

OHIO

SENATE

JOURNAL

WEDNESDAY, JANUARY 23, 2008

ONE HUNDRED THIRTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Wednesday, January 23, 2008, 1:30 p.m.

The Senate met pursuant to adjournment.

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

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

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

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

Am. H. B. No. 295-Representative Wagoner.

Cosponsors: Representatives Ujvagi, Szollosi, Peterson, Latta, Stebelton, Brown, Uecker, Chandler, McGregor, J., Combs, Celeste, Yuko, Fende, Mallory, Bolon, Bacon, Collier, Dyer, Evans, Flowers, Foley, Gardner, Garrison, Goyal, Hagan, R., Harwood, Hughes, Letson, Lundy, Otterman, J., Patton, Sayre, Setzer, Stewart, J., Williams, B., Williams, S., Zehringer.

To amend sections 133.20 and 307.041 of the Revised Code to require that the amount spent by counties on energy conservation measures be unlikely to exceed the amount saved in energy and operating costs over the average system life of the measures, and to require that financed measures be paid for within the lesser of their average system life or thirty years.

To the Committee on Energy and Public Utilities.

S. B. No. 273-Senator Niehaus.

Cosponsors: Senators Mumper, Buehrer.

To calculate an alternate equity list for fiscal year 2008 for purposes of determining school districts' eligibility for assistance under the Classroom Facilities Assistance Program and their local shares in fiscal year 2009.

To the Committee on Finance and Financial Institutions.

S. B. No. 274-Senator Amstutz.

Cosponsors: Senators Mumper, Schuring, Harris, Seitz, Miller, D.

To amend sections 5739.033 and 5739.24 of the Revised Code and later to repeal section 5739.24 of the Revised Code to authorize a vendor required to utilize destination-based sourcing to determine the appropriate sales tax jurisdiction to convert to origin-based sourcing on or after January 1, 2009, and to discontinue compensation of impacted counties for sales tax losses incurred under destination-based sourcing.

To the Committee on Ways and Means and Economic Development.

S. B. No. 275-Senator Spada.

Cosponsors: Senators Buehrer, Coughlin, Grendell, Jacobson, Mason, Miller, D., Mumper, Padgett, Roberts, Schuler, Seitz, Stivers.

To enact sections 4722.01 to 4722.07 of the Revised Code to establish the Ohio Home Improvement Contractor Law, to deem that specified violations of the law constitute a violation of the Ohio Consumer Sales Practices Act, and to provide civil remedies for owners who are damaged by a contractor who violates the law.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 276-Senator Stivers.

Cosponsors: Senators Miller, R., Mason, Goodman, Spada, Wagoner, Kearney, Seitz.

To enact section 133.52 of the Revised Code to authorize a county, municipal corporation, or township to issue public obligations to provide, or assist in providing, grants, loans, loan guarantees, or contributions for conservation and revitalization purposes.

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

S. B. No. 277-Senator Stivers.

Cosponsors: Senators Seitz, Miller, D., Kearney.

To enact sections 1901.185 and 3767.50 of the Revised Code to create a new cause of action in foreclosure in the environmental or housing division of a municipal court to abate nuisance properties.

To the Committee on Judiciary - Civil Justice.

YES - 4: J. KIRK SCHURING, SHIRLEY A. SMITH, JEFF JACOBSON, RAY MILLER.

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 Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **H. B. No. 160**-Representative Bubb, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Goodman, Seitz, Kearney.

YES - 8: DAVID GOODMAN, BILL SEITZ, STEPHEN BUEHRER, J. KIRK SCHURING, TERESA FEDOR, ERIC H. KEARNEY, STEVE STIVERS, LANCE T. MASON.

NO - 0.

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

The report of the committee was accepted.

Senator Schuring submitted the following report:

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

David F. Greene, from Columbus, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning June 6, 2007, and ending at the close of business January 14, 2010, replacing Elwin C. Robinson, whose term expired.

Stacey L. Hoffman, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning September 20, 2007 and ending at the close of business January 14, 2010, replacing David Greene, who resigned.

Robert J. Wasko, from Youngstown, Mahoning County, Ohio, as a Member of the Board of Embalmers and Funeral Directors for a term

beginning October 30, 2007 and ending at the close of business June 30, 2012, replacing Robert L. Shank, whose term expired.

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

YES - 10: JEFF JACOBSON, TOM NIEHAUS, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, CAPRI S. CAFARO, LANCE T. MASON, SHIRLEY A. SMITH, RAY MILLER.

NO - 0.

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

The yeas and nays were taken and resulted - yeas 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
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-33.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

S. B. No. 46-Senator Mumper.

Cosponsors: Senators Stivers, Cates, Niehaus.

To enact section 1541.80 of the Revised Code to require the Ohio Parks and Recreation Association to develop a coach's conduct and ethics policy for volunteer coaches involved in recreational youth athletics, was considered the third time.

The question being, "Shall the bill, **S. B. No. 46**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	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	Wagoner	Wilson
			Harris-33.

So the bill passed.

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

Senator Mumper moved to amend the title as follows:

Add the names: "Fedor, Kearney, Morano, Roberts, Sawyer, Harris."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Austria moved that Senators absent the week of Sunday, January 20, 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. 278-Senator Coughlin.

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

To enact sections 1751.69, 3923.651, and 5111.017 of the Revised Code to require certain health care policies, contracts, agreements, and plans, as well as the state's Medicaid program, to provide benefits for colorectal examinations and laboratory tests for cancer.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 105.41 of the Ohio Revised Code, the President of the Senate appoints Senator R. Miller to replace Senator Fedor on the Capitol Square Review and Advisory Board.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, January 24, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.