented, or chartered by universities and colleges to transport students or employees to be equipped with occupant restraining devices for all passengers, to permit buses that currently are owned by universities and colleges and are not equipped with occupant restraining devices for all passengers to shuttle students or employees indefinitely, and to permit such buses to transport students or employees on trips other than shuttle trips for a period of three years before such buses are required to be equipped with occupant restraining devices for all passengers.

### OFFERING OF RESOLUTIONS

Senator Miller, D. offered the following concurrent resolution:

**S. C. R. No. 25**-Senator Miller, D.

Cosponsors: Senators Roberts, Fedor, Smith, Mason, Cafaro, Morano.

To urge the United States Congress to enact the Transit System Flexibility Protection Act of 2007 and to renew the Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) with major improvements to the size and scope of targeted investments for mass transportation.

The question being, "Shall the concurrent resolution, , be adopted?"

On the motion of Senator Niehaus, **S. C. R. No. 25**, was referred to the Committee on Reference.

On the motion of Senator Jacobson, the Senate recessed.

The Senate met pursuant to the recess.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives insists on its amendments to:

**Sub. S. B. No. 171** -Senator Stivers - et al.

and asks for a Committee of Conference.

Attest:

Laura P. Clemens,  
Clerk.

On the motion of Senator Amstutz, the Senate acceded to the request of the House of Representatives.

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

The motion was agreed to.

### MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Sub. S. B No. 171 of the 127th General Assembly:

Senator Stivers  
Senator Faber  
Senator D. Miller

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House has appointed as managers on the part of the House on matters of difference between the two Houses on:

**Sub. S. B. No. 171** -Senator Stivers - et al.

Representatives Daniels, Carmichael, and Stewart, D.

Attest:

Laura P. Clemens,  
Clerk.

### 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 bills:

**Sub. H. B. No. 248** -Representative Blessing - et al.

**Sub. H. B. No. 405** -Representative Bacon - et al.

**Am. Sub. S. B. No. 289** -Senator Spada - et al.

Attest:

Laura P. Clemens,  
Clerk.

The President signed said bills.

**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 concurrent resolution:

**H. C. R. No. 36** -Representative Mecklenborg - et al.

Attest:

Laura P. Clemens,  
Clerk.

The President signed said concurrent resolution.

On the motion of Senator Amstutz, the Senate adjourned until Friday, May 23, 2008 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.