

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, JUNE 27, 2007

SIXTY-FOURTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, June 27, 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.

On the motion of Senator Jacobson, the Senate recessed.

The Senate met pursuant to the recess.

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

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

**S. B. No. 190**-Senator Morano.

Cosponsors: Senators Kearney, Cafaro, Schuler, Sawyer.

To enact section 5.2235 of the Revised Code to designate the last week of May as "Ohio Turfgrass Week."

To the Committee on Agriculture.

**S. B. No. 191**-Senator Coughlin.

Cosponsors: Senators Schuler, Mumper, Buehrer, Schaffer.

To amend section 5747.01 of the Revised Code to exempt from the personal income tax local, state, and federal government employee and military retirement benefits.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 192**-Senator Gardner.

To amend sections 3703.01, 3703.08, and 3781.03 of the Revised Code to permit the board of health of a health district to enter into a contract with a board of county commissioners to authorize the county building department to

inspect plumbing in any type of building for which the county department is certified and to permit the board of health of a health district to enter into a contract with the board of health of another health district for the inspection of plumbing within the first board's district.

To the Committee on State and Local Government and Veterans' Affairs.

**Am. Sub. H. B. No. 142**-Representative Batchelder.

Cosponsors: Representatives Bacon, Williams, B., Combs, Chandler, Bupp, Fessler, Latta, Harwood, Fende, Adams, Wachtmann, White, Collier, Aslanides, Domenick, Boyd, DeBose, Distel, Dyer, Flowers, Gibbs, Hagan, J., Healy, Hite, Hughes, Mallory, Mandel, Oelslager, Otterman, Patton, Peterson, Schindel, Wagoner, Webster, Yuko, Zehringer.

To amend sections 2917.31 and 3313.482 of the Revised Code to increase the penalty for inducing panic to a felony of the second degree when a school or an institution of higher education is involved, and to permit school districts to make up excess calamity days by adding extra hours to the remaining days in the school year.

To the Committee on Judiciary - Criminal Justice.

**Sub. H. B. No. 149**-Representatives Daniels, Strahorn.

Cosponsors: Representatives Stewart, J., Driehaus, Aslanides, Bolon, McGregor, J., Wolpert, Luckie, Gibbs, Hagan, R., Combs, Flowers, Healy, Setzer, Hagan, J., Lundy, Williams, S., Heard, Sykes, Widener, Hughes, Adams, Garrison, Uecker, Huffman, DeBose, Fessler, Distel, Blessing, Patton, Domenick, Fende, Bupp, Beatty, Collier, Peterson, Okey, Stewart, D., Foley, Boyd, Carmichael, Reinhard, Hite, Brown, Gerberry, Koziura, Miller, Sayre, Seitz, Ujvagi, Wachtmann, Webster, Zehringer.

To amend sections 4725.01, 4725.09, 4725.16, 4725.23, 4725.26, 4725.28, and 4731.44 and to enact sections 4725.011, 4725.012, and 4725.091 of the Revised Code to modify the laws governing the State Board of Optometry and the practice of optometry, including the laws authorizing optometrists to administer and prescribe drugs.

To the Committee on Health, Human Services and Aging.

**H. B. No. 157**-Representative Hughes.

Cosponsors: Representatives Bupp, Schindel, Huffman, McGregor, J., Seitz, Combs, Miller, Collier, Fende, Evans, Widener, Latta, Setzer, Stebelton,

Uecker, Yuko, Adams, Luckie, Gibbs, Aslanides, Bacon, Batchelder, Bolon, Book, Boyd, Brady, Brown, Budish, Coley, Distel, Domenick, Dyer, Flowers, Foley, Garrison, Gerberry, Hagan, R., Harwood, Lundy, Mandel, Oelslager, Otterman, Patton, Sayre, Stewart, D., Wachtmann, Williams, B., Zehringer.

To amend section 5747.08 of the Revised Code to require a box on personal income tax returns that a taxpayer may check to authorize a paid tax preparer to speak to the Department of Taxation about certain matters concerning the return.

To the Committee on Ways and Means and Economic Development.

**H. B. No. 190**-Representative Hite.

Cosponsors: Representatives Bulp, Wagner, McGregor, J., Combs, Adams, Goodwin, Wagoner, Stebelton, Webster, Letson, Hottinger, Peterson, Latta, Huffman, Otterman, Okey, Setzer, Dyer, Patton, Lundy, Luckie, Garrison, Evans, Celeste, Heard, Collier, Schlichter, Brady, Aslanides, Bacon, Bolon, Boyd, Budish, Core, DeBose, Domenick, Fende, Fessler, Flowers, Gibbs, Goyal, Hagan, J., Harwood, Healy, Hughes, Koziura, Mallory, Mandel, Oelslager, Sayre, Schindel, Stewart, D., Sykes, Szollosi, Williams, B., Yuko, Zehringer.

To amend sections 3301.0710 and 3301.0711 of the Revised Code to specify administration dates for the elementary achievement tests.

To the Committee on Education.

**H. B. No. 194**-Representative Zehringer.

Cosponsors: Representatives Seitz, Evans, Adams, Huffman, McGregor, J., Reinhard, Goodwin, Daniels, Flowers, Carmichael, Webster, Hite, Domenick, Batchelder, Book, Chandler, Coley, DeWine, Dolan, Hughes, Latta, Mandel, Otterman, Patton, Wagoner.

To amend section 121.22 of the Revised Code to allow joint township hospitals to hold an executive session for purposes of discussing trade secrets.

To the Committee on State and Local Government and Veterans' Affairs.

**Sub. H. B. No. 213**-Representatives Combs, Wagner.

Cosponsors: Representatives McGregor, J., Evans, Yuko, Brown, Stebelton, Hughes, Bacon, Barrett, Batchelder, Bolon, Boyd, Bulp, Celeste, Coley, DeGeeter, Dodd, Domenick, Driehaus, Dyer, Fende, Flowers, Gibbs, Goyal, Hagan, J., Harwood, Hite, Hottinger, Latta, Mandel, Okey, Otterman, Patton,

Schindel, Strahorn, Szollosi, Uecker, Wagoner, Webster, White, Williams, B., Wolpert.

To amend sections 109.57, 109.572, 109.60, 109.99, 2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 2151.424, 2151.86, 3107.033, 3107.034, 3107.14, 5101.13, 5101.132, 5101.134, 5103.03, 5103.0319, 5103.0326, 5103.16, 5103.18, 5104.011, 5104.012, 5104.013, 5104.09, and 5104.30 and to enact sections 109.581, 1901.43, 1907.181, 2301.10, 3107.062, 5101.32, 5103.0328, and 5104.022 of the Revised Code to improve foster caregiver background checks, clarify when a court must order a person to be fingerprinted, establish the retained applicant fingerprint database, and make other changes in the law regarding approval of out-of-home care workers, adoptive parents, foster caregivers, and child day-cares.

To the Committee on Judiciary - Criminal Justice.

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

NO - 0.

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

The report of the committee was accepted.

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

#### **REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Niehaus submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **H. B. No. 153**-Representative Latta, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Spada, Morano, Miller, D., Mason.

YES - 8: TOM NIEHAUS, TIMOTHY O. SCHAFFER, LARRY A. MUMPER, DAVID GOODMAN, ROBERT F. SPADA, SUSAN L. MORANO, DALE MILLER, LANCE T. MASON.

NO - 0.

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

The report of the committee was accepted.

### REPORTS OF CONFERENCE COMMITTEES

#### **Am. Sub. H. B. No. 119**-Representative Dolan.

Cosponsors: Representatives Peterson, McGregor, R., Hottinger, Bacon, Evans, Hite, Budish, Strahorn, Yates, Chandler, Stewart, D., Boyd, Hagan, R., Skindell, Brown, Bolon, Adams, Aslanides, Barrett, Beatty, Blessing, Bubp, Celeste, Collier, Combs, DeBose, DeGeeter, Domenick, Fende, Flowers, Gibbs, Goodwin, Goyal, Hagan, J., Harwood, Healy, Heard, Jones, Koziura, Letson, Luckie, Mallory, Miller, Otterman, Patton, Redfern, Schindel, Schlichter, Setzer, Szollosi, Uecker, Ujvagi, Wagoner, White, Williams, B., Williams, S., Zehringer. Senators Carey, Niehaus, Clancy, Miller, D., Roberts, Padgett, Austria, Bocchieri, Cates, Goodman, Harris, Jacobson, Miller, R., Spada, Stivers, Mumper, Faber, Wilson, Mason, Fedor, Smith, Sawyer, Schaffer, Cafaro, Amstutz, Grendell, Gardner.

To amend sections 9.30, 9.821, 9.822, 9.823, 9.83, 107.12, 107.40, 109.57, 109.572, 109.93, 111.18, 117.11, 119.07, 120.33, 121.48, 122.17, 122.171, 122.602, 122.652, 124.152, 125.01, 125.02, 125.021, 125.022, 125.023, 125.04, 125.041, 125.05, 125.06, 125.07, 125.071, 125.072, 125.073, 125.08, 125.081, 125.082, 125.09, 125.10, 125.11, 125.15, 125.18, 125.25, 125.30, 125.45, 125.93, 125.96, 125.97, 125.98, 126.03, 126.07, 126.08, 126.21, 126.22, 127.16, 131.44, 133.01, 133.081, 149.311, 151.08, 151.40, 156.02, 164.03, 164.08, 164.09, 166.08, 167.04, 173.04, 173.35, 173.85, 173.86, 174.03, 174.06, 183.01, 183.021, 183.17, 183.33, 183.34, 183.35, 305.31, 307.672, 307.695, 307.98, 307.981, 308.04, 317.08, 319.202, 319.54, 322.01, 323.131, 323.151, 323.152, 323.153, 323.154, 325.31, 329.04, 329.05, 329.14, 333.02, 333.04, 340.03, 505.37, 505.376, 505.705, 517.08, 519.12, 711.001, 711.05, 711.10, 711.131, 718.051, 718.13, 901.171, 1306.20, 1306.21, 1347.06, 1503.05, 1504.02, 1506.01, 1506.99, 1513.08, 1513.18, 1514.081, 1514.40, 1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 1521.25, 1521.26, 1521.27, 1521.28, 1521.29, 1521.99, 1531.06, 1531.35, 1555.08, 1557.03, 2113.041, 2117.061, 2117.25, 2151.362, 2305.2341, 2913.40, 2921.42, 2927.023, 2935.03, 3109.04, 3109.041, 3119.022, 3119.023, 3119.05, 3119.27, 3119.29, 3119.30, 3119.32, 3125.12, 3301.011, 3301.07, 3301.0711, 3301.0714, 3301.0718, 3301.12, 3301.311, 3301.53, 3302.03, 3302.10, 3310.41, 3311.24, 3311.51, 3311.521, 3313.532, 3313.603, 3313.615, 3313.64, 3313.646, 3313.66, 3313.661, 3313.841, 3313.843, 3313.97, 3313.974, 3313.977, 3313.978, 3313.98, 3313.983, 3314.015, 3314.02, 3314.06, 3314.061, 3314.074, 3314.08, 3314.083, 3317.01, 3317.012, 3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 3317.026, 3317.027, 3317.028, 3317.029, 3317.0216, 3317.0217, 3317.03, 3317.031, 3317.032, 3317.04, 3317.05, 3317.051, 3317.052, 3317.06, 3317.063, 3317.07, 3317.08, 3317.15, 3317.16, 3317.19, 3317.20, 3317.201, 3318.01, 3318.011, 3318.023, 3318.12, 3318.15, 3318.26, 3318.36, 3319.55, 3321.03, 3323.011, 3323.02,

3323.03, 3323.031, 3323.04, 3323.05, 3323.051, 3323.07, 3323.09, 3323.091, 3323.12, 3323.13, 3323.14, 3323.141, 3323.142, 3323.143, 3323.15, 3323.17, 3323.18, 3323.20, 3323.30, 3325.011, 3325.02, 3327.01, 3327.05, 3327.16, 3333.04, 3333.122, 3333.36, 3333.38, 3345.05, 3345.32, 3353.02, 3353.03, 3354.10, 3355.01, 3357.01, 3357.10, 3358.06, 3365.01, 3381.04, 3501.01, 3501.05, 3501.11, 3501.17, 3501.31, 3505.062, 3505.063, 3505.23, 3513.21, 3517.106, 3517.11, 3599.17, 3599.19, 3599.37, 3701.74, 3701.741, 3702.52, 3702.5211, 3702.5212, 3702.5213, 3702.57, 3702.68, 3704.03, 3705.24, 3706.01, 3706.03, 3706.041, 3706.05, 3706.07, 3718.03, 3721.51, 3721.541, 3721.56, 3727.391, 3734.57, 3735.672, 3743.17, 3743.19, 3743.25, 3743.75, 3745.04, 3745.11, 3767.41, 3769.087, 3770.03, 3770.06, 3905.36, 3923.281, 4112.12, 4112.13, 4141.09, 4301.20, 4301.24, 4301.43, 4303.03, 4503.06, 4503.061, 4503.064, 4503.065, 4503.066, 4503.067, 4503.10, 4503.102, 4503.35, 4505.06, 4511.101, 4513.241, 4513.263, 4513.35, 4715.251, 4717.07, 4723.32, 4723.621, 4723.63, 4723.64, 4723.65, 4723.66, 4731.053, 4731.142, 4731.22, 4735.10, 4735.141, 4736.01, 4743.05, 4753.02, 4753.05, 4753.11, 4755.03, 4766.05, 4775.08, 4921.40, 5101.141, 5101.16, 5101.162, 5101.21, 5101.211, 5101.212, 5101.213, 5101.24, 5101.242, 5101.244, 5101.27, 5101.51, 5101.571, 5101.572, 5101.58, 5101.59, 5101.802, 5101.98, 5104.04, 5104.30, 5107.02, 5107.03, 5107.05, 5107.10, 5107.12, 5107.14, 5107.16, 5107.17, 5107.18, 5107.281, 5107.30, 5107.36, 5107.41, 5107.42, 5107.70, 5111.01, 5111.011, 5111.013, 5111.014, 5111.016, 5111.019, 5111.0111, 5111.0112, 5111.023, 5111.03, 5111.06, 5111.084, 5111.10, 5111.101, 5111.11, 5111.112, 5111.113, 5111.163, 5111.17, 5111.172, 5111.20, 5111.851, 5111.871, 5111.872, 5111.8814, 5111.89, 5111.891, 5111.915, 5111.95, 5111.96, 5112.341, 5115.12, 5119.611, 5123.01, 5123.012, 5123.043, 5123.045, 5123.046, 5123.047, 5123.048, 5123.049, 5123.0411, 5123.051, 5123.19, 5123.196, 5123.198, 5123.20, 5123.211, 5123.38, 5123.41, 5123.51, 5123.60, 5123.602, 5123.99, 5126.038, 5126.04, 5126.041, 5126.042, 5126.046, 5126.05, 5126.054, 5126.055, 5126.056, 5126.057, 5126.06, 5126.12, 5126.15, 5126.18, 5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 5126.45, 5126.47, 5139.43, 5323.01, 5323.02, 5323.99, 5528.54, 5531.10, 5537.04, 5537.16, 5537.99, 5703.57, 5703.80, 5705.01, 5705.214, 5705.25, 5705.29, 5705.44, 5709.68, 5711.01, 5713.011, 5725.24, 5727.06, 5727.45, 5727.81, 5727.84, 5727.85, 5727.86, 5727.87, 5733.12, 5733.39, 5733.98, 5739.02, 5739.032, 5739.033, 5739.09, 5739.12, 5739.122, 5739.21, 5741.02, 5741.03, 5741.121, 5743.01, 5743.20, 5745.02, 5745.05, 5745.13, 5747.01, 5747.03, 5747.47, 5747.50, 5747.501, 5747.51, 5747.54, 5747.98, 5748.01, 5748.02, 5748.021, 5749.02, 5751.20, 5751.21, 5751.23, 5907.15, 6109.21, 6111.04, 6111.44, 6119.06, 6121.04, and 6131.23; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 125.18 (126.17), 125.30 (126.18), 1521.20 (1506.38), 1521.21 (1506.39), 1521.22 (1506.40), 1521.23 (1506.41), 1521.24 (1506.42), 1521.25 (1506.43), 1521.26 (1506.44), 1521.27 (1506.45), 1521.28 (1506.46), 1521.29 (1506.47), 1521.30 (1506.48), 3323.011 (3323.013), 3702.63 (3702.591), 3702.68 (3702.59), 5111.95 (5111.033), 5111.96 (5111.034), and

5126.057 (5126.0511); to enact new sections 3318.47, 3323.01, 3323.011, 3323.06, 3323.08, 3323.11, 3704.14, and 5123.16 and sections 5.2235, 109.521, 117.112, 122.051, 122.071, 122.076, 122.174, 125.011, 126.04, 126.19, 126.24, 126.40, 131.51, 167.10, 167.101, 167.102, 167.103, 167.104, 167.105, 173.351, 173.401, 183.061, 183.51, 183.52, 901.261, 1713.031, 3119.032, 3123.23, 3301.0724, 3301.162, 3303.20, 3310.51 to 3310.63, 3313.82, 3314.016, 3314.017, 3314.086, 3314.087, 3314.088, 3314.19, 3317.161, 3323.014, 3323.041, 3323.052, 3327.17, 3333.201, 3333.50, 3333.55, 3333.60, 3333.61, 3333.62, 3333.63, 3333.64, 3333.65, 3333.66, 3333.67, 3333.68, 3333.69, 3333.70, 3345.02, 3353.20, 3353.21, 3353.22, 3353.23, 3353.24, 3353.25, 3353.26, 3353.27, 3353.28, 3353.29, 3353.30, 3355.15, 3357.13, 3701.047, 3701.135, 4303.071, 4303.232, 4303.233, 4511.093, 4517.261, 4703.071, 4753.073, 4753.101, 4766.22, 4923.26, 5101.272, 5101.541, 5101.573, 5101.574, 5101.575, 5101.591, 5107.04, 5107.121, 5107.71, 5107.711, 5107.712, 5107.713, 5107.714, 5107.715, 5107.716, 5107.717, 5111.017, 5111.0120, 5111.0121, 5111.028, 5111.029, 5111.031, 5111.032, 5111.085, 5111.102, 5111.69, 5111.70, 5111.701, 5111.702, 5111.703, 5111.704, 5111.705, 5111.706, 5111.707, 5111.708, 5111.709, 5111.7010, 5111.84, 5111.894, 5123.033, 5123.0414, 5123.0415, 5123.0416, 5123.161, 5123.162, 5123.163, 5123.164, 5123.165, 5123.166, 5123.167, 5123.168, 5123.169, 5123.605, 5126.059, 5126.0510, 5126.0512, 5302.221, 5309.082, 5533.531, 5533.632, 5533.91, 5705.219, 5733.48, 5739.029, 5739.124, 5739.213, 5741.122, 5747.77, 5748.022, 5907.16, and 6111.0381; to repeal sections 103.141, 125.95, 183.02, 183.27, 183.32, 3318.47, 3318.48, 3318.49, 3323.01, 3323.06, 3323.08, 3323.11, 3333.29, 3704.14, 4911.021, 5111.161, 5123.16, 5123.182, 5123.199, 5126.035, 5126.036, 5126.053, 5126.431, 5126.44, 5126.451, 5743.331, 5747.61, 5747.62, and 5747.63 of the Revised Code; to amend Sections 203.50, 209.10, 227.10, and 555.08 of Am. Sub. H.B. 67 of the 127th General Assembly; to amend Section 252.70 of Am. Sub. H.B. 530 of the 126th General Assembly, to amend Section 235.30 of Am. Sub. H.B. 530 of the 126th General Assembly, as subsequently amended, to amend Sections 227.10, 235.10.50, 235.50.80, and 329.10 of Am. Sub. H.B. 699 of the 126th General Assembly, to amend Section 235.20.20 of Am. Sub. H.B. 699 of the 126th General Assembly, as subsequently amended, to amend Section 203.20 of Sub. S.B. 321 of the 126th General Assembly, to amend Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended, to repeal Section 3 of Am. Sub. H.B. 694 of the 126th General Assembly, and to repeal the version of section 3702.68 of the Revised Code that was to have taken effect July 1, 2007, to make operating appropriations for the biennium beginning July 1, 2007, and ending June 30, 2009, and to provide authorization and conditions for the operation of state programs; to suspend sections 3718.02, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 3718.99, and 6111.441 of the Revised Code until July 1, 2009, and to amend sections 711.001, 711.05, 711.10, 711.131, 4736.01, 6111.04, and 6111.44 and to enact section 3718.022 of the Revised Code effective July 1, 2009; to



confirm and to order implementation of sections 9.833, 9.90, 3311.19, 3313.12, 3313.202, 3313.33, 4117.03, and 4117.08 and to confirm and to order complete implementation of section 9.901 of the Revised Code as the sections result from Am. Sub. H.B. 66 of the 126th General Assembly; to repeal Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly; and to amend sections 9.833, 9.90, 9.901, 3313.202, 3313.33, and 4117.03 of the Revised Code to make other specifications pertaining to that implementation as have become necessary; and to terminate operation of section 5101.213 of the Revised Code on July 1, 2008, by repealing the section on that date.

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

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

Those who voted in the affirmative were: Senators

- |          |          |           |            |
|----------|----------|-----------|------------|
| Amstutz  | Austria  | Bocchieri | Buehrer    |
| Cafaro   | Carey    | Cates     | 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 report of Committee of Conference was agreed to.

**RESOLUTIONS REPORTED BY COMMITTEE**

**S. R. No. 18**-Senator Miller, R.

Cosponsors: Senators Miller, D., Smith, Cates.

To urge the Congress of the United States to pass legislation establishing a Servitude and Emancipation Archival Research Clearinghouse in the National Archives.

The question being, "Shall the resolution, **S. R. No. 18**, be adopted?"

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     | Clancy  |
| Coughlin | Faber    | Fedor     | Gardner |
| Goodman  | Grendell | Jacobson  | Kearney |

Mason	Miller D	Miller R	Morano
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Smith
Spada	Stivers	Wilson	Harris-32.

So the resolution was adopted.

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

Senator Miller, R. moved to amend the title as follows:

Add the names: "Harris, Boccieri, Cafaro, Carey, Fedor, Gardner, Mason, Morano, Padgett, Roberts, Sawyer, Schuler, Stivers, Wilson, Kearney, Clancy, Coughlin."

The motion was agreed to.

The motion was agreed to and the title so amended.

### **BILLS FOR THIRD CONSIDERATION**

#### **Sub. H. B. No. 9**-Representative Carmichael.

Cosponsors: Representatives Adams, Aslanides, Bacon, Brown, Coley, Collier, Combs, Daniels, Dodd, Evans, Fende, Fessler, Flowers, Hughes, Garrison, Gibbs, Latta, McGregor, J., Okey, Reinhard, Sayre, Schlichter, Seitz, Stewart, J., Wagoner, Webster, Bubp, Domenick, Otterman, Wachtmann, Batchelder, Bolon, Book, Chandler, Core, DeBose, Dyer, Goodwin, Goyal, Hagan, J., Harwood, Heard, Hottinger, Huffman, Letson, Luckie, Miller, Patton, Schneider, Setzer, Stebelton, Strahorn, Szollosi, Wagner, Zehringer. Senators Padgett, Schuring.

To amend sections 4501.01, 4507.03, 4511.01, 4511.202, 4513.11, and 4513.99 of the Revised Code to require farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour to display a speed identification symbol and a slow-moving vehicle emblem when operated on a road or highway and to further address the operation of such farm machinery on roads and highways , was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 9**, 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	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano

Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Smith
Spada	Stivers	Wilson	Harris-32.

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: "Amstutz, Austria, Buehrer, Carey, Clancy, Faber, Harris, Niehaus, Sawyer, Cafaro, Mason."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 56**-Representative Uecker.

Cosponsors: Representatives McGregor, J., Seitz, Evans, Fende, Wagoner, Setzer, Combs, Adams, Wolpert, Flowers, Gibbs, Bubp, Distel, Blessing, Harwood, Okey, Dyer, Coley, Latta, Batchelder, Bolon, Chandler, Collier, Dodd, Domenick, Driehaus, Hughes, Letson, Luckie, Lundy, Otterman, Sayre, Wachtmann, Yuko. Senator Sawyer.

To amend sections 1923.01, 1923.02, 1923.04, 1923.06, 1923.081, 1923.12, 1923.13, 1923.14, and 3733.11 of the Revised Code to clarify the rights and duties of the parties to an action for a forcible entry and detainer at a manufactured home park , was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 56**, 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	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	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, Niehaus."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 120**-Representative Latta.

Cosponsors: Representatives Chandler, Combs, Hughes, Otterman.

To amend sections 2152.20, 2981.01, 2981.11, and 2981.13 of the Revised Code to eliminate unnecessary and inconsistent language mistakenly retained by Sub. H.B. 241 of the 126th General Assembly, to include in the law's forfeiture provisions language regarding the Department of Taxation that was omitted by that act, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 4, 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	Clancy	Coughlin	Faber
Fedor	Gardner	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Smith	Spada	Stivers
Wilson			Harris-30.

Senators Buehrer and Cates voted in the negative-2.

So the section, Section 4, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Grendell moved to amend the title as follows:

Add the names: "Grendell, Harris."

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

The motion was agreed to and the title so amended.

**H. B. No. 134**-Representative Seitz.

Cosponsors: Representatives McGregor, J., Zehringer, Collier, Blessing, Combs, Bacon, Uecker, Harwood, Hughes, Flowers, Latta, White, Huffman, Wagoner, Adams, Letson, Wolpert, Batchelder, Coley, Dolan, Seitz, Budish, Dyer, Foley, Okey, Aslanides, Bolon, Book, Brown, Bulp, Daniels, Domenick, Evans, Fende, Fessler, Garrison, Gibbs, Goodwin, Hagan, J., Hagan, R., Hite, Jones, Luckie, Lundy, Mallory, Oelslager, Otterman, Patton, Raussen, Schindel, Schneider, Setzer, Stebelton, Wachtmann, Webster, Yates, Yuko. Senators Goodman, Kearney, Mason, Sawyer.

To amend sections 1701.55, 1701.782, 1701.792, 1705.21, and 1775.14 of the Revised Code to modify corporation law relating to the election of directors and to conform conversion provisions of Chapter 1701. of the Revised Code with parallel provisions in Chapters 1705., 1775., and 1782. of the Revised Code , was considered the third time.

The question being, "Shall the bill, **H. B. No. 134**, 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	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	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: "Bocchieri, Carey, Buehrer, Harris, Schuring."

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

The motion was agreed to and the title so amended.

**H. B. No. 153**-Representative Latta.

Cosponsors: Representatives Setzer, Flowers, Combs, McGregor, J., Evans, Ujvagi, Bacon, Seitz, Okey, Gibbs, Stebelton, Yuko, Aslanides, Wagner, Core, Distel, Domenick, Goodwin, Harwood, Hite, Huffman, Luckie, Reinhard, Sayre, Zehringer, Batchelder, Blessing, Bolon, Book, Brady, Bulp, Budish, Collier, Dodd, Dolan, Driehaus, Dyer, Fende, Garrison, Hagan, J., Hughes, Oelslager, Otterman, Patton, Schlichter, Schneider, Stewart, J., Uecker, Wagoner, Webster, Widener, Yates. Senators Spada, Morano, Miller, D., Mason.

To enact section 1531.133 of the Revised Code to direct the Chief of the Division of Wildlife in the Department of Natural Resources to enter into the Wildlife Violators Compact and to authorize the Chief to enter into agreements with law enforcement agencies outside of this state for joint law enforcement operations , was considered the third time.

The question being, "Shall the bill, **H. B. No. 153**, pass?"

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	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Mason
Miller D	Miller R	Morano	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Smith	Spada
Stivers	Wilson		Harris-31.

Senator Kearney voted in the negative-1.

So the bill passed.

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

Senator Niehaus moved to amend the title as follows:

Add the names: "Boccieri, Buehrer, Carey, Cates, Faber, Grendell, Harris, Niehaus, Roberts, Sawyer, Schaffer, Wilson."

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

The motion was agreed to and the title so amended.

**S. B. No. 37**-Senator Schuler.

Cosponsors: Senators Boccieri, Cafaro, Carey, Clancy, Gardner, Goodman, Miller, D., Mumper, Roberts, Schaffer, Stivers.

To amend section 4501.21 and to enact section 4503.553 of the Revised Code to establish "Ohio's Horse" license plates and to provide that money from the contributions for the license plates be paid to the Ohio Coalition for Animals, Incorporated , was considered the third time.

The question being, "Shall the bill, **S. B. No. 37**, 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	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Smith
Spada	Stivers	Wilson	Harris-32.

So the bill passed.

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

Senator Schuler moved to amend the title as follows:

Add the names: "Austria, Cates, Harris, Kearney, Niehaus, Mason, Smith, Wilson."

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

The motion was agreed to and the title so amended.

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

Cosponsors: Senators Fedor, Boccieri, Miller, D., Kearney, Schuler.

To amend sections 4301.10 and 4301.639 of the Revised Code to authorize liquor permit holders to accept military identification cards that contain a picture and age data as proof of a purchaser's age in order to qualify for a specified affirmative defense, and to require the Division of Liquor Control to provide retail permit holders with a notice of the permissible forms of identification for purposes of qualifying for that affirmative defense , was considered the third time.

The question being, "Shall the bill, **S. B. No. 150**, 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
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Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Smith
Spada	Stivers	Wilson	Harris-32.

So the bill passed.

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

Senator Roberts moved to amend the title as follows:

Add the names: "Austria, Cafaro, Cates, Clancy, Faber, Gardner, Grendell, Harris, Mason, Morano, Niehaus, Padgett, Sawyer, Schuring, Spada, Stivers, Wilson, Carey."

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 24, 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.

### INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

**S. B. No. 193**-Senator Grendell.

Cosponsors: Senators Schuring, Cafaro, Cates, Goodman, Miller, D., Kearney, Smith, Padgett, Miller, R., Mason, Mumper.

To amend section 1345.02 and to enact sections 3741.20 and 3741.21 of the Revised Code to make charging a price for a grade of gasoline that does not bear a reasonable relationship to the costs of making the particular grade of gasoline available to consumers an unfair or deceptive consumer sales practice; to require refiners and wholesalers of petroleum products to submit monthly reports to the Director of Commerce regarding petroleum products shipped into, used in, and exported from this state; to require retail sellers of gasoline to submit a written notice to the Director if the retail seller increases the price of gasoline sold at the pump by seven cents or more during a calendar week; and to create the Gasoline Practices Oversight Commission for the period ending December 31, 2009.



**S. B. No. 194-Senator Miller, R.**

Cosponsors: Senators Fedor, Cafaro, Miller, D., Roberts, Sawyer.

To amend sections 9.231, 9.239, 9.24, 101.39, 101.391, 103.144, 109.572, 109.85, 117.10, 119.01, 121.02, 121.03, 122.15, 124.30, 124.301, 124.821, 127.16, 131.23, 145.27, 145.58, 149.431, 169.02, 173.14, 173.20, 173.21, 173.26, 173.35, 173.394, 173.40, 173.42, 173.45, 173.47, 173.50, 173.71, 173.72, 173.721, 173.722, 173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 173.741, 173.742, 173.75, 173.751, 173.752, 173.753, 173.76, 173.77, 173.771, 173.772, 173.773, 173.78, 173.79, 173.791, 173.80, 173.801, 173.802, 173.803, 173.81, 173.811, 173.812, 173.813, 173.814, 173.815, 173.82, 173.83, 173.831, 173.832, 173.833, 173.84, 173.85, 173.86, 173.861, 173.87, 173.88, 173.89, 173.891, 173.892, 173.90, 173.91, 173.99, 317.08, 317.36, 323.01, 329.04, 329.051, 329.06, 329.14, 340.03, 340.091, 340.16, 341.192, 505.84, 742.41, 955.201, 1337.11, 1347.08, 1731.04, 1739.061, 1751.01, 1751.04, 1751.05, 1751.11, 1751.111, 1751.12, 1751.13, 1751.15, 1751.16, 1751.17, 1751.18, 1751.20, 1751.271, 1751.31, 1751.34, 1751.53, 1751.60, 1751.88, 1751.89, 2108.01, 2113.041, 2113.06, 2117.061, 2117.25, 2133.01, 2151.3514, 2305.234, 2307.65, 2335.39, 2505.02, 2705.02, 2744.05, 2903.33, 2913.40, 2913.401, 2921.01, 2921.13, 2945.401, 3101.051, 3107.083, 3111.04, 3111.72, 3119.54, 3121.441, 3121.898, 3125.36, 3307.20, 3309.22, 3313.714, 3313.715, 3317.023, 3323.021, 3599.45, 3701.023, 3701.024, 3701.027, 3701.043, 3701.132, 3701.243, 3701.507, 3701.74, 3701.741, 3701.881, 3702.30, 3702.31, 3702.51, 3702.522, 3702.62, 3702.63, 3702.74, 3702.91, 3712.07, 3712.09, 3721.01, 3721.011, 3721.021, 3721.022, 3721.024, 3721.026, 3721.071, 3721.08, 3721.10, 3721.12, 3721.121, 3721.13, 3721.15, 3721.16, 3721.17, 3721.19, 3721.21, 3721.28, 3721.32, 3721.50, 3721.51, 3721.52, 3721.53, 3721.54, 3721.541, 3721.55, 3721.56, 3721.561, 3721.57, 3721.58, 3722.10, 3722.16, 3727.02, 3742.30, 3742.51, 3793.07, 3901.3814, 3903.14, 3916.06, 3923.122, 3923.27, 3923.281, 3923.33, 3923.38, 3923.49, 3923.50, 3923.58, 3923.601, 3923.70, 3923.79, 3923.83, 3924.41, 3924.42, 4123.27, 4141.162, 4719.01, 4723.063, 4723.17, 4723.63, 4731.151, 4731.65, 4731.71, 4752.02, 4752.09, 4753.071, 4755.481, 4758.02, 4758.04, 4761.01, 4761.03, 4769.01, 5101.07, 5101.071, 5101.11, 5101.16, 5101.162, 5101.18, 5101.181, 5101.182, 5101.184, 5101.21, 5101.212, 5101.213, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, 5101.243, 5101.25, 5101.26, 5101.27, 5101.31, 5101.35, 5101.36, 5101.47, 5101.50, 5101.501, 5101.502, 5101.503, 5101.51, 5101.511, 5101.512, 5101.513, 5101.514, 5101.515, 5101.516, 5101.517, 5101.518, 5101.519, 5101.5110, 5101.571, 5101.572, 5101.58, 5101.59, 5101.97, 5103.02, 5107.10, 5107.14, 5107.16, 5107.20, 5107.26, 5111.01, 5111.011, 5111.013, 5111.014, 5111.015, 5111.016, 5111.018, 5111.019, 5111.0110, 5111.0111, 5111.0112, 5111.0113, 5111.0114, 5111.0115, 5111.0116, 5111.0117, 5111.0118, 5111.02, 5111.021, 5111.022, 5111.023, 5111.024, 5111.025, 5111.03, 5111.04, 5111.042, 5111.05, 5111.06, 5111.061, 5111.062, 5111.07, 5111.071, 5111.08, 5111.081, 5111.082, 5111.083,

5111.084, 5111.09, 5111.091, 5111.10, 5111.11, 5111.111, 5111.112, 5111.113, 5111.114, 5111.12, 5111.121, 5111.13, 5111.14, 5111.15, 5111.151, 5111.16, 5111.161, 5111.162, 5111.163, 5111.17, 5111.171, 5111.172, 5111.173, 5111.174, 5111.175, 5111.176, 5111.177, 5111.178, 5111.18, 5111.181, 5111.19, 5111.191, 5111.20, 5111.201, 5111.202, 5111.203, 5111.204, 5111.21, 5111.211, 5111.22, 5111.221, 5111.222, 5111.23, 5111.231, 5111.232, 5111.235, 5111.24, 5111.241, 5111.242, 5111.243, 5111.244, 5111.25, 5111.251, 5111.254, 5111.255, 5111.258, 5111.26, 5111.261, 5111.263, 5111.264, 5111.265, 5111.266, 5111.27, 5111.28, 5111.29, 5111.291, 5111.30, 5111.31, 5111.32, 5111.33, 5111.34, 5111.35, 5111.36, 5111.37, 5111.38, 5111.39, 5111.41, 5111.411, 5111.42, 5111.43, 5111.44, 5111.45, 5111.46, 5111.47, 5111.48, 5111.49, 5111.50, 5111.51, 5111.52, 5111.53, 5111.54, 5111.55, 5111.56, 5111.57, 5111.58, 5111.59, 5111.60, 5111.61, 5111.62, 5111.63, 5111.65, 5111.651, 5111.66, 5111.67, 5111.671, 5111.672, 5111.673, 5111.674, 5111.675, 5111.676, 5111.677, 5111.68, 5111.681, 5111.682, 5111.683, 5111.684, 5111.685, 5111.686, 5111.687, 5111.688, 5111.85, 5111.851, 5111.852, 5111.853, 5111.855, 5111.856, 5111.86, 5111.87, 5111.871, 5111.872, 5111.873, 5111.88, 5111.881, 5111.882, 5111.887, 5111.888, 5111.8812, 5111.8815, 5111.8816, 5111.8817, 5111.89, 5111.891, 5111.90, 5111.91, 5111.911, 5111.912, 5111.913, 5111.914, 5111.915, 5111.92, 5111.93, 5111.94, 5111.941, 5111.942, 5111.943, 5111.95, 5111.96, 5111.97, 5111.971, 5111.98, 5111.99, 5112.01, 5112.03, 5112.04, 5112.05, 5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.17, 5112.18, 5112.19, 5112.21, 5112.30, 5112.31, 5112.311, 5112.32, 5112.33, 5112.34, 5112.341, 5112.35, 5112.37, 5112.38, 5112.39, 5112.99, 5115.02, 5115.10, 5115.11, 5115.12, 5115.13, 5115.14, 5115.20, 5115.22, 5115.23, 5117.10, 5119.04, 5119.061, 5119.16, 5119.351, 5119.61, 5120.65, 5120.652, 5121.04, 5123.01, 5123.021, 5123.0412, 5123.171, 5123.181, 5123.19, 5123.192, 5123.196, 5123.198, 5123.199, 5123.211, 5123.41, 5123.71, 5123.76, 5126.01, 5126.035, 5126.036, 5126.042, 5126.046, 5126.054, 5126.055, 5126.082, 5126.12, 5505.04, 5725.18, 5729.03, 5731.39, 5747.01, 5747.122, 5747.18, 5751.081, 5815.28, and 5907.04, to amend, for the purpose of adopting a new section number as indicated in parentheses sections 173.35 (5160.80), 173.71 (5169.01), 173.72 (5169.02), 173.721 (5169.021), 173.722 (5169.022), 173.723 (5169.023), 173.724 (5169.024), 173.73 (5169.03), 173.731 (5169.031), 173.732 (5169.032), 173.74 (5169.04), 173.741 (5169.041), 173.742 (5169.042), 173.75 (5169.05), 173.751 (5169.051), 173.752 (5169.052), 173.753 (5169.053), 173.76 (5169.06), 173.77 (5169.07), 173.771 (5169.071), 173.772 (5169.072), 173.773 (5169.073), 173.78 (5169.08), 173.79 (5169.09), 173.791 (5169.091), 173.80 (5169.10), 173.801 (5169.101), 173.802 (5169.102), 173.803 (5169.103), 173.81 (5169.11), 173.811 (5169.111), 173.812 (5169.112), 173.813 (5169.113), 173.814 (5169.114), 173.815 (5169.115), 173.82 (5169.12), 173.83 (5169.13), 173.831 (5169.131), 173.832 (5169.132), 173.833 (5169.133), 173.84 (5169.14), 173.85 (5169.15), 173.86 (5169.16), 173.861 (5169.161), 173.87 (5169.17), 173.871 (5169.171),

173.872 (5169.172), 173.873 (5169.173), 173.874 (5169.174), 173.875 (5169.175), 173.876 (5169.176), 173.88 (5169.18), 173.89 (5169.19), 173.891 (5169.191), 173.892 (5169.192), 173.90 (5169.20), 173.91 (5169.21), 3721.50 (5166.20), 3721.51 (5166.21), 3721.52 (5166.22), 3721.53 (5166.23), 3721.54 (5166.24), 3721.541 (5166.25), 3721.55 (5166.26), 3721.56 (5166.27), 3721.561 (5166.28), 3721.57 (5166.29), 3721.58 (5166.30), 5101.31 (5160.66), 5101.50 (5167.05), 5101.501 (5167.06), 5101.502 (5167.07), 5101.503 (5167.08), 5101.51 (5167.10), 5101.511 (5167.11), 5101.512 (5167.12), 5101.513 (5167.13), 5101.514 (5167.14), 5101.515 (5167.15), 5101.516 (5167.16), 5101.517 (5167.17), 5101.518 (5167.18), 5101.519 (5167.19), 5101.5110 (5167.25), 5101.571 (5160.36), 5101.572 (5160.40), 5101.58 (5160.38), 5101.59 (5160.37), 5111.01 (5162.01), 5111.011 (5162.20), 5111.013 (5162.15), 5111.014 (5162.04), 5111.015 (5162.24), 5111.016 (5162.16), 5111.018 (5163.18), 5111.019 (5162.05), 5111.0110 (5162.08), 5111.0111 (5162.06), 5111.0112 (5162.35), 5111.0113 (5162.07), 5111.0114 (5163.261), 5111.0115 (5162.09), 5111.0116 (5162.21), 5111.0117 (5162.22), 5111.0118 (5162.23), 5111.02 (5163.15), 5111.021 (5163.16), 5111.022 (5163.08), 5111.023 (5163.20), 5111.024 (5163.19), 5111.025 (5163.17), 5111.027 (5163.242), 5111.03 (5163.03), 5111.04 (5163.21), 5111.042 (5163.28), 5111.05 (5163.02), 5111.06 (5163.01), 5111.061 (5163.07), 5111.062 (5163.09), 5111.07 (5163.25), 5111.071 (5163.251), 5111.08 (5163.241), 5111.081 (5163.26), 5111.082 (5163.24), 5111.083 (5163.243), 5111.084 (5160.04), 5111.09 (5161.32), 5111.091 (5161.33), 5111.10 (5161.30), 5111.101 (5163.12), 5111.11 (5162.40), 5111.111 (5162.41), 5111.112 (5162.42), 5111.113 (5162.37), 5111.114 (5162.36), 5111.12 (5162.45), 5111.121 (5160.39), 5111.13 (5165.30), 5111.14 (5163.22), 5111.15 (5162.25), 5111.151 (5162.26), 5111.16 (5165.03), 5111.161 (5165.19), 5111.162 (5165.14), 5111.163 (5165.15), 5111.17 (5165.05), 5111.171 (5165.07), 5111.172 (5165.09), 5111.173 (5165.10), 5111.174 (5165.12), 5111.175 (5165.13), 5111.176 (5166.60), 5111.177 (5165.11), 5111.178 (5165.16), 5111.18 (5162.43), 5111.181 (5162.30), 5111.19 (5163.23), 5111.191 (5163.231), 5111.20 (5164.01), 5111.201 (5164.011), 5111.202 (5164.45), 5111.203 (5164.46), 5111.204 (5164.47), 5111.21 (5164.02), 5111.211 (5164.14), 5111.22 (5164.03), 5111.221 (5164.40), 5111.222 (5164.18), 5111.223 (5164.031), 5111.23 (5164.05), 5111.231 (5164.19), 5111.232 (5164.191), 5111.235 (5164.06), 5111.24 (5164.20), 5111.241 (5164.07), 5111.242 (5164.21), 5111.243 (5164.22), 5111.244 (5164.23), 5111.25 (5164.24), 5111.251 (5164.08), 5111.254 (5164.32), 5111.255 (5164.12), 5111.257 (5164.27), 5111.258 (5164.34), 5111.26 (5164.37), 5111.261 (5164.10), 5111.263 (5164.26), 5111.264 (5164.372), 5111.265 (5164.28), 5111.266 (5164.371), 5111.27 (5164.38), 5111.28 (5164.39), 5111.29 (5164.41), 5111.291 (5164.13), 5111.30 (5164.032), 5111.31 (5164.033), 5111.32 (5164.034), 5111.33 (5164.35), 5111.34 (5164.30), 5111.35 (5164.50), 5111.36 (5164.51), 5111.37 (5164.52), 5111.38 (5164.53), 5111.39 (5164.54), 5111.40 (5164.55), 5111.41 (5164.56), 5111.411 (5164.57), 5111.42 (5164.58), 5111.43 (5164.59), 5111.44

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Am. Sub. H.B. 468 of the 126th General Assembly; to create the Department of Health Care Administration; to transfer the Medicaid Program, Children's Health Insurance Program Parts I and II, Hospital Care Assurance Program, Disability Medical Assistance Program, Ohio's Best Rx Program, and Residential State Supplement Program to the new department; to require the new department to create a central pharmaceutical purchasing office; and to make an appropriation.

**S. B. No. 195**-Senator Cates.

To amend sections 3794.01 and 3794.03 of the Revised Code to allow smoking in walk-in humidors in retail establishments and in outdoor seating areas of restaurants that are at least 20 feet away from an entrance, exit, or window of the restaurant.

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

Cosponsors: Senators Carey, Cates, Schuler.

To amend sections 1151.345, 1161.59, 1733.51, 2108.81, 2117.251, 3103.03, 3905.451, 4717.01, 4717.03, 4717.04, 4717.13, 4717.99, and 5747.02, to enact sections 4717.31 and 4717.32, and to repeal sections 1111.19 and 1111.99 of the Revised Code to revise the Preneed Funeral Contract Law.

On the motion of Senator Gardner, the Senate recessed.

The Senate met pursuant to the recess.

**Message from the House of Representatives**

Mr. President:

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

**Am. Sub. S. B. No. 7** -Senator Grendell

Cosponsors: Senators Harris, Faber, Schaffer, Amstutz, Coughlin, Gardner, Padgett, Schuring, Clancy, Mumper, Carey, Niehaus, Austria, Buehrer, Goodman, Jacobson, Schuler, Spada, Stivers, Miller, R., Wilson  
Representatives Blessing, Wagoner, Coley, Bacon, Seitz, Batchelder, Adams, Aslanides, Bulp, Carmichael, Collier, Combs, Core, Daniels, Dolan, Domenick, Evans, Flowers, Gibbs, Goodwin, Hagan, J., Hite, Hottinger, Hughes, Jones, Oelslager, Peterson, Reinhard, Schindel, Setzer, Stebelton, Uecker, Wachtmann, Wagner, White, Zehringer

To amend sections 163.01, 163.02, 163.04, 163.05, 163.06, 163.09, 163.12, 163.14, 163.15, 163.19, 163.21, 163.53, 163.62, 303.26, 719.012, 1728.01, 2505.02, and 3735.40 and to enact sections 1.08, 163.021, 163.041, 163.051, 163.211, and 163.63 of the Revised Code to implement the recommendations of the Eminent Domain Task Force and to create other procedures to protect the rights of property owners.

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

In line 12, delete "725.01,"

Delete lines 1085 through 1220

In line 1487, delete "725.01,"

In line 3 of the title, delete "725.01,"

In line 710, after " (3)" insert " (a)"

Between lines 718 and 719, insert:

" (b) The amount of compensation awarded under division (B)(3)(a) of this section shall not exceed twelve months net profit of the business on an annualized basis. Except as otherwise provided in division (B)(3)(c) of this section, if the agency is appropriating property in time of war or other public exigency imperatively requiring its immediate seizure, for the purpose of making or repairing roads that shall be open to the public without charge, for the purpose of implementing rail service under Chapter 4981. of the Revised Code, or under section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the result of a public exigency, or the agency is a municipal corporation that is appropriating property as a result of a public exigency, the period for which the net profit of the business is calculated shall be twelve months minus the time period from the date the agency gives the notice required by section 163.04 of the Revised Code to the date the agency deposits the value of the property with the court pursuant to section 163.06 of the Revised Code or pays that amount to the owner, but in no event shall the compensation time period be less than fifteen days. If the period on which the loss is calculated is reduced to fifteen days and the relocation is unusually complex, the owner may request the agency to increase that period by up to fifteen additional days. If the agency fails to pay the compensation as provided under division (B)(3)(a) of this section or denies the request, the owner may seek an award of such compensation pursuant to this section.

(c) In case of an act of God or other public exigency that requires an immediate taking of property to protect public health or safety or in case of a voluntary conveyance, the amount of compensation awarded under division (B)(3)(a) of this section shall not exceed fifteen days net profit of the business on an annualized basis. The owner may request the agency to increase that period

by up to fifteen additional days. If the agency fails to pay the compensation as provided under division (B)(3)(a) of this section or denies the request, the owner may seek an award of such compensation pursuant to this section."

In line 778, delete " If" and insert " The court shall not enter judgment for costs and expenses, including attorney's fees and appraisal fees, if"

In line 786, after the underlined comma insert " except that"

In line 789, delete " under division (D) of section 1.08 of the Revised Code"

In line 790, delete " not a blighted parcel" and insert " land used for agricultural purposes as defined in section 303.01 or 519.01 of the Revised Code, or the county auditor of the county in which the land is located has determined under section 5713.31 of the Revised Code that the land is "land devoted exclusively to agricultural use" as defined in section 5713.30 of the Revised Code"

Attest:

Laura P. Clemens,  
Clerk.

Senator Jacobson moved that the amendments of the House of Representatives to **Am. Sub. S. B. No. 7**, 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 **Am. Sub. S. B. No. 7**?"

The yeas and nays were taken and resulted - yeas 29, nays 3, as follows:

Those who voted in the affirmative were: Senators

- |          |          |          |            |
|----------|----------|----------|------------|
| Amstutz  | Austria  | Boccieri | Buehrer    |
| Cafaro   | Carey    | Cates    | Clancy     |
| Coughlin | Faber    | Gardner  | Goodman    |
| Grendell | Jacobson | Kearney  | Mason      |
| Miller R | Morano   | Niehaus  | Padgett    |
| Roberts  | Schaffer | Schuler  | Schuring   |
| Smith    | Spada    | Stivers  | Wilson     |
|          |          |          | Harris-29. |

Senators Fedor, Miller D, and Sawyer voted in the negative-3.

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

Senator Cates moved that pursuant to Senate Rule No. 47 his name be added to the title of the bill.

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

The motion was agreed to.

### **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. 10** -Senator Austria

Cosponsors: Senators Carey, Clancy, Faber, Gardner, Goodman, Grendell, Harris, Kearney, Mumper, Niehaus, Padgett, Schaffer, Schuler, Spada, Stivers, Wilson, Cates, Buehrer, Fedor, Miller, R., Schuring, Mason, Jacobson  
Representatives Jones, Bulp, Hughes, Widowfield, Barrett, Latta, Yuko, Dyer, Aslanides, Bacon, Batchelder, Bolon, Boyd, Brady, Combs, Core, DeGeeter, Distel, Dodd, Dolan, Domenick, Driehaus, Evans, Fende, Flowers, Gerberry, Gibbs, Goyal, Hagan, J., Hagan, R., Harwood, Healy, Heard, Hottinger, Letson, Luckie, Mallory, McGregor, J., Miller, Otterman, Patton, Schindel, Schlichter, Setzer, Stebelton, Stewart, D., Strahorn, Szollosi, Uecker, Wagoner, Webster, White, Williams, B., Zehringer

To amend sections 109.42, 109.57, 311.171, 1923.01, 1923.02, 2151.23, 2151.357, 2152.02, 2152.19, 2152.191, 2152.22, 2152.82, 2152.83, 2152.84, 2152.85, 2152.851, 2743.191, 2901.07, 2903.211, 2905.01, 2905.02, 2905.03, 2905.05, 2907.01, 2907.02, 2907.05, 2921.34, 2929.01, 2929.02, 2929.022, 2929.03, 2929.06, 2929.13, 2929.14, 2929.19, 2929.23, 2930.16, 2941.148, 2950.01, 2950.02, 2950.03, 2950.031, 2950.04, 2950.041, 2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 2953.32, 2967.12, 2967.121, 2971.01, 2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 5120.49, 5120.61, 5120.66, 5139.13, 5149.10, 5321.01, 5321.03, and 5321.051; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2152.821 (2152.811) and 2950.031 (2950.034); to enact new section 2950.031 and sections 2152.831, 2152.86, 2950.011, 2950.032, 2950.033, 2950.042, 2950.043, 2950.131, 2950.15, and 2950.16; and to repeal sections 2152.811, 2950.021, 2950.09, and 2950.091 of the Revised Code to revise Ohio's Sex Offender Registration and Notification Law and conform it to recently enacted requirements of federal law contained in the Adam Walsh Child Protection and Safety Act of 2006, to increase the penalties for certain violations of kidnapping, aggravated murder when a sentence of death or life without parole is not imposed, and murder when the victim of any of those offenses is less than 13 years of age and the offense was committed with a sexual motivation and require that those sentences be served under the Sexually Violent Predator Sentencing Law, and to declare an emergency.

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



In line 9323, delete " not"

In line 9498, after the first " offender" insert " or public registry-qualified juvenile offender registrant"; delete " child" and insert " or public registry-qualified juvenile offender registrant"

In line 10956, delete " sex/offender/child-victim offender" and insert " sex offender/child-victim offender"

In line 11696, delete " that" and insert " a court finds at a hearing after considering the factors described in this division that the"

In line 11699, after the underlined period insert " In making the determination of whether a person would have been subject to the notification provisions under prior law as described in this division, the court shall consider the following factors:

(a) The offender's or delinquent child's age;

(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;

(c) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made;

(d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;

(e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;

(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender or delinquent child;

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to the effective date of this amendment;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct."

In line 11992, delete " offender" and insert " person"

In line 11995, delete " offense" and insert " offenses"

In line 11996, delete " offense" and insert " offenses"

Delete lines 14304 through 14327

In line 14328, delete "5" and insert "3"

In line 14350, delete "6" and insert "4"; delete "5" and insert "3"

In line 14352, delete "7" and insert "5"

In line 14363, delete "8" and insert "6"

In line 35 of the title, delete "to make an appropriation,"

Attest:

Laura P. Clemens,  
Clerk.

Senator Jacobson moved that the amendments of the House of Representatives to **Am. Sub. S. B. No. 10**, be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

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

So the section, Section 5, 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. 10?**"

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

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:

#### **Am. S. B. No. 18** -Senator Clancy

Cosponsors: Senators Stivers, Cates, Schaffer, Austria, Grendell, Coughlin, Harris, Mason, Mumper, Padgett, Faber, Goodman, Carey, Spada, Wilson, Jacobson Representatives Bubp, Widowfield, Adams, Bacon, Barrett, Batchelder, Blessing, Budish, Collier, Combs, Core, Dolan, Domenick, Dyer, Evans, Flowers, Gibbs, Hagan, J., Healy, Hottinger, Huffman, Hughes, Jones, Luckie, Lundy, Mandel, McGregor, J., Oelslager, Patton, Raussen, Sayre, Schindel, Setzer, Stewart, D., Uecker, Wagoner, Yuko, Zehringer

To amend section 2953.36 of the Revised Code to prohibit an offender from having a criminal record sealed when the underlying offense is importuning for which the conviction occurs on or after the effective date of the act, or the underlying offense is voyeurism, public indecency, compelling prostitution, promoting prostitution, procuring, disseminating matter harmful to juveniles, displaying matter harmful to juveniles, pandering obscenity, or deception to obtain matter harmful to juveniles when the victim of the offense is under eighteen years of age and the conviction occurs on or after the effective date of the act.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 18, delete " 2907.07. "

In line 29, after "(D)" insert " Convictions on or after the effective date of this amendment under section 2907.07 of the Revised Code or a conviction on or after the effective date of this amendment for a violation of a municipal ordinance that is substantially similar to that section;

(E)"; after " Convictions" insert " on or after the effective date of this amendment"

In line 33, delete " (E)" and insert " (F)"

In line 36, delete " (F)" and insert " (G)"

In line 37, delete " (G)" and insert " (H)"

In line 3 of the title, after "importuning" insert "for which the conviction occurs on or after the effective date of the act"

In line 10 of the title, after "age" insert "and the conviction occurs on or after the effective date of the act"

Attest:

Laura P. Clemens,  
Clerk.

Senator Jacobson moved that the amendments of the House of Representatives to **Am. S. B. No. 18**, 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 **Am. S. B. No. 18**?"

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

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:

**Am. Sub. S. B. No. 77** -Senator Grendell

Cosponsors: Senators Spada, Mumper, Harris, Miller, D., Niehaus, Roberts, Sawyer, Schaffer, Schuler, Smith, Buehrer, Morano, Padgett, Miller, R., Wilson, Mason, Faber Representatives Aslanides, Distel, Blessing, Bulp, Collier, Evans, Hagan, J., Mandel, McGregor, J., Patton, Schindel, Seitz

To amend sections 1531.10, 1533.34, 1533.341, 1533.342, 1533.35, 1533.36, 1533.42, 1533.62, 1533.63, 1533.631, and 1533.64 and to enact sections 1533.343 and 1533.641 of the Revised Code to make changes to the law governing commercial fishing and to create the Ohio Lake Erie Fishing Regulatory Reform Task Force to evaluate certain fisheries management practices with respect to Lake Erie and to make recommendations to the General Assembly and the Division of Wildlife in the Department of Natural Resources regarding statutory, rulemaking, and regulatory changes.

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

In line 83, strike through "the proportional sport and commercial taking of"

Strike through line 84

In line 87, strike through "also"

In line 88, strike through "the proportional commercial taking of the species"

Strike through line 89

In line 90, strike through "five years and other"

In line 799 after "of" insert "three members of the House of Representatives appointed by the Speaker of the House of Representatives, two of whom shall be from the majority party and one of whom shall be from the minority party, three members of the Senate appointed by the President of the Senate, two of whom shall be from the majority party and one of whom shall be from the minority party, and"

In line 807, delete the semicolon and insert a period

Delete lines 808 through 812

Attest:

Laura P. Clemens,  
Clerk.

Senator Jacobson moved that the amendments of the House of Representatives to **Am. Sub. S. B. No. 77**, 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 **Am. Sub. S. B. No. 77?**"

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	Clancy
Coughlin	Faber	Gardner	Goodman
Grendell	Jacobson	Kearney	Mason
Miller D	Miller R	Morano	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Smith	Spada
Stivers	Wilson		Harris-31.

Senator Fedor voted in the negative-1.

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:

#### **Am. Sub. S. B. No. 97** -Senator Stivers

Cosponsors: Senators Schaffer, Faber, Clancy, Boccieri, Mumper, Austria, Goodman, Harris, Padgett, Spada, Wilson, Cates Representatives Latta, Jones, Bulp, Blessing, Hughes, Bacon, Barrett, Batchelder, Beatty, Bolon, Boyd, Brady, Carmichael, Combs, Core, DeBose, DeGeeter, Domenick, Dyer, Evans, Flowers, Gerberry, Gibbs, Hagan, J., Healy, Heard, Hottinger, Luckie, Lundy, Mandel, Oelslager, Otterman, Patton, Sayre, Schindel, Setzer, Stebelton, Szollosi, Uecker, Wagoner, Webster, Williams, B., Yuko, Zehringer

To amend sections 504.04, 2907.40, 2950.99, 3319.39, and 3327.10 and to enact sections 109.5721, 503.60, and 2950.131 of the Revised Code to modify the penalties for violations of the Sexual Offender Registration and Notification Law, to require the inclusion of specified information on the statewide and county sheriffs' internet sex offender and child-victim offender databases, to modify the definition of "sexually oriented business," to permit townships to regulate the residency of registered sex offenders and child-victim offenders, to modify the law pertaining to school bus driver

background checks, to create the Retained Applicant Fingerprint Database, and to declare an emergency.

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

In line 850, delete "and the" and insert "shall take effect July 1, 2007.

The"

Attest:

Laura P. Clemens,  
Clerk.

Senator Jacobson moved that the amendments of the House of Representatives to **Am. Sub. S. B. No. 97**, be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

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

So the section, Section 5, 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. 97**?"

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	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano

Niehaus  
Schaffer  
Stivers

Padgett  
Schuler  
Wilson

Roberts  
Schuring

Sawyer  
Spada  
Harris-31.

Senator Smith voted in the negative-1.

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:

#### **Am. Sub. S. B. No. 102** -Senator Schuler

Cosponsors: Senators Spada, Niehaus, Miller, D., Kearney, Clancy, Mumper  
Representatives Seitz, Schneider, Carmichael, Stewart, D., Driehaus, Blessing,  
Daniels, Domenick, Dyer, Flowers, Hagan, R., Harwood, Huffman, Hughes,  
Letson, Luckie, Mallory, McGregor, J., Otterman, Raussen, Wagoner, Yuko

To amend sections 4301.17 and 4303.99 and to enact section 4303.208 of the Revised Code to authorize the F-8 liquor permit to be issued to certain nonprofit organizations to allow the sale of beer and intoxicating liquor at specific events that occur on public space that the organization manages, to change the population quota for state agency stores, and to declare an emergency.

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

In line 11, delete ", 4301.355, 4301.62,"

In line 12, delete "4303.181, 4303.182, 4301.30," and insert "and"; delete ", and 4399.12"

Delete lines 159 through 812

Delete lines 851 through 897

Delete lines 911 through 919

In line 920, delete ", 4301.355, 4301.62,"

In line 921, delete "4303.181, 4303.182, 4301.30," and insert "and"; delete ", and 4399.12"

In line 1 of the title, delete ", 4301.355, 4301.62,"

In line 2 of the title, delete "4303.181, 4303.182, 4301.30," and insert "and"; delete ", and 4399.12"



In line 9 of the title, delete "to create the D-51 permit,"

Attest:

Laura P. Clemens,  
Clerk.

Senator Jacobson moved that the amendments of the House of Representatives to **Am. Sub. S. B. No. 102**, be brought up for consideration.

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

The motion was agreed to.

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 28, nays 4, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Cafaro
Carey	Clancy	Coughlin	Fedor
Gardner	Goodman	Grendell	Kearney
Mason	Miller D	Miller R	Morano
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Smith
Spada	Stivers	Wilson	Harris-28.

Senators Buehrer, Cates, Faber, and Jacobson voted in the negative-4.

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. 102**?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Miller D	Morano
Niehaus	Padgett	Roberts	Sawyer
Schuler	Schuring	Spada	Stivers
Wilson			Harris-26.

Senators Jacobson, Kearney, Mason, Miller R, Schaffer, 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 refused to concur in the adoption of the following joint resolution:

**Am. S. J. R. No. 1** -Senator Coughlin

Cosponsors: Senators Grendell, Mumper, Amstutz, Buehrer, Schaffer, Gardner, Clancy, Niehaus, Carey, Austria, Faber, Goodman, Harris, Jacobson, Padgett, Schuler, Spada, Stivers Representatives Blessing, Bacon, Batchelder, Seitz, Wagoner, Coley

Proposing to enact Section 19b of Article I of the Constitution of the State of Ohio to provide limits on the power of a public authority to take private property for a public use.

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 agreed to the report of the Committee of Conference on matters of difference between the two houses on:

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

Attest:

Laura P. Clemens,  
Clerk.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

**Sub. S. B. No. 24** -Senator Carey - et al.

**S. B. No. 143** -Senator Padgett - et al.

Attest:

Laura P. Clemens,  
Clerk.

The President signed said bills.

Senator Jacobson moved that the vote, whereby the amendments of the House of Representatives to **Am. Sub. S. B. No. 97** was passed, be now reconsidered.

The question being, "Shall the motion to reconsider 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	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Smith
Spada	Stivers	Wilson	Harris-32.

The motion to reconsider was agreed to.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 97?**"

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

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

On the motion of Senator Jacobson, the Senate adjourned until Monday, July 2, 2007, 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,  
Clerk.