

OHIO

SENATE

JOURNAL

WEDNESDAY, JANUARY 9, 2008

ONE HUNDRED TWENTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, January 9, 2008, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Steven Smith, Linworth Baptist Church, Worthington, Ohio, followed by the Pledge of Allegiance to the Flag.

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

MESSAGE FROM THE PRESIDENT

January 9, 2008

Honorable Bill Harris
President of the Ohio Senate
Statehouse
Columbus, Ohio

Dear President Harris:

This letter serves to inform you of my resignation as a member of the Ohio Senate, effective at 1:30 p.m. on Wednesday, January 9, 2008.

The death of Congressman Paul Gillmor and the subsequent election of former state representative Robert Latta to Congress has created a vacancy in Wood County's 6th Ohio House District. Following my resignation today in the Senate, I am accepting appointment to the Ohio House of Representatives from District 6. I believe this decision to be best for the people of Wood County and northwest Ohio.

It has been a distinct honor to serve the citizens of Erie, Lucas, Ottawa and Wood counties in the Ohio Senate, and additionally to serve in majority leadership positions over the past seven years. I ask that the Ohio Senate accept this resignation, as I look forward to continuing to work with the good members of the Ohio Senate as a new member of the House of Representatives.

Sincerely,

/s/ Randy Gardner

Randy Gardner
State Senator
Senate Majority Floor Leader

MESSAGE FROM THE PRESIDENT

January 9, 2008

Senator Randy Gardner
Senate Building
Columbus, Ohio 43215

Dear Senator Gardner:

In accordance with Section 101.25 of the Ohio Revised Code, I hereby acknowledge receipt of your letter of resignation from the Ohio Senate effective Wednesday, January 9, 2008 at 1:30 p.m.

It has certainly been a pleasure working with you during your time with the Senate. I look forward to working with you in your capacity as a member of the Ohio House of Representatives.

Good luck!

Sincerely,

/s/ Bill Harris

Senator Bill Harris
Senate President
19th District

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

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

Sub. H. B. No. 138-Representatives Foley, Blessing.

Cosponsors: Representatives Domenick, Skindell, Hagan, R., McGregor, J., Ujvagi, Budish, Lundy, Stebelton, Raussen, Yuko, DeGeeter, Collier, Combs, Letson, Luckie, Harwood, Strahorn, Stewart, D., Driehaus, White, Garrison, Miller, Bolon, Brady, Boyd, Seitz, Bacon, Beatty, Celeste, Chandler, DeBose, Dyer, Evans, Fende, Goyal, Healy, Heard, Hite, Huffman, Hughes, Koziura, Mallory, Okey, Otterman, Peterson, Schneider, Setzer, Szollosi, Uecker, Webster, Williams, B., Yates.

To amend sections 323.25, 323.28, 2303.11, 2323.07, 2327.01, 2327.02, 2329.17, 2329.18, 2329.19, 2329.26, 2329.27, 2329.31, 2329.36, 5309.64, 5721.18, 5721.19, and 5723.01 and to enact section 2329.271 of the Revised Code to require purchasers of real property at a judicial sale to provide certain identifying information, to allow municipal corporations to conduct

inspections of property subject to a writ of execution, to require judicial sales to be confirmed within thirty days of sale, to require officers who sell real property at a judicial sale to file a deed within fourteen days of confirmation, to authorize courts and county boards of revision to transfer certain tax delinquent lands subject to judicial foreclosure without appraisal or sale, to permit a summary property description to be read at a judicial sale, and to offer property that did not sell at a judicial sale to a political subdivision before forfeiture to the state.

To the Committee on Judiciary - Civil Justice.

Am. H. B. No. 289-Representative Core.

Cosponsors: Representatives Distel, Hite, Gibbs, Sayre, Zehringer, Reinhard, Batchelder, Chandler, Collier, Combs, Daniels, Domenick, Dyer, Evans, Flowers, Goodwin, Huffman, Hughes, Luckie, Mallory, McGregor, J., Otterman, Patton, Schneider, Setzer, Webster.

To amend sections 931.02, 931.03, 931.04, 931.99, and 5709.28 of the Revised Code to make changes to the law governing agricultural security areas.

To the Committee on Agriculture.

Am. H. B. No. 297-Representative Carmichael.

Cosponsors: Representatives Aslanides, Brown, Domenick, Evans, Fende, Flowers, Harwood, Hughes, Latta, Letson, McGregor, J., Miller, Peterson, Stebelton, Strahorn, Webster, Yuko, Daniels, Book, Collier, Lundy, Reinhard, Schneider, Setzer, Sykes, Hite, Bacon, Beatty, Budish, Chandler, Coley, Combs, DeBose, Dolan, Dyer, Gerberry, Gibbs, Hagan, J., Luckie, Otterman, Patton, Sayre, Schlichter, Skindell, Wagoner, Williams, B., Yates, Zehringer.

To enact section 5.2237 of the Revised Code to designate the month of May as Ohio Lyme Disease Awareness Month.

To the Committee on Health, Human Services and Aging.

Am. H. B. No. 314-Representative Jones.

Cosponsors: Representatives Adams, Barrett, Batchelder, Brinkman, Bubp, Coley, Collier, Distel, Dodd, Dolan, Evans, Fessler, Garrison, Goodwin, Hottinger, Huffman, Latta, Mandel, McGregor, J., Patton, Schindel, Schneider, Seitz, Setzer, Uecker, Wachtmann, Wagoner, Widener, Wolpert, Zehringer, Mecklenborg, Aslanides, Blessing, Brady, Combs, DeBose,

DeGeeter, Domenick, Driehaus, Dyer, Flowers, Gibbs, Hagan, J., Hite, Lundy, Oelslager, Raussen, Reinhard, Schlichter, Wagner, White, Widowfield.

To amend sections 2151.421 and 4731.22 and to enact section 2317.561 of the Revised Code to require that a woman who is to have an abortion be given the opportunity to view any available obstetric ultrasound image and to make corrections in the laws pertaining to child abuse and neglect reports.

To the Committee on Health, Human Services and Aging.

S. B. No. 265-Senator Mason.

Cosponsors: Senators Miller, R., Morano, Seitz, Smith.

To amend section 5739.02 of the Revised Code to exempt purchases of energy-saving devices from sales and use taxation.

To the Committee on Ways and Means and Economic Development.

S. B. No. 266-Senator Roberts.

Cosponsors: Senators Cafaro, Faber, Seitz, Carey, Miller, D., Sawyer, Kearney, Goodman, Schuler, Schuring, Bocchieri, Morano.

To enact section 5.2237 of the Revised Code to designate January as "Ohio Mentor Month."

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

S. B. No. 267-Senator Faber.

Cosponsor: Senator Seitz.

To amend sections 145.01, 145.19, 145.191, 145.33, 145.35, and 145.49 and to enact section 145.2914 of the Revised Code regarding the Public Employees Retirement System law enforcement division.

To the Committee on Health, Human Services and Aging.

S. B. No. 268-Senator Seitz.

Cosponsors: Senators Niehaus, Gardner, Schuler, Schuring.

To amend section 307.86 and to enact section 307.862 of the Revised Code to allow a county contracting authority to use competitive sealed proposals instead of competitive sealed bidding when doing so would be advantageous

to the county.

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

S. B. No. 269-Senator Schuler.

Cosponsor: Senator Jacobson.

To amend section 1345.51 and to enact sections 1349.80 to 1349.82 of the Revised Code to prohibit any person from advertising or conducting a live musical performance or production in Ohio through the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group.

To the Committee on Judiciary - Civil Justice.

S. C. R. No. 21-Senator Kearney.

To encourage the State Board of Education to adopt a comprehensive life skills curriculum.

To the Committee on Education.

S. J. R. No. 5-Senator Grendell.

Cosponsors: Senators Austria, Cafaro, Carey, Cates, Faber, Fedor, Gardner, Harris, Kearney, Mason, Miller, D., Miller, R., Morano, Mumper, Niehaus, Padgett, Roberts, Sawyer, Schaffer, Schuring, Smith, Spada, Wilson.

Proposing to enact Section 2q of Article VIII of the Constitution of the State of Ohio to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts.

To the Committee on Finance and Financial Institutions.

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

NO - 0.

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

The report of the committee was accepted.

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

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:

Dale R. Arnold, from Newark, Licking County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning September 6, 2007, and ending at the close of business June 30, 2010.

Teri A. Combs, from Albany, Athens County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning July 25, 2007 and ending at the close of business June 30, 2009, replacing Robert Pitts, whose term expired.

Alvin D. Compaan, from Holland, Lucas County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning July 25, 2007 and ending at the close of business June 30, 2009, replacing William A. Doty, whose term expired.

Lytle T. Davis, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Real Estate Appraiser Board for a new term beginning July 31, 2007 and ending at the close of business June 30, 2010.

Stephen W.T. Foley, from Richmond, Jefferson County, Ohio, as Student Member of the Youngstown State University Board of Trustees for a term beginning August 28, 2007 and ending at the close of business May 1, 2009, replacing Louise Popio, whose term expired.

Thomas L. Froehle, from Columbus, Franklin County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning September 6, 2007 and ending at the close of business June 30, 2010.

Kenneth W. Goings, from Columbus, Franklin County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a term beginning September 20, 2007 and ending at the close of business January 31, 2011.

S. Amjad Hussain, from Maumee, Lucas County, Ohio, as a Member of the University of the Toledo Board of Trustees for at term beginning July 30, 2007, and ending at the close of business July 1, 2016, replacing Robert Redmond, whose term expired.

Peter Lawson Jones, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Miami University Board of Trustees for a term beginning July 23, 2007, and ending at the close of business February 28, 2016, replacing Laurel Pressler, whose term expired.

Laurence R. Klaben, Democrat, from Dayton, Montgomery County, Ohio, as a Member of the Wright State University Board of Trustees for a term beginning August 28, 2007 and ending at the close of business June 30, 2016, replacing Robert C. Nevin, whose term expired.

Michael J. Koren, Republican, from Dublin, Delaware County, Ohio, as a Member of the Real Estate Appraiser Board for a term beginning July 23, 2007, and ending at the close of business June 30, 2010.

Stephanie McHenry, Democrat, from Shaker Heights, Cuyahoga County, Ohio, as a Member of the Cleveland State University Board of Trustees for a term beginning July 27, 2007, and ending at the close of business May 1, 2009, replacing Vir Sondhi, who resigned.

Raymond Orrand, Republican, from Dublin, Franklin County, Ohio, as a Member of the Ohio Veterans Home Board of Trustees for a term beginning August 8, 2007 and ending at the close of business June 30, 2012, replacing Barbara Cash, whose term expired.

Jock J. Pitts, from Oxford, Butler County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning September 6, 2007, and ending at the close of business June 30, 2010.

Lois Rosenthal, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Arts Council for a term beginning July 23, 2007, and ending at the close of business July 1, 2012, replacing Peggy Walter, whose term expired.

Carl Russell, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Committee for a term beginning April 11, 2007, and ending at the close of business January 31, 2011, replacing Eleanor Hayes, whose term expired.

Mark D. Russell, from Marion, Marion County, Ohio, as a Member of the Marion Technical College Board of Trustees for a term beginning September 20, 2007 and ending at the close of business April 30, 2010, replacing James Shade, whose term expired.

Lorrinda A. Saxby, Democrat, from St. Clairsville, Belmont County, Ohio, as a Member of the Belmont Technical College Board of Trustees for a term beginning July 27, 2007, and ending at the close of business May 13, 2010, replacing Jeffrey Doneson, whose term expired.

Thomas B. Schorgl, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Arts Council for a term beginning July 23, 2007 and ending at the close of business July 1, 2012, replacing Nancy Fernandez, whose term expired.

Eric C. Stachler, from Versailles, Darke County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning September 6, 2007, and ending at the close of business June 30, 2010.

John F. Stough, from Dublin, Franklin County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning September 6, 2007, and ending at the close of business June 30, 2010.

Robin D. Thomas, Democrat, from Bedford, Cuyahoga County, Ohio, as a Member of the Credit Union Council for a term beginning August 14, 2007 and ending at the close of business September 22, 2008, replacing Julianne Bruzina, who resigned.

James W. Thompson, Jr., Democrat, from Botkins, Shelby County, Ohio, as a Member of the Edison State Community College Board of Trustees for a term beginning August 28, 2007 and ending at the close of business January 18, 2009, replacing Lewis A. Blackford, who resigned.

Kurt C. Waltzer, from Columbus, Franklin County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning September 6, 2007, and ending at the close of business June 30, 2010.

Geraldine B. Warner, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Arts Council for a term beginning July 26, 2007 and ending at the close of business July 1, 2009, replacing Joseph Hale, who resigned.

Neal F. Zimmers, from Columbus, Franklin County, Ohio, as a Member of the Capitol Square Review and Advisory Board for a term beginning June 28, 2007, and ending at the close of business April 22, 2010, replacing Susan Sofia, whose term expired.

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

YES - 10: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, TOM ROBERTS, TERESA FEDOR, RAY MILLER.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

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

Those who voted in the affirmative were: Senators

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

Spada Stivers Wilson Harris-32.

So the Senate advised and consented to said appointments.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

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

Cosponsors: Senators Gardner, Cafaro, Clancy, Goodman, Niehaus, Padgett, Boccieri, Miller, D., Faber, Schuler, Grendell, Schuring, Schaffer, Kearney, Amstutz, Austria, Cates, Harris, Morano, Mumper, Roberts, Spada, Stivers, Wilson, Sawyer, Mason, Miller, R., Fedor, Buehrer, Smith. Representatives Aslanides, Combs, Domenick, Fessler, Miller, Otterman, Reinhard, Sayre, Wachtmann, Adams, Bacon, Barrett, Batchelder, Beatty, Blessing, Book, Boyd, Brady, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Driehaus, Dyer, Evans, Fende, Flowers, Foley, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger, Huffman, Hughes, Jones, Koziura, Latta, Letson, Luckie, Lundy, Mallory, McGregor, R., Mecklenborg, Oelslager, Okey, Patton, Peterson, Raussen, Schindel, Schlichter, Schneider, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Ujvagi, Wagner, Wagoner, Webster, White, Widener, Williams, B., Wolpert, Yates, Yuko, Zehringer.

To enact section 4503.546 of the Revised Code to create "Gold Star Family" license plates, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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

Those who voted in the affirmative were: Senators

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

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

BILLS FOR THIRD CONSIDERATION

S. B. No. 237-Senator Schaffer.

Cosponsors: Senators Kearney, Stivers.

To amend sections 3731.01 and 3731.04 and to enact section 3731.17 of the Revised Code to allow transient hotels to permit guests to stay longer than thirty days and to allow extended stay hotels to permit guests to stay longer than one year, was considered the third time.

The question being, "Shall the bill, **S. B. No. 237**, pass?"

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

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Amstutz, Carey, Harris, Mason, Mumper, Sawyer, Seitz, Spada, Wilson, Padgett."

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, January 6, 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.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 270-Senator Cates.
Cosponsor: Senator Padgett.

To amend sections 2953.33, 3313.31, 3314.03, 3319.01, 3319.20, 3319.302, 3319.304, 3319.31, 3319.311, 3319.313, 3319.314, 3319.52, 3326.11, 5126.253, and 5126.254 and to enact sections 109.66, 3314.101, 3314.40, 3314.401, 3314.402, 3319.292, 3319.316, 3319.40, 3326.081, 3326.24, 3326.241, and 3326.242 of the Revised Code regarding the reporting of and discipline for school employee misconduct.

OFFERING OF RESOLUTIONS

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

S. R. No. 157-Senator Harris.

Honoring the Ohio Newspaper Association on its Seventy-fifth Anniversary.

S. R. No. 158-Senator Kearney.

Honoring Nick Lachey's Cincinnati choir on winning Clash of the Choirs.

S. R. No. 159-Senator Harris.

Honoring Senator Randy Gardner for outstanding service to the Ohio Senate.

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

So the resolutions were adopted.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, January 10, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.