

OHIO

SENATE

JOURNAL

THURSDAY, DECEMBER 18, 2008

TWO HUNDRED FORTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Thursday, December 18, 2008, 10:30 a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Senator Ron Amstutz, 22nd District, 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 Schuring submitted the following report:

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

Neil J. Andrew, Democrat, from Lancaster, Fairfield County, Ohio, as a Member of the Ohio Parks and Recreation Council for a new term beginning April 10, 2008 and ending at the close of business January 31, 2011.

Thomas J. Conway, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio River Valley Water Sanitation Commission for a term beginning September 4, 2008, and ending at the close of business June 29, 2014, replacing Amy H. Wright, whose term expired.

Joseph J. Denen, from Washington Court House, Fayette County, Ohio, as a Member of the Solid Waste Management Advisory Council for a term beginning August 6, 2008 and ending at the close of business June 23, 2010, replacing Karl R. Graham, whose term expired.

Gregory W. Kimble, Republican, from Dover, Tuscarawas County, Ohio, as a Member of the Ohio Geology Advisory Council for a term beginning September 10, 2008 and ending at the close of business May 3, 2010, replacing David A. Wilder, whose term expired.

Marc McQuaid, from Dublin, Franklin County, Ohio, as a Member of the Ohio Parks and Recreation Council for a new term beginning April 10, 2008 and ending at the close of business January 31, 2011.

Raenell Leigh Nagel, Democrat, from Columbus, Franklin County, Ohio, as a Member of the State Emergency Response Commission for a term beginning August 28, 2008 and ending at the close of business January 13, 2010, replacing Jennifer Ganson, whose term expired.

David C. Sacco, Democrat, from Westlake, Cuyahoga County, Ohio, as a Member of the Recreation and Resources Commission for a new term beginning July 24, 2008 and ending at the close of business February 1, 2013.

Brian E. Simms, Republican, from Westerville, Franklin County, Ohio, as a Member of the Ohio Private Investigation and Security Services

Commission for a term beginning August 14, 2008 and ending at the close of business December 31, 2012, replacing Suzanne Peters, whose term expired.

Kathryn A. Trent, from Loveland, Clermont County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning August 6, 2008 and ending at the close of business June 23, 2010.

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

YES - 11: BILL HARRIS, TOM NIEHAUS, KEITH L. FABER, MARK D. WAGONER, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, CAPRI S. CAFARO, DALE MILLER, 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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Stivers	Turner	Wagoner	Wilson
			Harris-33.

So the Senate advised and consented to said appointments.

On the motion of Senator Niehaus the Senate advanced to the Fifth Order of Business, Resolutions Reported by Committee.

RESOLUTIONS REPORTED BY COMMITTEE

S. R. No. 246-Senator Miller, R.

Cosponsors: Senators Cates, Grendell, Carey, Wagoner, Fedor, Roberts.

To recognize the Sixtieth Anniversary of the beginning of the integration of the United States Armed Forces.

WHEREAS, The United States has always had strong armed forces made up of courageous men and women serving the ideals of duty, honor, and country; and

WHEREAS, The United States Armed Forces were unfortunately a place of segregation of the races. Despite this segregation, minority members of the United States Armed Forces, such as the Tuskegee Airmen who trained at historic Moton Field in Macon County, Alabama, demonstrated honor and bravery above and beyond the call of duty; and

WHEREAS, The bravery and sacrifice of all members of the United States Armed Forces regardless of race during World War II and prior conflicts is a matter of national honor; and

WHEREAS, The integration of the United States Armed Forces beginning in 1948 was a seminal event in our nation's history and instilled the democratic ideal of equality in the military; and

WHEREAS, The continued bravery and dedication of every member of the United States Armed Forces continues to be a source of pride to every American; now therefore be it

RESOLVED, That we, the members of the Senate of the 127th General Assembly of the State of Ohio, honorably and respectfully recognize the historic significance and celebrate the Sixtieth Anniversary of President Harry S. Truman's signing of Executive Order 9981 on July 26, 1948 that declared it to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the United States Armed Forces without regard to race, color, religion, or national origin, thereby beginning the process of ending segregation in the United States Armed Forces; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the news media of Ohio.

The question being, "Shall the resolution, **S. R. No. 246**, be adopted?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Stivers	Turner	Wagoner	Wilson
			Harris-33.

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: "Austria, Bocchieri, Buehrer, Cafaro, Coughlin, Faber, Goodman, Harris, Miller, D., Morano, Mumper, Padgett, Schuler, Schuring, Smith, Stivers, Turner, Wilson, Kearney, Niehaus, Patton, Lehner, Schaffer, Sawyer."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 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, 955.26, 955.261, 955.27, 955.28, 955.29, 955.351, 955.41, 955.42, 955.44, 955.51, 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), 955.41 (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, 955.391, 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, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 446**, pass?"

Senator Niehaus moved that the further consideration of **Sub. H. B. No. 446**, be indefinitely postponed.

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

The motion was agreed to.

Said bill was lost.

H. B. No. 649-Representative Hottinger.

Cosponsors: Representatives Bacon, Dolan, Flowers, Jones, McGregor, R.,

Schlichter, Stewart, J., Adams, Aslanides, Batchelder, Ciafardini, Collier, Daniels, Evans, Gibbs, Goodwin, Hagan, J., Hite, Hughes, Peterson, Reinhard, Schindel, Schneider, Sears, Setzer, Uecker, Wachtmann, White, Widener, Zehringer. Senators Carey, Wagoner.

To amend section 5902.02 and to enact sections 5902.16 and 5902.161 of the Revised Code to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts, was considered the third time.

The question being, "Shall the bill, **H. B. No. 649**, pass?"

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

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

The motion was agreed to.

The question recurred, "Shall the bill, **H. B. No. 649**, pass?"

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

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

The motion was agreed to.

The question recurred, "Shall the bill, **H. B. No. 649**, pass?"

The yeas and nays were taken and resulted - yeas 23, nays 8, as follows:

Those who voted in the affirmative were: Senators

Austria	Buehrer	Cafaro	Carey
Cates	Coughlin	Faber	Fedor
Goodman	Grendell	Kearney	Lehner
Mumper	Niehaus	Padgett	Patton
Schaffer	Schuler	Schuring	Seitz
Wagoner	Wilson		Harris-23.

Senators Amstutz, Miller D, Miller R, Morano, Roberts, Sawyer, Smith, and Turner voted in the negative-8.

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: "Austria, Buehrer, Cates, Faber, Goodman, Grendell, Harris, Mumper, Padgett, Patton, Schaffer, Schuler, Schuring, Niehaus, Wilson."

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

The motion was agreed to and the title so amended.

S. B. No. 391-Senator Grendell.

To amend sections 302.02, 302.03, 302.081, 302.11, 302.13, 302.14, 302.17, 302.18, 302.19, and 302.201 and to enact sections 302.042 and 302.161 of the Revised Code to permit an alternative form of county government in a county having a population of 1.2 million or more to have an elected chairperson, at-large members, and members from districts on the board of county commissioners, was considered the third time.

The question being, "Shall the bill, **S. B. No. 391**, pass?"

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Coughlin	Faber	Goodman	Grendell
Lehner	Miller D	Mumper	Niehaus
Padgett	Patton	Sawyer	Schaffer
Schuler	Schuring	Seitz	Stivers
Wagoner	Wilson		Harris-23.

Those who voted in the negative were: Senators

Boccieri	Cafaro	Cates	Fedor
Kearney	Miller R	Morano	Roberts
Smith			Turner-10.

So the bill passed.

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

Senator Grendell moved to amend the title as follows:

Add the names: "Amstutz, Harris, Patton."

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

The motion was agreed to and the title so amended.

On the motion of Senator Niehaus the Senate reverted to the Third Order of Business, House Amendments to Senate Bills and Resolutions.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 129-Senator Schuler.

Cosponsors: Senators Gardner, Spada, Goodman, Seitz, Buehrer, Schuring, Fedor, Austria, Cates, Grendell, Harris, Kearney, Mason, Niehaus, Padgett, Sawyer, Schaffer, Smith, Stivers, Wilson, Wagoner. Representatives Aslanides, Schlichter, Carmichael, Chandler, DeBose, Domenick, Driehaus, Fende, Flowers, Garrison, Hite, Letson, Newcomb, Peterson, Reinhard,

Schindel, Uecker, Yuko, Zehring.

To amend sections 305.12, 308.04, 503.01, 715.72, 715.74, 715.75, 715.76, 715.761, 715.77, 715.78, 715.81, 4501.21, 4517.21, 4765.43, 4931.61, 4931.62, 4931.63, 4931.64, 4931.65, 4931.66, and 4931.70; to contingently amend sections 4503.494, 4503.496, 4503.531, and 4503.92; and to enact sections 4503.712, 4513.66, 4765.431, and 4931.651 of the Revised Code to permit local law enforcement agencies and fire departments to remove motor vehicles from the roadway after a motor vehicle accident and to provide immunity to local law enforcement agencies and fire personnel for the removal of damaged or inoperable vehicles from roadways; to temporarily authorize counties to enter into new or amended joint economic development district contracts with townships and municipal corporations; to permit a board of trustees of a regional airport authority to enter into a contract in which a board member has a direct or indirect interest if certain conditions are met; to create "Ohio C.O.P.S." license plates; to provide that an insurer or subrogee may sell through a licensed motor vehicle auction owner a motor vehicle that comes into its possession through the operation of an insurance contract; to modify the staffing requirements for ambulances during emergency runs and while transporting patients; to remove motorcycles from the kinds of motor vehicles that can be issued certain special license plates; to extend until 2012 the wireless 9-1-1 charge, raise the minimum annual fund disbursement amount for each county from \$25,000 to \$90,000, and alter local uses of that revenue; and to declare an emergency, were taken up.

The question being, "Shall the section, Section 6, setting forth the emergency features of the bill, stand as a part of the bill?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Stivers	Turner	Wagoner	Wilson
			Harris-33.

So the section, Section 6, 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. 129**?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Faber voted in the negative-1.

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

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 147-Senator Faber.

Cosponsors: Senators Schuring, Grendell, Wagoner, Morano, Seitz, Mumper, Buehrer, Coughlin, Harris, Miller, D., Padgett, Schaffer, Spada, Stivers, Cafaro, Amstutz, Sawyer, Jacobson, Fedor, Smith, Mason, Cates, Wilson. Representatives Hagan, R., DeBose, Strahorn, Letson, Williams, B., Boyd, Slesnick, Batchelder, Bolon, Chandler, Combs, Domenick, Dyer, Fende, Flowers, Gardner, Gibbs, Grady, Huffman, Hughes, Luckie, McGregor, J., Mecklenborg, Newcomb, Oelslager, Sayre, Yates, Yuko, Zehringer.

To amend sections 103.73, 103.74, and 5120.55 of the Revised Code to permit the Department of Rehabilitation and Correction to recruit certain licensed health professionals through a loan repayment program and to modify the procedures used by the Correctional Institution Inspection Committee to inspect correctional institutions, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 147?**"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Stivers	Turner	Wagoner	Wilson
			Harris-33.

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

The amendments of the House of Representatives to:

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

Cosponsors: Senators Carey, Cates, Schuler, Austria, Fedor, Harris, Jacobson, Kearney, Mason, Mumper, Niehaus, Padgett, Roberts, Sawyer, Smith, Spada, Wagoner. Representatives Bacon, Beatty, Collier, Daniels, Domenick, Fessler, Flowers, Gerberry, Grady, Hughes, Letson, Newcomb, Schindel, Schlichter, Setzer, Skindell, Yuko.

To amend sections 1151.345, 1161.59, 1733.51, 2108.81, 2117.251, 3103.03, 3901.04, 3901.21, 3905.451, 3923.80, 4717.01, 4717.03, 4717.13, 4717.14, 4717.99, and 5747.02, to enact sections 4717.31 to 4717.38, and to repeal sections 1111.19 and 1111.99 of the Revised Code to revise the Preneed Funeral Contract Law and to exempt the requirement that health insurers cover routine patient care administered during a cancer clinical trial from the requirements regarding mandated health benefit review, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 196**?"

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

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

The motion was agreed to.

The question recurred, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 196**?"

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
Kearney	Lehner	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Stivers	Turner	Wagoner	Harris-32.

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

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 248-Senator Austria.

Cosponsors: Senators Boccieri, Buehrer, Carey, Cates, Coughlin, Faber, Gardner, Harris, Jacobson, Mason, Mumper, Padgett, Schaffer, Schuring, Spada, Smith, Grendell, Fedor, Roberts, Amstutz, Kearney, Sawyer, Schuler, Stivers, Wagoner, Wilson. Representatives Batchelder, Boyd, Celeste, Chandler, Ciafardini, Coley, DeBose, Domenick, Dyer, Flowers, Gardner, Gibbs, Goyal, Grady, Hagan, J., Hite, Hughes, Letson, Mandel, McGregor, R., Nero, Schindel, Schlichter, Uecker, Wachtmann, Widener, Williams, S., Yuko, Zehringer.

To amend sections 149.43, 317.24, 317.27, 2313.16, 2741.02, 2921.22, 3345.01, and 5903.02 and to enact sections 2741.99, 3333.42, and 5913.11 of the Revised Code to exempt certain armed forces discharges from inspection or copying as a public record, to prohibit failing to report the unauthorized use of certain electronic property to law enforcement authorities, to excuse certain military persons from jury duty, to establish a criminal penalty for unlawfully using a deceased military person's persona, to establish tuition benefits for certain military persons, to create the Ohio Military Medal of Distinction, to clarify available remedies for actions under the Uniformed Services Employment and Reemployment Rights Act of 1994, and to require a report regarding the feasibility of a National Guard Youth Challenge Program, were taken up.

The question being, "Shall the Senate concur in the House amendments to **S. B. No. 248**?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Stivers	Turner	Wagoner	Wilson
			Harris-33.

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

The amendments of the House of Representatives to:

Sub. S. B. No. 306-Senator Schuler.

Cosponsors: Senators Mumper, Seitz, Wagoner, Schaffer, Spada, Cates, Amstutz, Austria, Buehrer, Grendell, Harris, Niehaus, Padgett, Schuring, Stivers, Jacobson. Representatives Gibbs, Schindel, Mecklenborg, Hagan, J., Slesnick, Blessing, Chandler, Combs, Domenick, Dyer, Foley, Luckie, Oelslager, Otterman, J., Schneider, Webster.

To amend sections 135.804, 307.695, 322.07, 323.151, 323.152, 323.153, 323.154, 323.155, 323.156, 323.159, 3317.16, 4503.065, 4503.066, 4503.067, 4503.068, 4735.18, and 5739.09 and to enact section 4735.24 of the Revised Code to change the definition of "housing cooperative" for the purposes of the county homestead tax exemptions and property tax payment link deposit programs for low-to-moderate income senior citizens and permanently disabled citizens, to expand the definition of a homestead owner to include settlors of irrevocable inter vivos trusts, to eliminate the necessity of issuing certificates of reduction for homestead exemptions, to modify how state funding for joint vocational school districts is computed when a new school district is added to the joint district, to establish requirements for the disbursement of earnest money deposited in a real estate broker's trust or special account, and to allow certain counties to increase the lodging tax by up to four per cent to fund a new arena or convention center project, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 306**?"

On the motion of Senator Niehaus, **Sub. S. B. No. 306** was informally passed and retained its place on the calendar.

The amendments of the House of Representatives to:

Sub. S. B. No. 353-Senator Spada.

Cosponsors: Senators Harris, Mason, Miller, D., Roberts, Smith, Seitz, Cates, Fedor, Wagoner, Bocchieri, Cafaro, Grendell, Lehner, Morano, Sawyer, Schuler, Turner, Wilson, Miller, R., Patton. Representatives Hagan, J., Gibbs, Goyal, Foley, Batchelder, Bolon, Boyd, Brady, Brown, Budish, Celeste, Chandler, Coley, DeBose, DeGeeter, Dolan, Driehaus, Dyer, Grady, Hagan, R., Heard, Koziura, Luckie, Lundy, Mandel, Nero, Newcomb, Otterman, J., Setzer, Skindell, Slesnick, Williams, B., Williams, S., Yates, Yuko.

To amend sections 135.341, 135.35, 135.351, 307.01, 307.07, 307.09, 307.10, 307.12, 307.64, 307.671, 307.698, 307.78, 307.806, 307.846, 319.20, 319.201, 319.30, 319.43, 319.45, 319.54, 321.24, 321.261, 321.34, 323.121, 323.132, 323.15, 323.25, 323.26, 323.28, 323.31, 323.47, 323.49, 323.50, 323.65, 323.66, 323.67, 323.68, 323.69, 323.70, 323.71, 323.72, 323.73, 323.74, 323.75, 323.76, 323.77, 323.78, 715.26, 715.261, 1724.01, 1724.02, 1724.04, 1724.05, 1724.07, 1724.10, 1724.11, 5705.05, 5705.19, 5709.12,

5721.01, 5721.011, 5721.03, 5721.06, 5721.10, 5721.11, 5721.18, 5721.19, 5721.191, 5721.20, 5721.25, 5721.30, 5721.31, 5721.32, 5721.33, 5721.36, 5721.37, 5721.38, 5721.39, 5721.40, 5721.43, 5722.01, 5722.02, 5722.03, 5722.04, 5722.06, 5722.07, 5722.08, 5722.09, 5722.10, 5722.13, 5722.14, 5722.15, 5722.21, 5723.01, 5723.03, 5723.04, 5723.08, 5723.11, 5723.12, and 5723.18, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 321.341 (321.342) and 323.78 (323.79), to enact new sections 321.341 and 323.78 and sections 133.082, 307.781, 321.263, 321.36, 1724.03, 4582.07, 4582.08, 4582.09, 4582.32, 4582.33, 4582.34, and 5722.22 of the Revised Code to authorize the creation of land reutilization corporations to facilitate the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed, or other real property, to revise the expedited, nonjudicial foreclosure procedure for abandoned lands, to permit certain municipal corporations and other entities to cooperatively finance certain facilities with lodging tax-supported securities and other means regardless of when the municipal corporation had made a qualifying urban renewal designation, and to require port authorities to adopt plans of improvement, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 353**?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Stivers	Turner	Wagoner	Wilson
			Harris-33.

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

The amendments of the House of Representatives to:

Sub. S. B. No. 386-Senator Grendell.

Cosponsors: Senators Wilson, Carey, Cafaro, Padgett, Schaffer, Seitz, Niehaus, Austria, Harris, Patton, Schuler. Representatives Aslanides, Batchelder, Bolon, Coley, Combs, Domenick, Dyer, Flowers, Gardner, Gibbs, Grady, Hite, Hughes, Mandel, McGregor, J., Mecklenborg, Nero, Sayre, Schlichter, Wachtmann.

To amend section 1513.07 and to enact section 1513.076 of the Revised Code to provide for the timely issuance of coal mining and reclamation permits, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 386?**"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Lehner	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Stivers	Turner	Wagoner	Wilson
			Harris-33.

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

MOTIONS

Senator Austria moved that Senators absent the week of Sunday, December 14, 2008, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

OFFERING OF RESOLUTIONS

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

S. R. No. 320-Senators Wagoner, Fedor.

Honoring the Sylvania Southview High School football team on winning the 2008 Division II State Championship.

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 has concurred in the passage of the following bill:

Sub. S. B. No. 108 -Senator Schaffer

Cosponsors: Senators Stivers, Schuring, Cafaro, Mason, Amstutz, Fedor, Harris, Padgett, Sawyer, Wilson, Grendell, Miller, D. Representatives Bacon, Ciafardini, Domenick, Grady, Hughes

To amend section 2929.20 of the Revised Code to prohibit a court from granting judicial release to any person serving a prison term for any of a list of specified felony offenses committed while the person held public office.

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 Senate amendments to:

Am. Sub. H. B. No. 444 -Representative Stewart, J. - et al.

Sub. H. B. No. 648 -Representative Jones - et al.

Sub. H. B. No. 7 -Representative Brinkman - et al.

Sub. H. B. No. 74 -Representative Schlichter - et al.

Am. Sub. H. B. No. 320 -Representative Jones - et al.

Am. H. B. No. 435 -Representatives White, DeBose - et al.

Sub. H. B. No. 471 -Representative Setzer - et al.

Sub. H. B. No. 500 -Representative Hughes - et al.

Sub. H. B. No. 529 -Representative Wachtmann - et al.

Am. Sub. H. B. No. 130 -Representatives White, Yates - et al.

Am. Sub. H. B. No. 450 -Representative Goodwin - et al.

Attest:

Laura P. Clemens,
Clerk.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5123.60 (D) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the Ohio Legal Rights Service Commission:

Patrick Risser (term beginning immediately and ending April 17, 2010)
Ashland, Ohio 44805
(replacing Sandra Stern who resigned)

On the motion of Senator Niehaus, the Senate adjourned until Tuesday, December 23, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.