

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, JUNE 20, 2007

SIXTY-FIRST DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, June 20, 2007, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, Christ the King Catholic 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 REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

Senator Schuring reports for the Standing Committee on Reference, recommending that the following bills and concurrent resolutions, standing in order for second consideration, be referred to committee as recommended:

**H. B. No. 87**-Representative Wachtmann.

Cosponsors: Representatives Aslanides, Bubp, Combs, Domenick, Fessler, Miller, Ujvagi, Widowfield, Adams, Bacon, Batchelder, Blessing, Book, Chandler, Coley, Daniels, Dyer, Evans, Goodwin, Hite, Huffman, Hughes, Latta, Letson, Mallory, Mandel, Otterman, Sayre, Schneider, Seitz, Setzer, Skindell, Uecker, Wagoner, Yates, Yuko, Zehringer.

To enact section 5533.811 of the Revised Code to designate a bridge on State Route 108 over the Maumee River as the "Henry County Veterans Bridge."

To the Committee on Highways and Transportation.

**Sub. H. B. No. 195**-Representative Core.

Cosponsors: Representatives McGregor, J., Evans, Bubp, Combs, Adams, Stebelton, Fende, Hughes, Aslanides, Batchelder, Collier, Daniels, DeBose, Domenick, Dyer, Fessler, Flowers, Gibbs, Jones, Latta, Mandel, McGregor, R., Oelslager, Patton, Schneider, Stewart, J., Uecker, Wachtmann, Wagoner, Webster, Yuko.

To amend sections 2925.01, 2925.03, 2925.11, and 2925.22 of the Revised Code to provide that the prescription-related exemption from the drug possession offenses applies only when the controlled substance is obtained pursuant to a lawful prescription, to modify the penalty for "deception to obtain a dangerous drug" and "possession of drugs" under specified circumstances, and to modify an element of the trafficking in drugs offenses.

To the Committee on Judiciary - Criminal Justice.

**H. B. No. 233**-Representative Reinhard.

Cosponsors: Representatives Bulp, Collier, DeWine, Evans, Fende, Goodwin, Goyal, Huffman, Latta, McGregor, J., Schlichter, Seitz, Setzer, Webster, Zehringer, Wolpert, Hagan, J., Hagan, R., Reinhard, Schindel, Wagner, Heard, Williams, B., DeBose, Chandler, Lundy, Celeste, Stebelton, Otterman, Mallory, Adams, Aslanides, Bacon, Batchelder, Blessing, Bolon, Brown, Budish, Carmichael, Core, Daniels, Dodd, Domenick, Dyer, Flowers, Garrison, Gibbs, Harwood, Healy, Hite, Hughes, Koziura, Letson, Luckie, Mandel, Miller, Oelslager, Okey, Patton, Sayre, Schneider, Uecker, Ujvagi, Wachtmann, Wagoner, Widener.

To create the Ohio Agriculture to Chemicals, Polymers, and Advanced Materials Task Force.

To the Committee on Agriculture.

**Sub. H. B. No. 8**-Representative Hagan, R.

Cosponsors: Representatives Hite, Skindell, Lundy, Driehaus, Domenick, Stewart, D., Bacon, Blessing, Bolon, Book, Boyd, Brady, Brown, Bulp, Budish, DeBose, DeGeeter, Dodd, Dyer, Fende, Flowers, Foley, Gerberry, Goyal, Harwood, Hottinger, Huffman, Hughes, Koziura, Latta, Letson, Luckie, Mallory, Mandel, Miller, Okey, Otterman, Patton, Raussen, Sayre, Schneider, Strahorn, Uecker, Ujvagi, Widowfield, Williams, B., Yuko, Zehringer.

To amend sections 145.27, 145.56, 145.82, 145.95, 742.41, 742.47, 3305.07, 3305.20, 3307.20, 3307.41, 3309.22, 3309.66, 3309.82, 3309.95, 5505.04, and 5505.22 and to enact sections 145.572, 742.463, 2901.43, 3305.11, 3307.372, 3309.672, and 5505.262 of the Revised Code to provide that a member of a state retirement system, on conviction of a felony committed in the course of official duties, will forfeit the portion of any state retirement benefit that is based on employer contributions.

To the Committee on Judiciary - Criminal Justice.

**H. B. No. 217**-Representative Reinhard.

Cosponsors: Representatives Adams, Aslanides, Evans, Fessler, Latta, McGregor, J., Schlichter, Seitz, Setzer, Stebelton, Webster, Zehringer, Core, Goodwin, Huffman, Hite, Luckie, Domenick, Blessing, Bolon, Book, Brown, Bulp, Chandler, Collier, Combs, Daniels, Dodd, Dyer, Garrison, Gerberry, Goyal, Hagan, R., Harwood, Hughes, Letson, Mallory, Okey, Otterman, Raussen, Schneider, Widener.

To amend sections 924.01, 924.02, 924.08, 924.09, and 924.99 and to enact sections 924.20 to 924.30 of the Revised Code to establish a grain marketing program.

To the Committee on Agriculture.

**S. B. No. 187**-Senator Cates.

To amend sections 3313.981 and 3327.01 of the Revised Code to require school districts to provide transportation to the school of attendance for each resident student under sixteen years of age whose parent requests transportation.

To the Committee on Education.

**S. B. No. 188**-Senator Wilson.

Cosponsors: Senators Sawyer, Gardner, Schuler, Carey, Miller, R., Goodman, Padgett, Cafaro, Boccieri, Mason.

To enact section 5533.591 of the Revised Code to designate a portion of United States Route 36 as the "Cy Young Memorial Highway."

To the Committee on Highways and Transportation.

**S. C. R. No. 12**-Senator Grendell.

Cosponsors: Senators Mumper, Padgett.

To urge Congress to enact legislation to protect the Great Lakes from ballast water discharges of invasive species.

To the Committee on Environment and Natural Resources.

**S. C. R. No. 13**-Senator Roberts.

Cosponsors: Senators Schuring, Miller, D., Cafaro, Morano, Padgett, Mason, Wilson.

To express support for the efforts of the Congress of the United States to enact legislation prohibiting gasoline price gouging against consumers and to urge Congress to enact additional legislation that addresses price gouging by companies that produce crude oil, gasoline, natural gas, and all petroleum distillates.

To the Committee on Energy and Public Utilities.

YES - 5: J. KIRK SCHURING, TOM ROBERTS, TERESA FEDOR, BILL HARRIS, JEFF JACOBSON.

NO - 0.

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

The report of the committee was accepted.

Said bills and concurrent resolutions were considered a second time and referred to committee as recommended.

### 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 **S. B. No. 160**-Senator Amstutz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Sawyer, Miller, D..

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 Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 73**-Senator Miller, R., et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Stivers, Clancy.

YES - 8: TIMOTHY J. GRENDELL, TIMOTHY O. SCHAFFER,

STEVE STIVERS, STEPHEN C. AUSTRIA, PATRICIA M. CLANCY, SHIRLEY A. SMITH, LANCE T. MASON, THOMAS SAWYER.

NO - 0.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 145**-Senator Stivers, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Grendell, Schaffer, Clancy.

YES - 9: TIMOTHY J. GRENDALL, TIMOTHY O. SCHAFFER, STEVE STIVERS, STEPHEN C. AUSTRIA, SHIRLEY A. SMITH, PATRICIA M. CLANCY, KEITH L. FABER, THOMAS SAWYER, LANCE T. MASON.

NO - 0.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **H. B. No. 120**-Representative Latta, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: TIMOTHY J. GRENDALL, STEVE STIVERS, STEPHEN C. AUSTRIA, PATRICIA M. CLANCY, LANCE T. MASON, SHIRLEY A. SMITH, TIMOTHY O. SCHAFFER, THOMAS SAWYER.

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 **S. B. No. 150**-Senator Roberts, et al., having had the same under consideration, reports it back and recommends its passage.

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

NO - 0.

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

The report of the committee was accepted.

### **BILLS FOR THIRD CONSIDERATION**

**S. B. No. 25**-Senator Carey.

Cosponsors: Senators Gardner, Cafaro, Clancy, Goodman, Niehaus, Padgett, Boccieri, Miller, D., Faber, Schuler, Grendell, Schuring, Schaffer, Kearney, Amstutz, Austria.

To enact section 4503.546 of the Revised Code to create "Gold Star Family" license plates, was considered the third time.

The question being, "Shall the bill, **S. B. No. 25**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Carey moved to amend the title as follows:

Add the names: "Cates, Harris, Morano, Mumper, Roberts, Spada, Stivers, Wilson, Sawyer, Mason, Miller, R., Fedor, Buehrer, Smith."

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

The motion was agreed to and the title so amended.

**S. B. No. 35**-Senator Goodman.

Cosponsors: Senators Jacobson, Austria, Gardner, Amstutz, Clancy, Grendell, Padgett, Spada, Mumper, Carey, Buehrer, Faber, Schaffer, Schuler, Miller, R., Miller, D., Mason, Cafaro, Boccieri, Smith.

To amend section 5533.09 of the Revised Code to designate Interstate Routes 70 and 71 as the "Purple Heart Trail, was considered the third time.

The question being, "Shall the bill, **S. B. No. 35**, pass?"

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

Those who voted in the affirmative were: Senators

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

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: "Cates, Harris, Kearney, Sawyer, Stivers, Niehaus, Morano."

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

The motion was agreed to and the title so amended.

**S. B. No. 82**-Senator Stivers.

Cosponsors: Senators Schuler, Niehaus, Smith, Amstutz, Carey, Grendell, Faber, Mumper, Clancy, Goodman, Boccieri, Austria, Schaffer, Padgett.

To enact section 4503.481 of the Revised Code to create "Ohio National Guard Retired" license plates, was considered the third time.

The question being, "Shall the bill, **S. B. No. 82**, pass?"

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



Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Buehrer, Cafaro, Cates, Fedor, Kearney, Mason, Miller, R., Morano, Sawyer, Spada, Wilson, Miller, D.."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 155**-Senator Faber.

Cosponsors: Senators Schuler, Grendell, Spada, Kearney.

To amend sections 2151.07, 2301.02, and 2301.03 and to enact section 2101.025 of the Revised Code to create a Domestic Relations-Juvenile-Probate Division of the Champaign County Court of Common Pleas, to designate the Champaign County Probate and Juvenile Judge as a judge of that division, and to add a judge to that division to be elected in 2008, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 155**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Austria, Boccieri, Buehrer, Cates, Harris."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 160**-Senator Amstutz.

Cosponsors: Senators Schuring, Spada, Sawyer, Miller, D.

To amend sections 5739.033, 5739.035, 5739.123, 5741.03, and 5741.05 and to enact section 5740.10 of the Revised Code to authorize retail vendors with annual delivery sales in Ohio of less than \$500,000 to continue to use origin-based situsing rules for determining the appropriate sales tax jurisdiction in which a sale is taxable, to authorize all retail vendors currently using origin-based situsing to continue to do so if the Tax Commissioner determines that the Streamlined Sales and Use Tax Agreement does not allow origin-based situsing by vendors with delivery sales of less than \$500,000, to authorize out-of-state sellers with annual delivery sales in Ohio of less than \$500,000 to collect Ohio use taxes at a single uniform rate if the Commissioner makes that determination, and to provide for the distribution of use tax collected at a single uniform rate to counties and transit authorities, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 160**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Amstutz moved to amend the title as follows:

Add the names: "Mumper, Fedor, Schuler, Stivers, Wilson, Harris."

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

The motion was agreed to and the title so amended.

### MOTIONS

Senator Austria moved that Senators absent the week of Sunday, June 17, 2007, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

### OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

**S. R. No. 89**-Senator Gardner.

Cosponsors: Senators Harris, Buehrer, Fedor.

Honoring Thomas W. Walton on his retirement.

The question being, "Shall the resolution listed under the President's prerogative be adopted?"

So the resolution was adopted.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives accedes to the request of the Senate for a Committee of Conference on matters of difference between the two Houses on:

**Am. Sub. H. B. No. 119** -Representative Dolan - et al.

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Dolan, Flowers and Skindell.

Attest:

Laura P. Clemens,  
Clerk.

### MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Am. Sub. H.B.

No. 119 of the 127th General Assembly:

Senator Carey  
Senator Niehaus  
Senator D. Miller

On the motion of Senator Jacobson, the Senate adjourned until Thursday,  
June 21, 2007, 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,  
Clerk.