# OHIO SENATE JOURNAL

FRIDAY, MAY 23, 2008

# ONE HUNDRED SEVENTY-NINTH DAY Senate Chamber, Columbus, Ohio Friday, May 23, 2008, 9:30 a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Wagoner was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

# Message from the House of Representatives

#### Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

# Am. Sub. H. B. No. 562 -Representative Hottinger

Cosponsors: Representatives Peterson, Skindell, Bacon, Bolon, Boyd, Brown, Budish, Chandler, Evans, Flowers, Garrison, Hagan, R., Hite, Jones, McGregor, R., Patton, Redfern, Schlichter, Stewart, D., Stewart, J., Strahorn, Yates, Adams, Book, Brady, Collier, Combs, Dolan, Domenick, Dyer, Gerberry, Goyal, Hagan, J., Harwood, Hughes, Koziura, Mallory, McGregor, J., Schindel, Setzer, Szollosi, Ujvagi, Webster, White, Widowfield, Beatty, Celeste, Coley, Fende, Heard, Letson, Luckie, Newcomb, Sykes, Williams, B.

To amend sections 9.835, 105.41, 109.71, 113.061, 113.40, 117.13, 117.38, 120.08, 122.171, 124.152, 125.021, 125.04, 125.09, 125.18, 125.25, 133.08, 135.61, 135.63, 135.65, 135.66, 145.47, 149.30, 156.02, 165.01, 165.03, 303.12, 303.211, 307.697, 319.301, 321.261, 340.02, 340.021, 351.26, 519.12, 519.211, 715.73, 715.74, 901.42, 1332.04, 1346.03, 1561.011, 1561.16, 1561.17, 1561.23, 1561.25, 1561.26, 1565.15, 2743.49, 2921.13, 2935.01, 2935.03, 2949.092, 3119.023, 3301.0714, 3311.21, 3311.24, 3313.842, 3313.978, 3314.016, 3314.02, 3314.03, 3314.05, 3316.03, 3316.041, 3316.06, 3316.08, 3317.023, 3317.11, 3317.20, 3318.01, 3318.03, 3318.032, 3318.04, 3323.30, 3323.31, 3323.32, 3323.33, 3333.04, 3333.044, 3333.122, 3335.05, 3341.03, 3343.08, 3344.02, 3352.02, 3353.02, 3353.20, 3353.21, 3353.22, 3353.26, 3353.27, 3353.28, 3353.29, 3354.16, 3355.12, 3356.02, 3357.16, 3359.02, 3361.02, 3364.02, 3702.71, 3702.72, 3702.73, 3702.74, 3702.75, 3702.78, 3702.79, 3702.81, 3702.85, 3702.86, 3702.91, 3702.93, 3702.95, 3703.01, 3734.821, 3735.67, 3905.40, 3961.04, 4117.01, 4117.09, 4117.14, 4117.15, 4123.26, 4123.32, 4123.37, 4123.54, 4131.03, 4301.355, 4301.421, 4301.424, 4301.432, 4301.47, 4301.62, 4303.03, 4303.071, 4303.181, 4303.182, 4303.232, 4303.233, 4303.30, 4303.33, 4303.333, 4399.12, 4510.10, 4511.01, 4511.181, 4511.191, 4735.01, 4735.02, 4735.10, 4735.13,

4735.14, 4735.141, 4752.04, 4752.05, 4752.06, 4752.07, 4752.11, 4752.12, 4752.13, 4928.142, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.572, 5101.80, 5111.032, 5111.091, 5111.31, 5111.941, 5112.31, 5112.37, 5123.0412, 5123.196, 5123.36, 5525.01, 5703.19, 5703.21, 5703.57, 5705.194, 5705.214, 5705.29, 5709.121, 5721.30, 5721.31, 5721.32, 5721.33, 5721.34, 5721.35, 5721.36, 5721.37, 5721.38, 5721.39, 5721.40, 5721.41, 5721.42, 5721.43, 5727.85, 5739.01, 5739.02, 5739.029, 5739.12, 5739.122, 5739.124, 5739.21, 5741.04, 5741.12, 5741.121, 5741.122, 5743.021, 5743.024, 5743.321, 5743.323, 5745.05, 5747.01, 5747.02, 5748.022, 5751.20, 5751.21, 6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 6117.25, 6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 6117.42, 6117.43, 6117.44, 6117.45, and 6117.49; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3323.31 (3323.33), 3323.32 (3323.34), 3323.33 (3323.35), 3353.20 (3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 3353.26 (3333.85), 3353.27 (3333.86), 3353.28 (3333.87), and 3353.29 (3333.88); to enact new sections 3323.31 and 3323.32 and sections 133.52, 135.101, 135.102, 135.103, 135.104, 135.105, 135.106, 353.01, 353.02, 353.03, 353.04, 353.05, 353.06, 353.061, 353.062, 353.063, 1561.24, 1561.261, 1567.64, 1567.681, 2949.094, 3310.42, 3314.37, 3314.40, 3318.033, 3318.034, 3323.36, 3326.45, 3333.84, 3365.15, 3925.101, 4301.404, 4301.441, 4735.142, 4905.84, 5111.0210, 5111.874, 5111.875, 5111.876, 5111.877, 5111.878, 5111.879, 5112.371, 5501.09, 5502.68, 5703.82, 5705.199, 5721.371, 5721.381, 5747.082, 5749.17, 6121.045, and 6123.042; to repeal sections 124.821, 3314.086, 3317.161, 3353.23, 3353.24, 3353.25, 3353.30, 5111.88, 5111.881, 5111.882, 5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 5111.889, 5111.8810, 5111.8811, 5111.8812, 5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5112.311, and 5739.213 of the Revised Code; to amend Sections 315.10 and 555.19 of Am. Sub. H.B. 67 of the 127th General Assembly, to amend Sections 203.10 and 203.50 of Am. Sub. H.B. 67 of the 127th General Assembly, as subsequently amended, to amend Sections 201.10 and 512.70 of Am. Sub. H.B. 100 of the 127th General Assembly, to amend Sections 207.20.50, 207.20.70, 207.30.10, 207.30.20, 207.30.30, 235.10, 261.10, 263.10, 263.20.10, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 299.10, 309.10, 309.30.13, 309.30.30, 309.30.40, 309.30.41, 309.30.42, 309.40.33, 337.30, 337.30.43, 337.40, 337.40.15, 369.10, 375.10, 379.10, 393.10, 405.10, 407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of the 127th General Assembly, to amend Sections 101.10, 103.80.50, 201.30, 201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 496 of the 127th General Assembly; to repeal Section 5 of Am. Sub. H.B. 24 of the 127th General Assembly and to repeal Section 375.80.10 of Am. Sub. H.B. 119 of the 127th General Assembly to make capital and other appropriations and to provide authorization and conditions for the operation of state programs.

Attest: Laura P. Clemens, Clerk.

Said bill was considered the first time.

# 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:

Am. H. B. No. 286 -Representatives Sykes, Batchelder Cosponsors: Representatives Celeste, Luckie, Collier, Bacon, Webster, Strahorn, Williams, S., Healy, Evans, Harwood, Huffman, Fessler, Otterman, Brown, Mallory, Schindel, Daniels, Stewart, D., Domenick, Flowers, Blessing, Boyd, Budish, Chandler, Combs, DeBose, Dyer, Foley, Gerberry, Gibbs, Goyal, Hagan, J., Hagan, R., Heard, Hughes, Letson, McGregor, J., McGregor, R., Oelslager, Setzer, Skindell, Slesnick, Szollosi, Yates, Yuko

To amend sections 119.03 and 3519.01 of the Revised Code to require the committee named in an initiative petition to file, at the time the petition is filed, a statement identifying the petitioner's intent in proposing the initiated statute or constitutional amendment and to permit the Joint Committee on Agency Rule Review to recommend that a proposed rule be invalidated if the proposed rule conflicts with the petitioners' intent in adopting the statute or constitutional amendment on which the rule is based.

# H. B. No. 427 - Representatives Webster, Letson

Cosponsors: Representatives Stebelton, Harwood, Evans, McGregor, J., Hagan, R., Brady, Coley, Dyer, Foley, Gerberry, Hughes, Luckie, Setzer, Skindell, Stewart, D., Williams, B., Yuko

To amend sections 4757.01, 4757.04, 4757.21, 4757.26, 4757.30, and 4757.36 of the Revised Code regarding the practice of marriage and family therapy and the membership of the professional standards committees of the Counselor, Social Worker, and Marriage and Family Therapist Board.

# Am. H. B. No. 450 - Representative Goodwin

Cosponsors: Representatives Wachtmann, Barrett, Peterson, McGregor, J., Brinkman, Fessler, Gibbs, Combs, Evans, Huffman, Adams, Stebelton, Letson, Core, Carmichael, Uecker, Blessing, Dyer, Williams, S., Aslanides,

Bacon, Batchelder, Bolon, Book, Coley, Collier, DeBose, Dodd, Domenick, Fende, Flowers, Gardner, Gerberry, Goyal, Hagan, J., Heydinger, Hite, Hottinger, Hughes, Jones, Mallory, Mandel, Mecklenborg, Oelslager, Okey, Otterman, J., Patton, Sayre, Schindel, Schlichter, Schneider, Sears, Setzer, Stewart, J., Webster, Zehringer

To amend sections 2923.125 and 2923.211 of the Revised Code to permit a member of the armed services or the Ohio National Guard who is between the ages of 18 and 21 to purchase a handgun if the person has received firearms training and to clarify the residency criterion for the issuance of a concealed carry license for persons who are absent from, or who are present in, the state in compliance with military or naval orders.

#### Am. H. B. No. 458 -Representative Uecker

Cosponsors: Representatives Evans, McGregor, J., Huffman, Harwood, Wagner, Bacon, Batchelder, Chandler, Combs, Daniels, Domenick, Dyer, Flowers, Gerberry, Gibbs, Goyal, Hagan, J., Hughes, Letson, Newcomb, Sayre, Schindel, Schlichter, Setzer, Zehringer

To amend sections 505.60, 505.601, 5705.05, and 5705.06 of the Revised Code to authorize the taxing authority of a subdivision to use money derived from the general levy for current expenses for road and bridge construction and repair, and to make clarifying changes to the laws authorizing a township to provide health care insurance.

# Am. H. B. No. 477 -Representative Mecklenborg

Cosponsors: Representatives Collier, Flowers, Reinhard, Schneider, Adams, Aslanides, Bacon, Blessing, Brinkman, Coley, Combs, Daniels, Domenick, Fessler, Gibbs, Hagan, J., Hottinger, Hughes, Schindel, Setzer, Stebelton, Uecker, Wachtmann, Webster

To enact sections 5.15, 5.151, and 5.152 of the Revised Code to require the use of the English language by state and local government entities in official actions and proceedings, subject to certain exceptions.

Attest:	Laura P. Clemens
	Clerk

Said bills were considered the first time.

# **Message from the House of Representatives**

Mr. President:

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

#### S. B. No. 214 - Senator Niehaus

Cosponsors: Senators Jacobson, Spada, Miller, D., Morano, Kearney, Mumper, Fedor, Harris, Padgett, Seitz, Schaffer, Stivers, Wilson, Roberts, Mason, Gardner, Schuler, Miller, R., Smith Representatives Ujvagi, Chandler, Celeste, Hagan, R., McGregor, J., Bolon, Boyd, Budish, Collier, DeBose, Domenick, Evans, Flowers, Gerberry, Goyal, Harwood, Heard, Letson, Oelslager, Patton, Stewart, D., Yates

To amend sections 6111.09 and 6111.10 and to enact section 6111.11 of the Revised Code to prohibit the sale of dishwasher detergent that contains above a specified amount of phosphorus.

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 bill:

Sub. S. B. No. 150 - Senator Roberts - et al.

Attest:	Laura P. Clemens,
	Clerk.

The President signed said bill.

On the motion of Senator Sawyer, the Senate adjourned until Tuesday, May 27, 2008 at 11:00 o'clock a.m.

Attest: VINCENT L. KEERAN, Clerk.