

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MAY 28, 2008

ONE HUNDRED EIGHTY-FIRST DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, May 28, 2008, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, St. Catharine's Church, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **Am. Sub. H. B. No. 359**-Representative Huffman, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 58, delete the first comma and insert "and"; delete ", and predatory lending"

Delete lines 59 through 75

Co-Sponsors: Amstutz, Spada, Roberts, Sawyer.

YES - 12: RON AMSTUTZ, ROBERT F. SPADA, GARY W. CATES, KEVIN J. COUGHLIN, DAVID GOODMAN, TIMOTHY O. SCHAFFER, ROBERT L. SCHULER, STEVE STIVERS, THOMAS SAWYER, ERIC H. KEARNEY, DALE MILLER, TOM ROBERTS.

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. Sub. H. B. No. 562**-Representative Hottinger, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Carey, Cafaro, Wilson, Kearney.

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

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 **Sub. H. B. No. 350**-Representative Wolpert, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Cates, Grendell, Schuler, Fedor, Roberts, Wagoner.

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

NO - 0.

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

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. B. No. 278**-Senator Coughlin, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Miller, D., Morano.

YES - 10: KEVIN J. COUGHLIN, MARK D. WAGONER, SHIRLEY A. SMITH, CAPRI S. CAFARO, DALE MILLER, SUSAN L. MORANO, LARRY A. MUMPER, BILL SEITZ, JOY PADGETT, DAVID GOODMAN.

NO - 1: STEPHEN BUEHRER.

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

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. B. No. 325**-Senator Kearney, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Smith, Miller, D., Cafaro, Morano, Wagoner, Padgett.

YES - 11: KEVIN J. COUGHLIN, STEPHEN BUEHRER, LARRY A. MUMPER, JOY PADGETT, SHIRLEY A. SMITH, CAPRI S. CAFARO, DALE MILLER, SUSAN L. MORANO, BILL SEITZ, MARK D. WAGONER, DAVID GOODMAN.

NO - 0.

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

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. B. No. 341**-Senator Cafaro, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 11: KEVIN J. COUGHLIN, STEPHEN BUEHRER, LARRY A. MUMPER, BILL SEITZ, SHIRLEY A. SMITH, CAPRI S. CAFARO, DALE MILLER, SUSAN L. MORANO, MARK D. WAGONER, JOY PADGETT, DAVID GOODMAN.

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

Co-Sponsors: Goodman, Schuring, Fedor.

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

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. 71**-Representative White, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Faber, Wilson, Mumper, Grendell.

YES - 8: KEITH L. FABER, JASON H. WILSON, JOY PADGETT, LARRY A. MUMPER, JOHN A. CAREY, JOHN A. BOCCIERI, TIMOTHY J. GRENDALL, TOM ROBERTS.

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 **Am. H. B. No. 323**-Representative Gibbs, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Wilson, Faber, Grendell.

YES - 7: JASON H. WILSON, KEITH L. FABER, TIMOTHY J. GRENDALL, JOY PADGETT, LARRY A. MUMPER, JOHN A. CAREY, JOHN A. BOCCIERI.

NO - 0.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **H. B. No. 416**-Representative Dolan, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

After line 1691, insert:

"**Section 6.** Sections 1, 2, 3, 4, and 5 of this act take effect December 8, 2008."

Co-Sponsors: Niehaus, Spada, Schaffer, Goodman, Miller, D., Morano, Mason.

YES - 9: TOM NIEHAUS, TIMOTHY O. SCHAFFER, LARRY A. MUMPER, DAVID GOODMAN, TIMOTHY J. GRENDALL, DALE MILLER, SUSAN L. MORANO, LANCE T. MASON, ROBERT F. SPADA.

NO - 0.

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

The report of the committee was accepted.

Senator Padgett submitted the following report:

The standing committee on Education, to which was referred **Sub. H. B. No. 428**-Representative Setzer, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Jacobson, Padgett, Cates, Niehaus, Mumper, Roberts, Morano, Sawyer.

YES - 9: JEFF JACOBSON, JOY PADGETT, GARY W. CATES, JOHN A. CAREY, TOM NIEHAUS, LARRY A. MUMPER, TOM ROBERTS, SUSAN L. MORANO, THOMAS SAWYER.

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. 115**-Senator Stivers, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: STEVE STIVERS, TIMOTHY O. SCHAFFER, RON AMSTUTZ, STEPHEN C. AUSTRIA, ERIC H. KEARNEY, JOHN A. BOCCIERI, DALE MILLER.

NO - 1: ROBERT L. SCHULER.

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

Co-Sponsors: Schaffer, Amstutz, Stivers.

YES - 9: STEVE STIVERS, RON AMSTUTZ, TIMOTHY O. SCHAFFER, ROBERT L. SCHULER, KEITH L. FABER, STEPHEN C. AUSTRIA, DALE MILLER, JOHN A. BOCCIERI, GARY W. CATES.

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 **Am. Sub. H. B. No. 404**-Representatives Hottinger, Barrett, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Amstutz, Stivers, Miller, D..

YES - 10: STEVE STIVERS, RON AMSTUTZ, TIMOTHY O. SCHAFFER, ROBERT L. SCHULER, GARY W. CATES, KEITH L. FABER, DALE MILLER, JOHN A.

BOCCIERI, ERIC H. KEARNEY, STEPHEN C. AUSTRIA.

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:

**Tamira A. Bridgeman**, Democrat, from Uniontown, Summit County, Ohio, as a Member of the State Fire Commission for a term beginning April 10, 2008 and ending at the close of business October 31, 2012, replacing Robert F. Gartner, whose term expired.

**Kenneth L. Brown**, Democrat, from Springfield, Clark County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning March 31, 2008 and ending at the close of business December 23, 2010, replacing Gerald V. Carter, whose term expired.

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

YES - 9: BILL HARRIS, JEFF JACOBSON, TOM NIEHAUS, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, 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 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

So the Senate advised and consented to said appointments.

## HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

**Am. Sub. S. B. No. 271**-Senator Mumper.

Cosponsors: Senators Fedor, Harris, Kearney, Morano, Spada, Wagoner, Wilson, Miller, D. Representatives Schlichter, McGregor, J., Gibbs, Core, Evans, Domenick, Zehringer, Chandler, Dodd, Dyer, Flowers, Gerberry, Harwood, Heydinger, Hughes, Letson, Luckie, Lundy, Newcomb, Sayre.

To amend sections 1541.31, 1547.14, 1547.24, 1547.99, and 1548.032 and to enact sections 1547.072 and 1547.132 of the Revised Code to make changes to the laws governing watercraft, to revise the Pymatuning Lake Compact, and to declare an emergency, were taken up.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Cafaro
Carey	Cates	Coughlin	Fedor
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Mumper	Niehaus	Padgett	Roberts
Sawyer	Schaffer	Schuler	Schuring
Seitz	Smith	Spada	Stivers
Wilson			Harris-30.

Senators Buehrer and Faber voted in the negative-2.

So the section, Section 3, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 271**?"

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

Those who voted in the affirmative were: Senators

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

So the Senate concurred in the amendments of the House of Representatives.

**REPORTS OF CONFERENCE COMMITTEES**

Senator Stivers submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Sub. S.B. 171, Senator Stivers, et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the House of Representatives with the following amendment:

In line 388, after the underlined period insert "Consistent with the power of municipal corporations to exercise their rights under Article XVIII, Section 3 of the Ohio Constitution and recognizing the need for uniform commercial practices across this state, by analogy to *Am. Financial Servs. Assn et al. v. Cleveland*, 112 Ohio St. 3d 170, 2006-Ohio-6043, citing *Canton v. State*, 95 Ohio St. 3d 149, 2002-Ohio-2005, syllabus, no municipal corporation or other political subdivision shall enact or enforce a regulation or ordinance applicable to a scrap metal dealer requiring a scrap metal dealer to individually identify and retain any scrap metal purchased or received, a practice otherwise known as "tag and hold."

Members on the Part of the Senate Members on the Part of the House of Representatives

- |     |   |     |   |
|-----|---|-----|---|
| /S/ | <u>SENATOR STIVERS</u><br>SENATOR STIVERS | /S/ | <u>REPRESENTATIVE STEWART, D.</u><br>REPRESENTATIVE STEWART, D. |
| /S/ | <u>SENATOR FABER</u><br>SENATOR FABER     | /S/ | <u>REPRESENTATIVE CARMICHAEL</u><br>REPRESENTATIVE CARMICHAEL   |
|     | <u>SENATOR MILLER, D.</u>                 | /S/ | <u>REPRESENTATIVE DANIELS</u><br>REPRESENTATIVE DANIELS         |

Senator Jacobson moved that pursuant to Senate Rule No. 44, the Report of the Conference Committee on **Sub. S. B. No. 171** be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the report of the Committee of Conference be agreed to?"

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

Those who voted in the affirmative were: Senators

- |         |         |          |          |
|---------|---------|----------|----------|
| Amstutz | Austria | Boccieri | Buehrer  |
| Cafaro  | Carey   | Cates    | Coughlin |

Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wilson	Harris-32.

So the report of the Committee of Conference was agreed to.

### RESOLUTIONS REPORTED BY COMMITTEE

#### 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. Senators Carey, Cafaro, Sawyer, Wagoner.

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.

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 2q of Article VIII of the Constitution of the State of Ohio to read as follows:

### ARTICLE VIII

Section 2q. (A) It is determined and confirmed that the environmental and related conservation, preservation, and revitalization purposes referred to in divisions (A)(1) and (2) of this section, and provisions for them, are proper public purposes of the state and local governmental entities and are necessary and appropriate means to improve the quality of life and the general and economic well-being of the people of this state; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for

development and revitalization; to control, prevent, minimize, clean up, or remediate certain contamination of or pollution from lands in the state and water contamination or pollution; to provide for safe and productive urban land use or reuse; to enhance the availability, public use, and enjoyment of natural areas and resources; and to create and preserve jobs and enhance employment opportunities. Those purposes are:

(1) Conservation purposes, meaning conservation and preservation of natural areas, open spaces, and farmlands and other lands devoted to agriculture, including by acquiring land or interests therein; provision of state and local park and recreation facilities, and other actions that permit and enhance the availability, public use, and enjoyment of natural areas and open spaces in Ohio; and land, forest, water, and other natural resource management projects;

(2) Revitalization purposes, meaning providing for and enabling the environmentally safe and productive development and use or reuse of publicly and privately owned lands, including those within urban areas, by the remediation or clean up, or planning and assessment for remediation or clean up, of contamination, or addressing, by clearance, land acquisition or assembly, infrastructure, or otherwise, that or other property conditions or circumstances that may be deleterious to the public health and safety and the environment and water and other natural resources, or that preclude or inhibit environmentally sound or economic use or reuse of the property.

(B) The General Assembly may provide by law, subject to the limitations of and in accordance with this section, for the issuance of bonds and other obligations of the state for the purpose of paying costs of projects implementing those purposes.

(1) Not more than two hundred million dollars principal amount of obligations issued under this section for conservation purposes may be outstanding in accordance with their terms at any one time. Not more than fifty million dollars principal amount of those obligations, plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year. Those obligations shall be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of debt service on them as it becomes due, all as provided in this section.

(2) Not more than two hundred million dollars principal amount of obligations issued under this section for revitalization purposes may be outstanding in accordance with their terms at any one time. Not more than fifty million dollars principal amount of those obligations, plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year. Those obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them. Those obligations shall be secured by a

pledge of all or such portion of designated revenues and receipts of the state as the General Assembly authorizes, including receipts from designated taxes or excises, other state revenues from sources other than state taxes or excises, such as from state enterprise activities, and payments for or related to those revitalization purposes made by or on behalf of local governmental entities, responsible parties, or others. The general assembly shall provide by law for prohibitions or restrictions on the granting or lending of proceeds of obligations issued under division (B)(2) of this section to parties to pay costs of cleanup or remediation of contamination for which they are determined to be responsible.

(C) For purposes of the full and timely payment of debt service on state obligations authorized by this section, appropriate provision shall be made or authorized by law for bond retirement funds, for the sufficiency and appropriation of state excises, taxes, and revenues pledged to the debt service on the respective obligations, for which purpose, notwithstanding Section 22 of Article II of the Ohio Constitution, no further act of appropriation shall be necessary, and for covenants to continue the levy, collection, and application of sufficient state excises, taxes, and revenues to the extent needed for those purposes. Moneys referred to in Section 5a of Article XII of the Ohio Constitution may not be pledged or used for the payment of debt service on those obligations.

As used in this section, "debt service" means principal and interest and other accreted amounts payable on the obligations referred to.

(D)(1) Divisions (B) and (C) of this section shall be implemented in the manner and to the extent provided by the General Assembly by law, including provision for procedures for incurring, refunding, retiring, and evidencing state obligations issued pursuant to this section. Each state obligation issued pursuant to this section shall mature no later than the thirty-first day of December of the twenty-fifth calendar year after its issuance, except that obligations issued to refund or retire other obligations shall mature not later than the thirty-first day of December of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into.

(2) In the case of the issuance of state obligations under this section as bond anticipation notes, provision shall be made by law or in the bond or note proceedings for the establishment, and the maintenance during the period the notes are outstanding, of special funds into which there shall be paid, from the sources authorized for payment of the particular bonds anticipated, the amount that would have been sufficient to pay the principal that would have been payable on those bonds during that period if bonds maturing serially in each year over the maximum period of maturity referred to in division (D)(1) of this section had been issued without the prior issuance of the notes. Those special funds and investment income on them shall be used solely for the payment of principal of those notes or of the bonds anticipated.

(E) In addition to projects undertaken by the state, the state may participate or assist, by grants, loans, loan guarantees, or contributions, in the

financing of projects for purposes referred to in this section that are undertaken by local governmental entities or by others, including, but not limited to, not-for-profit organizations, at the direction or authorization of local governmental entities. Obligations of the state issued under this section and the provisions for payment of debt service on them, including any payments by local governmental entities, are not subject to Sections 6 and 11 of Article XII of the Ohio Constitution. Those obligations, and obligations of local governmental entities issued for the public purposes referred to in this section, and provisions for payment of debt service on them, and the purposes and uses to which the proceeds of those state or local obligations, or moneys from other sources, are to be or may be applied, are not subject to Sections 4 and 6 of Article VIII of the Ohio Constitution.

(F) The powers and authority granted or confirmed by and under this section, and the determinations and confirmations in this section, are independent of, in addition to, and not in derogation of or a limitation on, powers, authority, determinations, or confirmations under laws, charters, ordinances, or resolutions, or by or under other provisions of the Ohio Constitution including, without limitation, Section 36 of Article II, Sections 2i, 2l, 2m, 2o, and 13 of Article VIII, and Articles X and XVIII, and do not impair any previously adopted provision of the Ohio Constitution or any law previously enacted by the General Assembly.

(G) Obligations issued under this section, their transfer, and the interest, interest equivalent, and other income or accreted amounts on them, including any profit made on their sale, exchange, or other disposition, shall at all times be free from taxation within the state.

#### EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal, the amendment shall take effect immediately.

The question being, "Shall the joint resolution, **H. J. R. No. 5**, be adopted?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Fedor	Goodman	Grendell	Jacobson
Kearney	Mason	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wilson		Harris-31.

Senator Faber voted in the negative-1.

So the joint resolution was adopted.

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

Senator Carey moved to amend the title as follows:

Add the names: "Fedor, Goodman, Grendell, Harris, Kearney, Morano, Niehaus, Padgett, Roberts, Schaffer, Seitz, Stivers, Spada, Boccieri, Miller, R., Wilson, Smith, Mason, Miller, D., Schuring."

The motion was agreed to.

The motion was agreed to and the title so amended.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 334**-Senator Faber.

Cosponsors: Senators Seitz, Spada, Coughlin, Mumper, Schaffer, Amstutz, Stivers.

To amend sections 4123.01, 4123.26, 4123.29, 4123.54, and 4123.82 and to enact sections 4123.292, 4123.513, and 4123.542 to prohibit an employee from receiving workers' compensation benefits in this state if the employee has received a decision on the merits of a claim filed in another state for the same injury or occupational disease, to allow an Ohio employer to obtain, through the Administrator of Workers' Compensation or an insurance company, workers' compensation insurance for claims arising in other states, and to make other changes to the Workers' Compensation Law regarding interstate workers' compensation claims, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 334**, pass?"

Senator Faber moved to amend as follows:

In line 595, after " to" insert " only"; delete " workers"

In line 596, after " compensation" insert an underlined comma; after " benefits" insert " , or both that are provided"; after " for" insert " in"; delete " from only the state of Ohio" and insert " under Ohio's workers' compensation laws"

In line 603, after " file" insert " and have not filed"

In line 788, reinsert "the amount awarded or"

Reinsert line 789

In line 790, reinsert "shall be credited on the amount of any"; delete " and the employee or the"

In line 791, delete " employee's dependents also pursue or receive an"

In line 792, reinsert "made to the employee or the employee's"

In line 793, reinsert "dependents by the bureau" and insert " . If an employee or the employee's dependents pursue or receive an award of"

compensation or benefits"

In line 796, after " benefits" insert " and received a decision on the merits as defined in section 4123.542 of the Revised Code under the laws of another state"

In line 807, after " claim" insert " filed by the employee or the employee's dependents for the same injury, occupational disease, or death that was filed"

In line 808, delete " under" and insert " for which the employee or the employee's dependents received a decision on the merits as described in"

In line 809, delete " by that employee or the employee's dependents"

In line 813, after " costs" insert " , penalties, interest, awards,"

In line 815, after " costs" insert " , penalties, interest, awards,"; after " and" insert " attorney's"

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

The motion was agreed to.

The question being, "Shall the bill as amended pass?"

Senator Faber moved to amend as follows:

In line 19, after "4123.29," insert "4123.34,"

Between lines 577 and 578, insert:

**"Sec. 4123.34.** It shall be the duty of the bureau of workers' compensation board of directors and the administrator of workers' compensation to safeguard and maintain the solvency of the state insurance fund and all other funds specified in this chapter and Chapters 4121., 4127., and 4131. of the Revised Code. The administrator, in the exercise of the powers and discretion conferred upon the administrator in section 4123.29 of the Revised Code, shall fix and maintain, with the advice and consent of the board, for each class of occupation or industry, the lowest possible rates of premium consistent with the maintenance of a solvent state insurance fund and the creation and maintenance of a reasonable surplus, after the payment of legitimate claims for injury, occupational disease, and death that the administrator authorizes to be paid from the state insurance fund for the benefit of injured, diseased, and the dependents of killed employees. In establishing rates, the administrator shall take into account the necessity of ensuring sufficient money is set aside in the premium payment security fund to cover any defaults in premium obligations. The administrator shall observe all of the following requirements in fixing the rates of premium for the risks of occupations or industries:

(A) The administrator shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or industries, and the losses on account of injuries, occupational disease, and death of employees

thereof, and also keep an account of the money received from each individual employer and the amount of losses incurred against the state insurance fund on account of injuries, occupational disease, and death of the employees of the employer.

(B) Ten per cent of the money paid into the state insurance fund shall be set aside for the creation of a surplus until the surplus amounts to the sum of one hundred thousand dollars, after which time, whenever necessary in the judgment of the administrator to guarantee a solvent state insurance fund, a sum not exceeding five per cent of all the money paid into the state insurance fund shall be credited to the surplus fund. In addition to all statutory authority under this chapter and Chapter 4121. of the Revised Code, the administrator has discretionary and contingency authority to make charges to surplus. The administrator shall account for all charges, whether statutory, discretionary, or contingency, that the administrator may make to surplus. A revision of basic rates shall be made annually on the first day of July.

Notwithstanding any provision of the law to the contrary, one hundred eighty days after the effective date on which self-insuring employers first may elect under division (D) of section 4121.66 of the Revised Code to directly pay for rehabilitation expenses, the administrator shall calculate the deficit, if any, in the portion of surplus fund that is used for reimbursement to self-insuring employers for all expenses other than handicapped reimbursement under section 4123.343 of the Revised Code. The administrator, from time to time, may determine whether the surplus fund has such a deficit and may assess all self-insuring employers who participated in the portion of the surplus fund during the accrual of the deficit and who during that time period have not made the election under division (D) of section 4121.66 of the Revised Code the amount the administrator determines necessary to reduce the deficit.

Revisions of basic rates shall be in accordance with the oldest four of the last five calendar years of the combined accident and occupational disease experience of the administrator in the administration of this chapter, as shown by the accounts kept as provided in this section, excluding the experience of employers that are no longer active if the administrator determines that the inclusion of those employers would have a significant negative impact on the remainder of the employers in a particular manual classification; and the administrator shall adopt rules, with the advice and consent of the board, governing rate revisions, the object of which shall be to make an equitable distribution of losses among the several classes of occupation or industry, which rules shall be general in their application.

(C) The administrator may apply that form of rating system that the administrator finds is best calculated to merit rate or individually rate the risk more equitably, predicated upon the basis of its individual industrial accident and occupational disease experience, and may encourage and stimulate accident prevention. The administrator shall develop fixed and equitable rules controlling the rating system, which rules shall conserve to each risk the basic principles of

workers' compensation insurance.

(D) The administrator, from the money paid into the state insurance fund, shall set aside into an account of the state insurance fund titled a premium payment security fund sufficient money to pay for any premiums due from an employer and uncollected that are in excess of the employer's premium security deposit.

The fund shall be in the custody of the treasurer of state. All investment earnings of the fund shall be deposited in the fund. Disbursements from the fund shall be made by the bureau of workers' compensation upon order of the administrator to the state insurance fund. The use of the moneys held by the premium payment security fund is restricted to reimbursement to the state insurance fund of premiums due and uncollected in excess of an employer's premium security deposit. The moneys constituting the premium payment security fund shall be maintained without regard to or reliance upon any other fund. This section does not prevent the deposit or investment of the premium payment security fund with any other fund created by this chapter, but the premium payment security fund is separate and distinct for every other purpose and a strict accounting thereof shall be maintained.

(E) The administrator may grant discounts on premium rates for employers who meet either of the following requirements:

(1) Have not incurred a compensable injury for one year or more and who maintain an employee safety committee or similar organization or make periodic safety inspections of the workplace.

(2) Successfully complete a loss prevention program prescribed by the superintendent of the division of safety and hygiene and conducted by the division or by any other person approved by the superintendent.

(F)(1) In determining the premium rates for the construction industry the administrator shall calculate the employers' premiums based upon the actual remuneration construction industry employees receive from construction industry employers, provided that the amount of remuneration the administrator uses in calculating the premiums shall not exceed an average weekly wage equal to one hundred fifty per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code.

(2) Division (F)(1) of this section shall not be construed as affecting the manner in which benefits to a claimant are awarded under this chapter.

(3) As used in division (F) of this section, "construction industry" includes any activity performed in connection with the erection, alteration, repair, replacement, renovation, installation, or demolition of any building, structure, highway, or bridge."

In line 1034, after "4123.29," insert "4123.34,"

In line 1 of the title, after "4123.29," insert "4123.34,"

In line 15 of the title, after "claims" insert "and the surplus of the State Insurance Fund"

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

The motion was agreed to.

The question recurred, "Shall the bill as amended pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill as amended passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Buehrer, Grendell, Harris, Niehaus, Schuring, Wilson, Fedor, Padgett, Sawyer, Cates, Austria."

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

The motion was agreed to and the title so amended.

**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, Zehringer. Senators Carey, Cafaro, Sawyer, Wilson, Kearney.

To amend sections 149.311, 166.01, 166.02, 166.08, 166.11, 184.02, 1555.03, 3333.38, 3345.32, 3706.01, 5725.151, 5733.47, 5747.76, and 5747.98; to enact sections 164.28, 166.25, 166.26, 166.27, 166.30, 184.174, 184.23, 184.231, 184.24 to 184.26, 184.37, 3333.71 to 3333.81, and 3706.25 to 3706.30 of the Revised Code; and to amend Section 229.10 of Am. Sub.

H.B. 67 of the 127th General Assembly, to establish the Ohio Bioproducts Development Program and Ohio Biomedical Development Program to be administered by the Third Frontier Commission, to establish advisory boards to the Third Frontier Commission, 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, to modify the authority of the Ohio Coal Development Office, to provide for advanced energy projects administered by the Ohio Air Quality Development Authority, to establish the Choose Ohio First Co-op/Internship Program, to extend the historical building rehabilitation tax credit, limit credit amounts, and require regional distributive balance and economic effects to be considered, to modify the definition of an air quality facility, to create minority outreach requirements for loan and grant programs established under this bill, and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 554**, pass?"

Senator Carey moved to amend as follows:

In line 184, after " who" insert " , as of March 21, 2008, had"

In line 185, delete " before March 21, 2008," and insert " that met the criteria described in divisions (C)(1), (2), and (3) of this section,"

In line 187, delete everything after " certificate" and insert an underlined period

Delete line 188

In line 189, delete " this section."

In line 2187, delete " 184.30" and insert " 3706.25"

In line 2771, after "of" insert "those"

In line 2772, delete "as prescribed" and insert "described"

In line 2778, delete "as prescribed in"

In line 2779, delete "that section" and insert "subject to the requirements of division (D)(1) of section 149.311 of the Revised Code as amended by this act, and of sections 5725.151, 5733.47, 5747.76, and 5747.98 of the Revised Code"

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

The motion was agreed to.

The question being, "Shall the bill as amended pass?"

Senator Buehrer moved to amend as follows:

In line 1447, after " **184.26.**" insert " (A)"

Between lines 1468 and 1469, insert:

" (B)(1) As used in this section:

(a) "Human blastocyst" means an early stage human embryo that is five to seven days after conception. A blastocyst has an outer layer of cells known as a trophoblast, and an interior group of cells that is the inner cell mass.

(b) "Human cloning" means the creation of a human zygote, human blastocyst, or human embryo by any means other than the fertilization of a human egg by a human sperm.

(c) "Human embryo" means an organism of the species homo sapiens during the earliest stages of development from one cell up to eight weeks.

(d) "Human zygote" means a one-cell human embryo.

(2) Money received by an entity pursuant to the Ohio biomedical development program shall not be used, directly or indirectly, to pay costs of, or otherwise support any activities involving, human cloning."

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

The yeas and nays were taken and resulted - yeas 21, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Carey	Cates	Coughlin	Faber
Grendell	Jacobson	Mumper	Niehaus
Padgett	Schaffer	Schuler	Schuring
Seitz	Spada	Stivers	Wilson
			Harris-21.

Those who voted in the negative were: Senators

Cafaro	Fedor	Goodman	Kearney
Mason	Miller D	Miller R	Morano
Roberts	Sawyer		Smith-11.

The motion was agreed to.

The question recurred, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

Austria	Boccieri	Buehrer	Cafaro
Carey	Cates	Coughlin	Fedor

Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Mumper	Niehaus	Padgett	Roberts
Sawyer	Schaffer	Schuler	Schuring
Seitz	Smith	Spada	Stivers
Wilson			Harris-30.

Senators Amstutz and Faber voted in the negative-2.

So the bill as amended passed.

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

Senator Carey moved to amend the title as follows:

Add the names: "Fedor, Harris, Niehaus, Padgett, Roberts, Schaffer, Seitz, Spada, Miller, R., Morano, Boccieri, Smith, Mumper, Mason, Schuring."

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

The motion was agreed to and the title so amended.

**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. Senators Carey, Cafaro, Wilson, Kearney.

To amend sections 9.231, 9.24, 9.835, 105.41, 113.061, 113.40, 117.13, 117.38, 120.08, 121.31, 122.171, 125.02, 125.021, 125.022, 125.04, 125.041, 125.05, 125.06, 125.07, 125.18, 125.25, 127.16, 133.08, 135.61, 135.63, 135.65, 135.66, 145.47, 149.30, 156.02, 165.01, 165.03, 303.12, 303.211, 306.43, 307.697, 317.32, 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, 1751.01, 1751.04, 1751.05, 1751.11, 1751.111, 1751.12, 1751.13, 1751.15, 1751.16, 1751.17, 1751.18, 1751.20, 1751.31, 1751.34, 1751.53, 1751.60, 1751.89, 2743.49, 2744.05, 2903.12, 2903.213, 2903.214, 2915.101, 2919.26, 2921.13, 2923.11, 2949.092, 3111.04, 3113.06, 3113.31, 3119.023, 3119.54, 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, 3319.291, 3323.30, 3323.31, 3323.32, 3323.33, 3333.04, 3333.044, 3333.045, 3333.122, 3335.05, 3341.03, 3343.08, 3344.02, 3345.34, 3350.10, 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, 3501.17, 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, 3743.02, 3743.04, 3743.15, 3743.17, 3743.19, 3743.25, 3743.40, 3743.44, 3743.45, 3743.54, 3743.56, 3743.65, 3743.70, 3743.99, 3901.3814, 3905.40, 3923.281, 3923.443, 3961.04, 4112.12, 4117.14, 4117.15, 4123.26, 4123.32, 4123.37, 4123.54, 4131.03, 4301.355, 4301.421, 4301.424, 4301.62, 4303.182, 4510.10, 4511.01, 4511.101, 4511.181, 4511.191, 4731.65, 4731.71, 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, 4906.13, 4906.98, 4928.142, 4928.20, 4981.14, 5101.26, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.571, 5101.572, 5101.58, 5101.80, 5111.032, 5111.084, 5111.091, 5111.31, 5111.94, 5111.941, 5112.31, 5112.37, 5123.0412, 5123.196, 5123.36, 5513.01, 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, 5727.84, 5727.85, 5739.01, 5739.02, 5739.029, 5739.09, 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, 6101.53, 6101.55, 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 107.19, 125.051, 133.52, 135.101, 135.102, 135.103, 135.104, 135.105, 135.106, 303.213, 519.213, 713.081, 1561.24, 1561.261, 1567.64, 1567.681, 2907.10, 2943.033, 2949.094, 3107.018, 3310.42, 3314.37, 3314.40, 3318.033, 3318.034, 3326.45, 3326.51, 3333.58, 3333.84, 3365.15, 3925.101, 4303.041, 4735.142, 4905.84, 4906.20, 5101.143, 5104.041, 5111.0210, 5111.71, 5111.711, 5111.712, 5111.713, 5111.714, 5111.715, 5111.874, 5111.875, 5111.876, 5111.877, 5111.878, 5111.879, 5111.8710, 5112.371, 5123.0417, 5501.09, 5502.68, 5533.94, 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, 219.10, 235.10, 261.10, 263.10, 263.20.10, 263.20.80, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 269.50.30, 275.10, 293.10, 299.10, 307.10, 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 Section 249.10 of Am. Sub. H.B. 119 of the 127th General Assembly, as subsequently amended, 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, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 562**, pass?"

Senator Bocchieri moved to amend as follows:

In line 142, after "4131.03," insert "4141.31, 4141.312,"

Between lines 17347 and 17348, insert:

"**Sec. 4141.31.** (A) Benefits otherwise payable for any week shall be reduced by the amount of remuneration or other payments a claimant receives with respect to such week as follows:

(1) Remuneration in lieu of notice;

(2) Compensation for wage loss under division (B) of section 4123.56 of the Revised Code or a similar provision under the workers' compensation law of any state or the United States;

(3) Payments in the form of retirement, or pension allowances as provided under section 4141.312 of the Revised Code;

(4) ~~Remuneration~~ Except as otherwise provided in division (D) of this section, remuneration in the form of separation or termination pay paid to an employee at the time of the employee's separation from employment;

(5) Vacation pay or allowance payable under the terms of a labor-management contract or agreement, or other contract of hire, which payments are allocated to designated weeks.

If payments under this division are paid with respect to a month then the amount of remuneration deemed to be received with respect to any week during such month shall be computed by multiplying such monthly amount by twelve and dividing the product by fifty-two. If there is no designation of the period with respect to which payments to an individual are made under this section then an amount equal to such individual's normal weekly wage shall be attributed to and deemed paid with respect to the first and each succeeding week following the individual's separation or termination from the employment of the employer making the payment until such amount so paid is exhausted.

If benefits for any week, when reduced as provided in this division, result in an amount not a multiple of one dollar, such benefits shall be rounded to the next lower multiple of one dollar.

Any payment allocated by the employer or the director of job and family services to weeks under division (A)(1), (4), or (5) of this section shall be deemed to be remuneration for the purposes of establishing a qualifying week and a benefit year under divisions (O)(1) and (R) of section 4141.01 of the Revised Code.

(B) Benefits payable for any week shall not be reduced by the amount of remuneration a claimant receives with respect to such week in the form of drill or reserve pay received by a member of the Ohio national guard or the armed forces reserve for attendance at a regularly scheduled drill or meeting.

(C) No benefits shall be paid for any week with respect to which or a part of which an individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, provided the disqualifications shall not apply if the appropriate agency of such other state or of the United States finally determines that an individual is not entitled to such unemployment benefits. A law of the United States providing any payment of any type and in any amounts for periods of unemployment due to lack of work shall be considered an unemployment compensation law of the United States.

~~(D) Notwithstanding any other provision in this chapter, benefits otherwise~~ Benefits payable for any week shall not be reduced by payments that were made the amount of military severance, disability, or separation pay paid to an individual on or after August 1, 1991, pursuant to "The National Defense Authorization Act for Fiscal Years 1992 and 1993," Public Law 102-190, 105 Stat. 1394, 1396, 10 U.S.C.A. 1174a, 1175, in the form of voluntary separation incentive payments and special separation pay who is a former member of the armed forces of the United States.

**Sec. 4141.312.** (A) Except as otherwise specified in division (B) of this section, the amount of benefits payable to a claimant for any week with respect to which the claimant is receiving a governmental or other pension, retirement or retired pay, annuity or any other similar periodic payment which is based on the previous work of the individual, shall be reduced by an amount equal to the amount of the pension, retirement or retired pay, annuity or other payment which is reasonably attributable to that week, except that the requirements for this division shall apply to any pension, retirement or retired pay, annuity, or other similar periodic payment only if both of the following apply:

(1) The payment is under a plan maintained or contributed to by a base period employer or chargeable employer.

(2) In the case of a payment under a plan not made under the "Social Security Act," 42 U.S.C. 401 et seq., or the "Railroad Retirement Act of 1974," 45 U.S.C. 231 et seq., or the corresponding provisions of prior law, services

performed for such employer by the individual after the beginning of the base period, or remuneration for such services, affect eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity, or similar payment.

~~(B) The amount of any disability pension, allowance, or payment paid to former members of the armed forces of the United States which is based on the nature and extent of the disability rather than a prior period of employment or service, shall not reduce or be deducted from the weekly benefits payable.~~

~~(C) If a claimant has made a contribution to social security pursuant to the "Social Security Act," 42 U.S.C. 401 et seq., and that claimant is receiving a retirement payment pursuant to that act, the claimant's weekly benefit shall not be reduced by the amount of that retirement payment because the claimant contributed to social security."~~

In line 30955, after "4131.03," insert "4141.31, 4141.312,"

In line 37608, after "4131.03," insert "4141.31, 4141.312,"

In line 36 of the title, after "4131.03," insert "4141.31, 4141.312,"

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

The motion was agreed to.

The question being, "Shall the bill as amended pass?"

Senator Mumper moved to amend as follows:

In line 29595, delete " (1)"; delete " thirtieth day of June" and insert " thirty-first day of August"; delete " fiscal"

In line 29598, delete " , and adjust" and insert " for the previous fiscal year and recalculate the"

In line 29599, delete everything after " section" and insert " in the preceding fiscal year using the offset calculated under this division. If the payments calculated under this division differ from the payments made under division (C) of this section in the preceding fiscal year, the difference shall either be paid to a school district or recaptured from a school district through an adjustment at the same times during the current fiscal year that the payments under division (C) of this section are made. In August and October of the current fiscal year, the amount of each adjustment shall be three-sevenths of the amount calculated under this division. In May of the current fiscal year, the adjustment shall be one-seventh of the amount calculated under this division."

Delete lines 29600 through 29609

In line 29628, reinsert "May 31" and delete " June 30"

In line 29639, reinsert "May 31" and delete " June 30"

In line 29650, reinsert "May 31" and delete " June 30"

In line 29661, reinsert "May 31" and delete " June 30"

In line 29675, reinsert "May 31" and delete " June 30"

In line 29682, reinsert "May"

In line 29683, reinsert "31" and delete " June 30"

In line 29687, reinsert "May"

In line 29688, reinsert "31" and delete " June 30"

In line 29692, reinsert "May"

In line 29693, reinsert "31" and delete " June 30"

In line 29697, reinsert "May"

In line 29698, reinsert "31" and delete " June 30"

In line 29702, reinsert "May"

In line 29703, reinsert "31" and delete " June 30"

In line 29707, reinsert "May"

In line 29708, reinsert "31" and delete " June 30"

Between lines 37198 and 37199, insert:

**"Section 733.12.** The education offset recalculations made under section 5751.21 of the Revised Code for October 31, 2007, shall be calculated as if the amendments by this act of section 5727.85 of the Revised Code were effective at that time. Any school district that becomes eligible for payment in calendar year 2008 because of the recalculation shall receive its first-half payment along with its second-half payment in August 2008."

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

The motion was agreed to.

The question recurred, "Shall the bill as amended pass?"

Senator Roberts moved to amend as follows:

In line 148, after "5101.80," insert "5104.02,"

Between lines 20995 and 20996, insert:

**"Sec. 5104.02.** (A) The director of job and family services is responsible for the licensing of child day-care centers and type A family day-care homes. Each entity operating a head start program shall meet the criteria for, and be licensed as, a child day-care center. The director is responsible for the enforcement of this chapter and of rules promulgated pursuant to this chapter.

No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child day-care center or type A family day-care home without a license issued under section 5104.03 of the Revised Code. The current license shall be posted in a conspicuous place in the center or type A home that is accessible to parents, custodians, or guardians and employees of the center or type A home at all times when the center or type A home is in operation.

(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the requirements of this chapter:

(1) A program of child care that operates for two or less consecutive weeks;

(2) Child care in places of worship during religious activities during which children are cared for while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available;

(3) Religious activities which do not provide child care;

(4) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; gymnastics, swimming, or another athletic skill or sport; computers; or an educational subject conducted on an organized or periodic basis no more than one day a week and for no more than six hours duration;

(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child care and is readily accessible at all times, except that child care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;

(6)(a) Programs that provide child care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.

Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that provide child care and are regulated or operated and regulated by the department. Annually, each state department shall submit to the director a report for each such program it regulates or operates and regulates that includes the following information:

(i) The site location of the program;

(ii) The maximum number of infants, toddlers, preschool children, or school children served by the program at one time;

(iii) The number of adults providing child care for the number of infants,

toddlers, preschool children, or school children;

(iv) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director.

The director shall maintain a record of the child care information submitted by other state departments and shall provide this information upon request to the general assembly or the public.

(b) Child care programs conducted by boards of education or by chartered nonpublic schools that are conducted in school buildings and that provide child care to school children only shall be exempt from meeting or exceeding rules promulgated pursuant to this chapter.

(7) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code.

(8) Any program providing child care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only:

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code.

(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal child care and at least two of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(c) ~~The state board of education has approved the program's~~ program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the Revised Code.

(d) The community-based center operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3)."

In line 30961, after "5101.80," insert "5104.02,"

In line 37614, after "5101.80," insert "5104.02,"

In line 44 of the title, after "5101.80," insert "5104.02,"

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

The motion was agreed to.

The question recurred, "Shall the bill as amended pass?"

Senator Schuler moved to amend as follows:

In line 20069, after the comma insert " not more than"

In line 20070, after the first comma insert " not more than"; after "and" insert " not more than"

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

The motion was agreed to.

The question recurred, "Shall the bill as amended 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	Wilson	Harris-32.

So the bill as amended passed.

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

Senator Carey moved to amend the title as follows:

Add the names: "Bocchieri, Coughlin, Fedor, Goodman, Grendell, Harris, Morano, Mumper, Niehaus, Padgett, Roberts, Seitz, Spada, Stivers, Mason, Schaffer, Miller, D., Miller, R., Austria, Schuring."

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

The motion was agreed to and the title so amended.

On the motion of Senator Jacobson, the Senate recessed.

The Senate met pursuant to the recess.

**Sub. H. B. No. 350**-Representative Wolpert.

Cosponsors: Representatives Batchelder, Huffman, Evans, Peterson, Fende, Flowers, Williams, S., Webster, Bubp, Combs, Brown, Adams, Bacon, Barrett, Beatty, Bolon, Book, Boyd, Brady, Celeste, Chandler, Daniels, DeBose, DeGeeter, Dolan, Domenick, Driehaus, Dyer, Foley, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hughes, Jones, Letson, Luckie, Lundy, Mallory, McGregor, J., McGregor, R., Newcomb, Okey, Otterman, J., Patton, Reinhard, Sayre, Schindel, Schlichter, Schneider, Sears, Setzer, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, White, Williams, B., Yates, Yuko, Zehringer. Senators Cates, Grendell, Schuler, Fedor, Roberts, Wagoner.

To amend sections 3501.05, 3501.22, 3503.01, 3505.31, 3506.05, 3509.05, 3511.06, and 3511.11 and to enact section 3501.053 of the Revised Code to revise the Election Law, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 350**, pass?"

Senator Fedor moved to amend as follows:

After line 944, insert:

**"Section 3.** Notwithstanding division (D)(1) of section 3506.21 of the Revised Code, optical scan ballots required to be provided for the November 4, 2008, general election at each precinct pursuant to Directive 2008-1, issued by the Secretary of State, may be counted at a central location."

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 19, nays 13, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Cates	Coughlin	Faber	Goodman
Grendell	Mumper	Niehaus	Padgett
Schaffer	Schuler	Schuring	Seitz
Spada	Stivers		Harris-19.

Those who voted in the negative were: Senators

Bocieri	Cafaro	Fedor	Jacobson
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Kearney  
Morano

Mason  
Roberts

Miller D  
Sawyer

Miller R  
Smith  
Wilson-13.

The amendment was laid on the table.

The question being, "Shall the bill, **Sub. H. B. No. 350**, pass?"

Senator Cates moved to amend as follows:

In line 486, delete "Members" and insert "In all cases of a tie vote or a disagreement in the board, if no decision can be arrived at, the board shall submit the matter in controversy to the secretary of state, who shall summarily decide the question, and the secretary of state's decision shall be final. Each member"; after "board" insert "shall be a competent and experienced election officer or a person who is knowledgeable about the operation of voting equipment and"

In line 696, after "shall" delete the balance of the line

In line 697, delete "most current voting system standards adopted" and insert "have the most recent federal certification number issued"

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

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

Those who voted in the affirmative were: Senators

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

The motion was agreed to.

The question being, "Shall the bill as amended pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus

Padgett  
Schuler  
Spada

Roberts  
Schuring  
Stivers

Sawyer  
Seitz  
Wilson

Schaffer  
Smith  
Harris-32.

So the bill as amended passed.

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

Senator Cates moved to amend the title as follows:

Add the names: "Buehrer, Harris, Morano, Niehaus."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 404**-Representatives Hottinger, Barrett.

Cosponsors: Representatives Koziura, Driehaus, DeBose, Fende, Celeste, Aslanides, Bacon, Batchelder, Beatty, Bolon, Boyd, Brown, Budish, Collier, DeGeeter, Dodd, Domenick, Dyer, Evans, Flowers, Foley, Garrison, Gerberry, Huffman, Hughes, Letson, Luckie, Lundy, Mallory, McGregor, J., Mecklenborg, Patton, Sayre, Schindel, Sears, Setzer, Stewart, D., Szollosi, Williams, S., Wolpert, Yates, Yuko, Zehringer. Senators Amstutz, Stivers, Miller, D.

To amend sections 1321.72, 1321.78, 3916.01 to 3916.03, 3916.05 to 3916.07, 3916.09 to 3916.20, and 3916.99 and to enact sections 3911.021, 3916.031, 3916.171, 3916.172, and 3916.173 of the Revised Code to make changes to the law governing viatical settlements, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 404**, pass?"

Senator Stivers moved to amend as follows:

In line 311, delete "(P)(3)(b) " and insert "(O)(1)(c) "

In line 631, delete "with " and insert "within "

In line 1444, reinsert "(3)"

In line 1447, reinsert "have"

In line 1472, delete "(3) " and insert "(4) "

In line 1499, delete "(2) " and insert "(3) "

In line 1510, delete "(2) " and insert "(3) "

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

The motion was agreed to.

The question being, "Shall the bill as amended pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill as amended passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Austria, Buehrer, Faber, Fedor, Goodman, Harris, Kearney, Morano, Mumper, Niehaus, Padgett, Sawyer, Schuler, Seitz, Spada, Jacobson, Mason."

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

The motion was agreed to and the title so amended.

**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. Senators Jacobson, Padgett, Cates, Niehaus, Mumper, Roberts, Morano, Sawyer.

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, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 428**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Cates moved to amend the title as follows:

Add the names: "Harris, Schaffer."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 499**-Representative Oelslager.

Cosponsors: Representatives McGregor, J., Hughes, Combs, Barrett, Huffman, Mecklenborg, Coley, DeGeeter, Dyer, Harwood, Letson, Luckie.  
Senator Goodman.

To amend sections 2109.01, 5801.01, 5801.02, 5801.06, 5801.10, 5803.02, 5803.03, 5804.02, 5804.11, 5804.13, 5804.14, 5804.17, 5805.01, 5805.03, 5806.01, 5806.02, 5806.03, 5806.04, 5808.13, 5808.14, 5808.16, 5810.05, 5810.11, 5810.13, and 5815.35, to enact section 5801.11, and to repeal section 2109.022 of the Revised Code to modify the Ohio Trust Code and the Fiduciary Law, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 499**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the names: "Harris, Seitz."

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

The motion was agreed to and the title so amended.

Senator Jacobson moved that **Sub. S. B. No. 278**, having been reported by the Committee on Health, Human Services and Aging, be brought up for consideration.

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

The motion was agreed to.

**Sub. S. B. No. 278**-Senator Coughlin.

Cosponsors: Senators Stivers, Mumper, Spada, Miller, D., Morano, Kearney.

To enact sections 1751.69, 3923.651, and 5111.0210 of the Revised Code to require certain health care policies, contracts, agreements, and plans, as well as the state's Medicaid program, to provide benefits for colorectal examinations and laboratory tests for cancer, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 278**, pass?"

The yeas and nays were taken and resulted - yeas 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

Austria	Boccieri	Cafaro	Carey
Cates	Coughlin	Fedor	Goodman
Grendell	Jacobson	Kearney	Mason
Miller D	Miller R	Morano	Mumper
Niehaus	Padgett	Roberts	Sawyer
Schuring	Seitz	Smith	Spada
Stivers	Wilson		Harris-27.

Senators Amstutz, Buehrer, Faber, Schaffer, and Schuler voted in the negative-5.

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: "Boccieri, Fedor, Harris, Jacobson, Mason, Roberts, Sawyer, Cafaro."

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

The motion was agreed to and the title so amended.

**OFFERING OF RESOLUTIONS**

Senator Faber offered the following concurrent resolution:

**S. C. R. No. 26**-Senator Faber.

Cosponsors: Senators Seitz, Goodman, Schuler, Mumper, Padgett, Harris, Buehrer.

To urge the Congress of the United States to implement a comprehensive energy policy that utilizes all domestic energy resources in an environmentally responsible manner, increases the country's oil supply by drilling wells in promising new areas, expands current refining capacity, and increases the number of refineries in this country through the construction of new refineries in order to stabilize the price of oil, improve the economy, and facilitate energy independence and increased national security.

The question being, "Shall the concurrent resolution, **S. C. R. No. 26**, be adopted?"

On the motion of Senator Niehaus, **S. C. R. No. 26**, was referred to the Committee on Reference.

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

**S. R. No. 227**-Senator Harris.

Honoring Anita Miller for her work on the Lima Company Memorial.

**S. R. No. 228**-Senator Miller, R.

Cosponsors: Senators Wilson, Fedor, Miller, D., Mason, Morano, Boccieri.

Recognizing The Ohio State University men's basketball team as the 2008 National Invitation Tournament Champion.

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 concurred in the passage of the following bill:

**Sub. S. B. No. 175** -Senator Coughlin

Cosponsors: Senators Clancy, Carey, Schuler, Buehrer, Jacobson, Goodman, Schuring, Gardner, Amstutz, Cates, Faber, Harris, Niehaus, Schaffer, Austria

Representatives Otterman, J., Jones, Goodwin, Huffman, Uecker, Wachtmann, Adams, Aslanides, Bacon, Batchelder, Blessing, Brinkman, Coley, Collier, Combs, Dolan, Domenick, Driehaus, Evans, Fessler, Flowers, Gibbs, Hagan, J., Hite, Hottinger, Hughes, Mandel, McGregor, J., Mecklenborg, Oelslager, Raussen, Reinhard, Schindel, Schlichter, Schneider, Setzer, White, Zehringer

To amend sections 3705.01, 3705.16, 3705.20, 3705.29, 3719.13, and 4765.11 and to enact sections 517.071, 517.072, 759.49, 759.491, 1721.071, 1721.072, 3727.16, 4731.82, and 4765.57 of the Revised Code to enact the Grieving Parents Act, regarding fetal death certificates for, and burials of, the product of human conception that suffers a fetal death and to authorize the State Medical Board to inspect certain records for purposes of enforcing law governing physician assistants.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Laura P. Clemens,  
Clerk.

Senator Jacobson moved that the amendments of the House of Representatives to **Sub. S. B. No. 175**, be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 175**?"

The yeas and nays were taken and resulted - yeas 26, nays 6, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Cates	Coughlin	Faber	Fedor
Goodman	Grendell	Jacobson	Mason
Miller R	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Spada	Stivers
Wilson			Harris-26.

Senators Bocchieri, Cafaro, Kearney, Miller D, Morano, and Smith voted in the negative-6.

So the Senate concurred in the amendments of the House of Representatives.

**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:

**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, Boccieri, Cates, Fedor, Harris, Spada, Wagoner, Wilson Representatives Uecker, Peterson, Mandel, Dyer, Adams, Aslanides, Batchelder, Blessing, Bolon, Book, Brinkman, Coley, Collier, Combs, Core, Daniels, Dodd, Dolan, Domenick, Driehaus, Evans, Fessler, Flowers, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hite, Hottinger, Huffman, Jones, McGregor, R., Mecklenborg, Oelslager, Okey, Otterman, J., Patton, Raussen, Reinhard, Sayre, Schindel, Schlichter, Schneider, Setzer, Stewart, J., Szollosi, Wachtmann, Webster, White, Widener, Yuko, Zehringer

To amend sections 2307.60, 2901.05, 2923.12, 2923.121, 2923.122, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1210, 2923.1212, 2923.1213, 2923.16, and 2929.14 and to enact sections 2307.601, 2901.09, and 2923.163 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; to provide in specified circumstances exemptions from illegal possession of firearm in liquor permit premises for the principal permit holder and the holder's agents and employees who are off-duty peace officers; to relocate the penalty for carrying a concealed firearm in liquor permit premises; to provide an exemption from illegal conveyance or possession or deadly weapon or dangerous ordnance in a school safety zone for a concealed carry licensee immediately in the process of picking up or dropping off a child; to change when a concealed carry licensee cannot carry in a government facility; to specify that a concealed carry licensee's carrying of a concealed handgun on a private, posted parking lot is not criminal trespass; to conform the OVI-related portion of improperly handling firearms in a motor vehicle to R.C. 4511.19; to revise how a concealed carry licensee may carry a handgun in a vehicle; to specify when carrying concealed weapons does not apply to transporting or storing a firearm in a motor vehicle or storing or possessing a firearm in the home; to redefine "unloaded" for purposes of improperly handling firearms in a motor vehicle and to revise the

elements of that offense as they apply to an unloaded firearm; to alter the requirements for renewing a concealed carry license; to provide that an applicant's convictions or delinquent child adjudications that are sealed or expunged or for which relief from disability has been granted cannot be considered in determining eligibility for a concealed handgun license or whether to suspend or revoke such a license; 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 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 require that the integrity and identity of a firearm seized from a person by a law enforcement officer be maintained so that if returned it can be identified and returned in the same condition as when seized; to require a court that finds that a law enforcement officer failed to return a seized firearm upon demand and that orders the officer to return it to the person to award reasonable costs and attorney's fees to the person who sought the order; to make other firearms law-related changes; to prohibit the imposition of a gun specification prison term if the base offense is any of three specified firearms-related offenses; 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.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Laura P. Clemens,  
Clerk.

Said amendments were laid over under the rule.

#### **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:

#### **Am. Sub. S. B. No. 237** -Senator Schaffer

Cosponsors: Senators Kearney, Stivers, Amstutz, Carey, Harris, Mason, Mumper, Sawyer, Seitz, Spada, Wilson, Padgett Representatives Hughes, Yuko, Szollosi, Slesnick, Bacon, Boyd, Celeste, Chandler, Combs, Domenick, Dyer, Evans, Flowers, Gardner, Gerberry, Goyal, Hagan, J., Heard, Letson, Luckie, Mallory, McGregor, J., Oelslager, Patton, Sayre

To amend sections 121.04, 3731.01, 3731.02, 3731.03, 3731.04, 3731.05,

3731.06, 3731.11, 3731.12, 3731.16, 3731.20, 3731.21, 3731.99, and 4745.01 and to enact sections 1.601 and 3731.041 of the Revised Code to allow transient hotels to permit guests to stay longer than thirty days, to allow extended stay hotels to permit guests to stay longer than one year, to make changes to the law governing SRO facilities, and to make other changes to the Hotel Law.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 522, after " by" insert " not"

In line 653, after " (E)" delete the balance of the line

Delete lines 654 and 655

In line 656, delete " sleeping rooms or suites," and insert " A hotel shall provide"

In line 657, after " provides" insert " in twenty-five per cent of the total number of rooms that the hotel is required to hold out as accessible sleeping rooms or suites, rounded up to the next whole number"

Attest:

Laura P. Clemens,  
Clerk.

Said amendments were laid over under the rule.

### **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:

#### **H. B. No. 280** -Representative Schneider

Cosponsors: Representatives Aslanides, Setzer, Uecker, Brinkman, Flowers, Combs, Huffman, Zehringer, Widener, Adams, Hite, Jones, Hottinger, Wachtmann, Seitz, Evans, Latta, Bulp, McGregor, J., Fessler, Wagner, Wagoner, Collier, Schindel, Wolpert, Coley, Gibbs, Patton, DeGeeter, White, Bolon, Blessing, Hagan, J., Mandel, Goodwin, Batchelder, Distel, Oelslager, Brady, Barrett, Sears, Mecklenborg, Bacon, Daniels, Dodd, Dolan, Domenick, Driehaus, Gardner, Hughes, Reinhard, Schlichter

To amend sections 2919.25, 3702.30, and 4731.22 and to enact section 3701.791 of the Revised Code requiring facilities that perform abortions to display a sign and enhancing the criminal penalty for causing or attempting to cause physical harm to a family or household member who was pregnant at

the time of the offense.

**Sub. H. B. No. 351** -Representative Brinkman

Cosponsors: Representatives Raussen, Schneider, Blessing, Jones, Mecklenborg, Flowers, Adams, Aslanides, Brinkman, Domenick, Driehaus, Mandel, McGregor, J., Uecker, Wachtmann

To amend sections 341.12, 341.13, 341.14, 341.15, and 2725.27, to enact section 341.141, and to repeal section 2725.25 of the Revised Code to permit the transfer of county jail inmates to contiguous counties in adjoining states.

**Sub. H. B. No. 446** -Representative Webster

Cosponsors: Representatives Evans, Setzer, Combs, Skindell, Yuko, Uecker, Bacon, Chandler, Coley, Domenick, Flowers, Hughes, Mallory, Patton, Schneider

To amend sections 951.01, 951.10, 951.11, 951.12, 951.13, 951.99, 955.01, 955.011, 955.02, 955.04, 955.05, 955.06, 955.08, 955.10, 955.11, 955.12, 955.14, 955.15, 955.16, 955.17, 955.18, 955.19, 955.20, 955.201, 955.21, 955.22, 955.23, 955.26, 955.261, 955.27, 955.28, 955.29, 955.32, 955.34, 955.35, 955.37, 955.38, 955.42, 955.44, 955.50, 955.51, 955.52, 955.53, 955.99, 957.16, 959.131, 959.132, 959.99, 1717.02, 1717.05, 1717.06, 1717.08, 1717.09, 1717.14, 3719.01, 4501.21, 4729.01, and 4736.01; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 955.26 (955.40), 955.261 (955.41), 955.34 (955.351), 955.41 (955.43), 955.43 (955.45), 955.44 (955.46), and 957.16 (901.36); to enact new section 955.39 and sections 109.804, 951.20, 951.21, 951.22, 955.014, 955.13, 955.161, 957.01, 957.02, 957.03, 957.04, 957.05, and 957.99; and to repeal sections 951.02, 955.202, 955.31, 955.33, 955.39, 955.40, 1717.03, and 1717.04 of the Revised Code to revise the statutes governing animal control, and to amend the version of section 4736.01 of the Revised Code that is scheduled to take effect July 1, 2009, to continue the provisions of this act on and after that effective date.

**Sub. H. B. No. 529** -Representative Wachtmann

Cosponsors: Representatives Goodwin, Gardner, Wagner, Sears, Combs, Uecker, Flowers, McGregor, J., Evans, Zehringer, McGregor, R., Hite, Strahorn, Stebelton, Mecklenborg, Schindel, Jones, Boyd, DeBose, Letson, Fende, Hagan, R., Bacon, Batchelder, Blessing, Chandler, Coley, Dolan, Domenick, Driehaus, Gibbs, Hagan, J., Harwood, Hughes, Raussen, Schlichter, Schneider, Szollosi, Williams, B.

To amend sections 124.04, 313.23, 2105.35, 2108.09, 2108.11, 2108.15, 2108.17, 2108.18, 2108.19, 2108.20, 2108.21, 2108.30, 2108.78, 2108.99, 2133.01, 2133.07, 2133.16, 2305.37, 2919.16, 3301.07, 4501.024, 4503.721, 4506.07, 4506.081, 4506.11, 4507.06, 4507.231, 4507.501, 4507.51, 4508.021, and 4717.17, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2108.09 (2108.02), 2108.11 (2108.30), 2108.15 (2108.34), 2108.17 (2108.35), 2108.18 (2108.23), 2108.19 (2108.32), 2108.20 (2108.33), 2108.21 (2108.31), and 2108.30 (2108.40), to enact new sections 2108.01, 2108.03, 2108.04, 2108.05, 2108.06, 2108.07, 2108.08, 2108.09, 2108.10, 2108.11, 2108.12, 2108.15, 2108.17, 2108.18, 2108.19, 2108.20, and 2108.21, and sections 2108.13, 2108.14, 2108.16, 2108.22, 2108.24, 2108.25, 2108.26, 2108.261, 2108.262, 2108.263, 2108.264, 2108.265, 2108.266, 2108.267, 2108.268, 2108.269, 2108.27, 2108.271, 2108.272, 2108.28, and 2108.29 and to repeal sections 2108.01, 2108.02, 2108.021, 2108.03, 2108.04, 2108.05, 2108.06, 2108.07, 2108.071, 2108.08, 2108.10, 2108.101, 2108.12, 2108.53, and 2108.60 of the Revised Code to adopt the Revised Uniform Anatomical Gift Act.

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:

#### **Sub. S. B. No. 247** -Senator Spada

Cosponsors: Senators Grendell, Seitz, Padgett, Schuring, Buehrer, Mumper, Cates, Roberts, Cafaro, Kearney, Morano, Boccieri, Carey, Fedor, Harris, Niehaus, Schaffer, Wagoner, Miller, R., Stivers, Miller, D. Representatives Evans, Book, Gibbs, Goyal, Hite, Patton, Sayre, Schindel, Williams, S., Zehringer, Bacon, Batchelder, Bolon, Boyd, Budish, Chandler, Collier, Combs, DeBose, Domenick, Driehaus, Dyer, Flowers, Gardner, Gerberry, Hagan, J., Heard, Hughes, Letson, Lundy, Mallory, McGregor, J., Newcomb, Oelslager, Sears, Setzer, Slesnick, Stewart, D., Webster, Williams, B.

To amend sections 109.572, 926.29, 1733.13, 1733.15, 1733.19, 1733.29, 1733.329, and 1733.34 and to enact sections 1121.23, 1155.03, 1163.05, 1315.141, 1733.241, 1733.242, 1733.243, 1733.291, 1733.292, 1733.47, and 1761.26 of the Revised Code to make changes in the Credit Union Regulation Law and to require criminal background checks whenever the approval of the

Superintendent of Financial Institutions is required for a person to serve as a director, officer, or controlling person of a bank, savings and loan association, savings bank, money transmitter, credit union, or credit union share guaranty corporation.

Attest:

Laura P. Clemens,  
Clerk.

### **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. 302** -Senator Goodman

Cosponsors: Senators Schuler, Seitz, Kearney, Fedor, Carey, Grendell, Harris, Padgett, Roberts, Sawyer, Schaffer, Wagoner, Buehrer Representatives Book, DeBose, Domenick, Dyer, Evans, Flowers, Gerberry, Heydinger, Hughes, Letson, Mallory, McGregor, J., Mecklenborg, Oelslager, Okey

To amend sections 2107.03 and 2107.24 of the Revised Code to require a will to be attested and subscribed by the witnesses in the conscious presence, instead of in the presence, of the testator and to provide that a decedent who signs a document that is a purported will sign in the conscious presence of the witnesses.

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:

#### **S. B. No. 214** -Senator Niehaus - et al.

Attest:

Laura P. Clemens,  
Clerk.

The President signed said bill.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

**Sub. H. B. No. 48** -Representative Gibbs - et al.

**Sub. H. B. No. 138** -Representatives Foley, Blessing - et al.

**Am. H. B. No. 150** -Representative McGregor, J. - et al.

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

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

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

**Am. H. B. No. 385** -Representative Hottinger - et al.

Attest:

Laura P. Clemens,  
Clerk.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, May 29, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.