

OHIO

SENATE

JOURNAL

TUESDAY, MARCH 6, 2007

TWENTIETH DAY
Senate Chamber, Columbus, Ohio
Tuesday, March 6, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Grace Baptist Church, Cedarville, 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:

S. B. No. 81-Senator Stivers.

Cosponsors: Senators Schuler, Smith, Carey, Faber, Clancy, Goodman, Boccieri, Schaffer, Mason, Cafaro.

To enact section 5.2250 of the Revised Code to designate the month of September as "Brain Aneurysm Awareness Month" in Ohio.

To the Committee on Health, Human Services and Aging.

S. B. No. 82-Senator Stivers.

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

To enact section 4503.481 of the Revised Code to create "Ohio National Guard Retired" license plates.

To the Committee on Highways and Transportation.

S. B. No. 83-Senator Grendell.

Cosponsors: Senators Padgett, Cafaro, Mumper, Schaffer.

To require the Public Health Council to rescind rules related to household sewage treatment systems and reinstate the rules related to those systems that were in effect prior to January 1, 2007, to require the Council subsequently to adopt statutorily required rules related to those systems, and to declare an emergency.

To the Committee on Environment and Natural Resources.

S. B. No. 84-Senator Schaffer.

Cosponsor: Senator Bocciari.

To amend section 5502.31 of the Revised Code to specify an additional type of Emergency Management Agency for which a political subdivision may make an appropriation.

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

S. B. No. 85-Senator Bocciari.

Cosponsors: Senators Miller, D., Stivers, Schuler, Clancy, Goodman, Cafaro, Schuring, Schaffer.

To amend section 4507.23 of the Revised Code to allow any active-duty member of the United States armed forces to obtain a free duplicate driver's license following a service-related injury.

To the Committee on Highways and Transportation.

S. B. No. 86-Senator Bocciari.

Cosponsors: Senators Cafaro, Schaffer, Morano.

To amend section 5739.02 of the Revised Code to expand the sales and use tax exemption for sales of natural gas, and to extend a sales and use tax exemption to sales of propane and fuel oil used for home heating purposes.

To the Committee on Ways and Means and Economic Development.

S. B. No. 87-Senator Carey.

Cosponsors: Senators Miller, D., Mumper, Padgett, Clancy, Bocciari, Schaffer, Schuler, Mason, Cafaro.

To enact section 5502.522 of the Revised Code to create the statewide emergency alert program to aid in the identification and location of missing individuals who have a mental impairment or are sixty-five years of age or older and to establish activation criteria for the implementation of the program.

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

S. B. No. 88-Senator Gardner.

Cosponsors: Senators Schuler, Coughlin, Mumper.

To enact section 306.55 of the Revised Code to allow a subdivision that is a member of a regional transit authority to withdraw from the authority.

To the Committee on Highways and Transportation.

S. B. No. 89-Senator Gardner.

Cosponsors: Senators Buehrer, Coughlin, Mumper.

To amend section 3314.03 and to enact section 3313.621 of the Revised Code to prohibit public schools from opening for instruction prior to Labor Day except in specified circumstances.

To the Committee on Education.

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

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. C. R. No. 1**, having had the same under consideration, reports it back with the following amendments and recommends its adoption when so amended.

In line 17, delete the second "and"

Delete lines 18 through 20

In line 21, delete "of the state of Ohio;"

Co-Sponsors: Cates, Niehaus, Schuler.

YES - 9: GARY W. CATES, TIMOTHY J. GRENDALL, LARRY A. MUMPER, JOHN A. CAREY, TOM NIEHAUS, ROBERT L. SCHULER, JOHN A. BOCCIERI, CAPRI S. CAFARO, SHIRLEY A. SMITH.

NO - 0.

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

The report of the committee was accepted.

RESOLUTIONS REPORTED BY COMMITTEE

Am. S. C. R. No. 1-Senator Coughlin.

Cosponsors: Senators Spada, Goodman, Harris, Buehrer, Mumper, Clancy, Stivers, Cates, Niehaus, Schuler.

To express support for the President of the United States and the United Nations High Commissioner on Refugees in assisting displaced Iraqi people and their families escape the threat of violence of the Iraq War and to begin a new life.

WHEREAS, The United Nations High Commissioner on Refugees estimates that up to 50,000 people per month are forcibly moved from their homes within Iraq. In addition, it is believed that there are 1.8 million Iraqi people displaced out of a total population of 26 million, with that number potentially swelling to 2.7 million by the end of 2007; and

WHEREAS, The Bush administration has announced that the United States will accept up to 7,000 Iraqi refugees displaced by the Iraq war. A significant portion of the refugees courageously assisted the United States Armed Forces and other Americans operating in Iraq. The refugees can no longer live safely in Iraq for fear of violence against themselves and their families; now therefore be it

RESOLVED, That we, the members of the 127th General Assembly of the State of Ohio, acting on behalf of the citizens of Ohio, express our sincere gratitude to the brave men and women of Iraq who have aided the United States Armed Forces and other Americans operating in Iraq during the war to end Saddam Hussein's brutal dictatorship and the transition to a freely-elected government; and be it further

RESOLVED, That we, the members of the 127th General Assembly of the State of Ohio, acting on behalf of the citizens of Ohio, express our support for the efforts of the President of the United States and the United Nations High Commissioner on Refugees to help displaced Iraqi people and their families escape the threat of violence and to begin a new life. In addition, we recognize

the obligation of the United States to help resettle those people who have bravely risked their lives to assist our Armed Forces and affirm that the State of Ohio shares in that obligation; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the United States Secretary of State, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, the members of the Ohio Congressional delegation, the United Nations High Commissioner on Refugees, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **Am. S. C. R. No. 1**, 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	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 concurrent resolution was adopted.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Faber, Gardner, Jacobson."

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, March 4, 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. 90-Senator Grendell.

Cosponsors: Senators Kearney, Mumper, Schaffer.

To enact section 1327.70 of the Revised Code to authorize the Director of Agriculture to establish a motor fuel quality testing program.

S. B. No. 91-Senator Grendell.

Cosponsor: Senator Jacobson.

To amend sections 4510.037 and 4510.038 and to enact sections 4511.86 and 4511.861 of the Revised Code to provide that if a person is convicted of committing a state motor vehicle moving violation immediately after initiating a road rage incident, the moving violation is at least a fourth-degree misdemeanor and the court must fine the person at least \$100 and require the person to attend a road rage abatement seminar, and to require remedial driving courses to be taken in person.

S. B. No. 92-Senator Miller, D.

To enact section 5533.332 of the Revised Code to designate the portion of Interstate 71 located within the city of Middleburg Heights as the "Corporal Brad D. Squires Memorial Highway."

S. B. No. 93-Senator Miller, D.

Cosponsors: Senators Smith, Cafaro, Fedor, Morano, Mason, Miller, R.

To enact section 5.2235 of the Revised Code to designate May as "Nutrition and Physical Fitness Month."

S. B. No. 94-Senator Miller, D.

Cosponsor: Senator Bocchieri.

To amend sections 3501.01, 3513.04, 3513.10, 3513.12, 3513.13, 3513.14, 3513.15, and 3513.30 and to repeal sections 3513.121 and 3513.151 of the Revised Code to allow a political party to select delegates to its national presidential nominating convention according to the party's constitution and bylaws and to eliminate the requirement that such delegates be directly elected at the presidential primary election.

S. B. No. 95-Senator Cates.

Cosponsors: Senators Clancy, Schuler.

To amend sections 917.01, 917.02, 917.03, 917.032, 917.04, and 917.05 and to enact section 917.25 of the Revised Code to revise the statutes governing raw milk.

S. B. No. 96-Senator Cates.

To enact section 5.091 of the Revised Code to adopt the children's book *Lentil* as the official children's book of the state and to designate its author, Robert McCloskey, as the official children's book author of the state.

S. B. No. 97-Senator Stivers.

Cosponsors: Senators Schaffer, Faber, Clancy, Boccieri, Mumper, Austria.

To amend section 2950.99 and to enact section 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, and to declare an emergency.

S. B. No. 98-Senator Schuring.

Cosponsors: Senators Padgett, Coughlin, Gardner, Spada, Clancy, Boccieri, Kearney, Miller, D., Miller, R., Schaffer, Goodman.

To enact section 3701.135 of the Revised Code to create the Autism Diagnosis Education Pilot Program and to provide funding for the Pilot Program by making an appropriation for the biennium beginning on July 1, 2007.

S. B. No. 99-Senator Gardner.

Cosponsors: Senators Coughlin, Boccieri, Morano, Spada, Schuring, Roberts, Mumper, Mason, Miller, D., Clancy, Padgett, Cafaro, Goodman.

To amend section 1751.01 and to enact sections 1751.69, 3923.71, and 3923.72 of the Revised Code to require certain health care policies, contracts, agreements, and plans to provide benefits for equipment, supplies, and medication for the diagnosis, treatment, and management of diabetes and for diabetes self-management education.

S. B. No. 100-Senator Austria.

Cosponsors: Senators Carey, Clancy, Gardner, Goodman, Grendell, Harris, Padgett, Schaffer.

To amend sections 2903.01, 2903.11, 2903.12, 2903.13, 2903.21, and 2929.04 and to enact section 2903.23 of the Revised Code to increase the penalties for certain offenses when a judge or magistrate is the victim, to prohibit a person from threatening a judge or magistrate, and to make the killing of a judge or magistrate an aggravating circumstance for the imposition of the death penalty for aggravated murder.

OFFERING OF RESOLUTIONS

Senator Miller, D. offered the following concurrent resolution:

S. C. R. No. 2-Senator Miller, D.

To memorialize Congress to approve proposed legislation to create a United States Department of Peace and Nonviolence.

The question being, "Shall the concurrent resolution, **S. C. R. No. 2**, be adopted?"

On the motion of Senator Jacobson, **S. C. R. No. 2**, was referred to the Committee on Reference.

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

S. R. No. 33-Senator Austria.

In memory of Specialist Ethan Biggers.

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

So the resolution was adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 101.38 (B) (1) of the Ohio Revised Code, the President of the Senate appoints the following members to serve on the Ohio Cystic Fibrosis Legislative Task Force:

Senator Coughlin
Senator Clancy

Pursuant to Section 101.38 (B) (1) of the Ohio Revised Code, the Minority Leader of the Senate appoints the following member to serve on the Ohio Cystic Fibrosis Legislative Task Force:

Senator Morano

Pursuant to Section 101.38 (B) (3) of Ohio Revised Code, the President of the Senate reappoints the following public members to serve on the Ohio Cystic Fibrosis Legislative Task Force:

Gregory J. Omlor, MD
Children's Hospital Medical Center of Akron
Division of Pulmonary Medicine
One Perkins Square
Akron, Ohio 44308

Rev. David L. Hoffman

Prospect, Ohio 43342

Kimberly A. Mathews

Newark, Ohio 43055

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3353.02 (B) of the Ohio Revised Code, the President of the Senate appoints the following members to serve as non-voting members on the eTech Ohio Commission:

Senator Cates

Senator Boccieri

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3109.15 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Ohio Children's Trust Fund Board:

Senator Schuring

Senator Kearney

MESSAGE FROM THE PRESIDENT

Pursuant to Section 183.04 (A) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve as non-voting members on the Tobacco Use Prevention and Control Foundation:

Senator Goodman

Senator D. Miller

MESSAGE FROM THE PRESIDENT

Pursuant to Ohio Revised Code Section 901.13 (B), the President of the Senate appoints Senator Mumper to serve on the Ethanol Incentive Board.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3318.30 (B) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve as non-voting members on the Ohio School Facilities Commission:

Senator Mumper

Senator Roberts

MESSAGE FROM THE PRESIDENT

Pursuant to Section 133.021(A) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Joint Select

Committee on Volume Cap:

Senator Goodman
Senator D. Miller

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3334.03 (B) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Ohio Tuition Trust Authority:

Senator Clancy
Senator Roberts

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4981.02 (A) of the Ohio Revised Code, the President of the Senate appoints the following member to serve on the Ohio Rail Development Commission:

Senator Mumper

Pursuant to Section 4981.02 (A) of the Ohio Revised Code, the Minority Leader of the Senate appoints the following member to serve on the Ohio Rail Development Commission:

Senator Cafaro

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3702.92 (B) of the Ohio Revised Code, the President of the Senate appoints Senator Goodman to serve on the Dentist Loan Repayment Advisory Board.

MESSAGE FROM THE PRESIDENT

Pursuant to H.C.R. No. 6 of the 127th General Assembly, the President of the Senate appoints the following senators to serve on the Committee to Wait Upon the Governor:

Senator Jacobson
Senator Gardner
Senator Spada
Senator Austria
Senator Carey
Senator Clancy
Senator Fedor
Senator Roberts

On the motion of Senator Jacobson, the Senate adjourned until Thursday, March 8, 2007, 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.