

OHIO

SENATE

JOURNAL

TUESDAY, MARCH 13, 2007

TWENTY-SECOND DAY
Senate Chamber, Columbus, Ohio
Tuesday, March 13, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Gribble, St. Joseph Cathedral, Columbus, 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 and concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

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.

To the Committee on Agriculture.

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.

To the Committee on Judiciary - Criminal Justice.

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."

To the Committee on Highways and Transportation.

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."

To the Committee on Health, Human Services and Aging.

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

Cosponsor: Senator Boccieri.

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.

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

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.

To the Committee on Agriculture.

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.

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

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.

To the Committee on Judiciary - Criminal Justice.

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.

To the Committee on Finance and Financial Institutions.

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.

To the Committee on Insurance, Commerce and Labor.

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.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 101-Senator Cates.

Cosponsors: Senators Gardner, Mumper, Cafaro, Padgett, Mason.

To amend section 1327.99 and to enact sections 319.56 and 1327.70 of the Revised Code to require the Department of Agriculture to establish a motor fuel quality testing program under which county auditors may conduct such testing.

To the Committee on Agriculture.

S. B. No. 102-Senator Schuler.

To amend section 4303.99 and to enact section 4303.208 of the Revised Code to authorize the F-8 liquor permit to be issued annually to certain nonprofit organizations to allow the sale of beer and intoxicating liquor at specific events that occur throughout the year on public space that the organization manages.

To the Committee on Agriculture.

S. B. No. 103-Senator Mumper.

Cosponsor: Senator Mason.

To amend section 5303.01 of the Revised Code to require that a person have paid all taxes and special assessments due on property while in their possession in order to use that period of possession to establish title to the property through adverse possession.

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

S. B. No. 104-Senator Mumper.

To amend section 3901.386 of the Revised Code to require insurers and other third-party payers to accept and honor assignment-of-benefit agreements entered into between plan beneficiaries and treating health care providers.

To the Committee on Insurance, Commerce and Labor.

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.

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

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 and concurrent resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **S. B. No. 4**-Senator Stivers, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Carey, Clancy, Roberts, Kearney.

YES - 13: RON AMSTUTZ, JOY PADGETT, GARY W. CATES, STEPHEN C. AUSTRIA, RANDY GARDNER, STEVE STIVERS, JOHN A. CAREY, PATRICIA M. CLANCY, DALE MILLER, TOM ROBERTS, RAY MILLER, ERIC H. KEARNEY, TOM NIEHAUS.

NO - 0.

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

The report of the committee was accepted.

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **S. B. No. 5**-Senator Carey, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Gardner, Stivers, Clancy, Miller, D., Roberts, Niehaus,

Miller, R., Kearney.

YES - 13: RON AMSTUTZ, JOY PADGETT, GARY W. CATES, STEPHEN C. AUSTRIA, RANDY GARDNER, STEVE STIVERS, JOHN A. CAREY, PATRICIA M. CLANCY, DALE MILLER, TOM ROBERTS, RAY MILLER, ERIC H. KEARNEY, TOM NIEHAUS.

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:

Jon Allison, Republican, from Hilliard, Franklin County, Ohio, as a Member of the State Lottery Commission for a term beginning January 2, 2007 and ending at the close of business August 1, 2009, replacing Gisela Rosenbaum, whose term expired.

Michael D. Baker, Republican, from Greenville, Darke County, Ohio, as a Member of the State Auctioneers Commission for a term beginning December 31, 2006 and ending at the close of business October 9, 2009, replacing Douglas Smith, whose term expired.

Dennis M. Bartels, Republican, from Gahanna, Franklin County, Ohio, as a member of the State Board of Career Colleges for a term beginning January 2, 2007 and ending at the close of business November 20, 2011.

Gary E. Buroker, Republican, from Enon, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a new term beginning December 8, 2006 and ending at the close of business November 30, 2012.

Garry W. Cain, Democrat, from East Springfield, Jefferson County, Ohio, as a Member of the State Auctioneers Commission for a term beginning December 31, 2006 and ending at the close of business October 9, 2009, replacing Richard Troup, whose term expired.

Jerry T. Caldwell, Independent, from Gahanna, Franklin County, Ohio, as a Member of the Savings and Loan Association and Savings Bank Board for a term beginning December 22, 2006 and ending at the close of business January 31, 2008, replacing Neal E. Hubbard, who resigned.

Charles Calvert, Republican, from Medina, Medina County, Ohio, as a Member of the Ohio Ethics Commission for a term beginning January 5, 2007

and ending at the close of business December 31, 2011, replacing William Booth, whose term expired.

Blanche Aviles Casey, from Beavercreek, Greene County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a term beginning January 5, 2007 and ending at the close of business October 7, 2009, replacing Silvia Jimenez-Hyre, whose term expired.

Henry F. Curtis IV, Independent, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Motor Vehicle Dealers Board for a term beginning December 22, 2006 and ending at the close of business October 4, 2008, replacing John Fixari, whose term expired.

C. Daniel DeLawder, from Newark, Licking County, Ohio, as a Member of the Ohio Arts Council for a term beginning January 5, 2007 and ending at the close of business July 1, 2009, replacing Raymond Tymus-Jones, who resigned.

Mary Jo Hudson, from Franklin County, Ohio, as Superintendent of Insurance, for the term beginning January 8th 2007.

Pari Sabety, from Franklin County, Ohio, as Director of the Budget and Management, for a term beginning January 8th 2007.

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, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, LANCE T. MASON, RAY MILLER, TOM ROBERTS, TERESA FEDOR.

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	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 Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 4-Senator Stivers.

Cosponsors: Senators Niehaus, Miller, D., Mumper, Spada, Gardner, Padgett, Goodman, Schaffer, Miller, R., Cafaro, Carey, Clancy, Roberts, Kearney.

To amend section 5111.851 and to enact sections 5111.70, 5111.701, 5111.702, 5111.703, 5111.704, 5111.705, 5111.706, 5111.707, 5111.708, 5111.709, and 5111.7010 of the Revised Code to establish the Medicaid Buy-In for Workers with Disabilities Program, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 4**, 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	Boccieri	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 bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Austria, Buehrer, Cates, Harris, Mason, Schuler, Schuring, Sawyer, Wilson, J., Smith, Morano, Fedor."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 5-Senator Carey.

Cosponsors: Senators Cates, Coughlin, Schuring, Austria, Gardner, Stivers, Clancy, Miller, D., Roberts, Miller, R., Kearney, Niehaus.

To amend sections 5111.89 and 5111.891 and to enact sections 173.351, 173.401, and 5111.894 of the Revised Code to revise the law governing the PASSPORT, Assisted Living Medicaid waiver, and Residential State Supplement programs and to allow for the transfer of funds for the operation of the programs and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 5**, 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	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 bill passed.

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

Senator Carey moved to amend the title as follows:

Add the names: "Fedor, Goodman, Grendell, Harris, Mason, Padgett, Schaffer, Spada, Wilson, J., Sawyer, Morano, Cafaro, Mumper, Smith."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 105-Senator Goodman.

Cosponsors: Senators Coughlin, Carey, Harris, Cates, Schaffer, Buehrer, Mason.

To amend sections 319.202, 322.07, 323.152, 323.153, 323.154, 323.159, 4503.06, 4503.064, 4503.065, 4503.066, 4503.067, and 5713.011 of the Revised Code to extend the homestead exemption to homeowners that have annual incomes of fifty thousand dollars or less and to change the manner in which the homestead exemption tax reduction is calculated for certain eligible homeowners.

S. B. No. 106-Senator Mason.

Cosponsors: Senators Miller, D., Bocchieri, Morano, Fedor, Miller, R.

To create the task force to study cancer death rates among African Americans in Ohio.

S. B. No. 107-Senator Mason.

Cosponsors: Senators Stivers, Bocchieri, Fedor, Miller, R.

To amend section 5747.98 and to enact section 5747.64 of the Revised Code to create a tax credit for individuals who purchase a new hybrid vehicle.

S. B. No. 108-Senator Schaffer.

Cosponsors: Senators Stivers, Schuring, Cafaro.

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 a criminal offense committed while the person held public office.

S. B. No. 109-Senator Bocchieri.

Cosponsors: Senators Miller, D., Mason, Cafaro.

To enact sections 1349.55 to 1349.60 of the Revised Code to allow a consumer to place a security freeze on the consumer's credit report.

S. B. No. 110-Senator Bocchieri.

Cosponsors: Senators Cafaro, Miller, D.

To amend section 3314.03 and to enact section 3313.6015 of the Revised Code to require public and chartered nonpublic schools to test students for dyslexia and related disorders and to provide intervention services to students identified as having dyslexia or a related disorder.

S. B. No. 111-Senator Bocchieri.

Cosponsors: Senators Miller, D., Cafaro, Padgett.

To amend section 174.03 of the Revised Code to require the Ohio Housing Finance Agency to develop and implement a program to provide housing for low-income grandparents who are guardians of a grandchild, have legal custody of a grandchild, or adopt a grandchild after a parent's rights are terminated.

S. B. No. 112-Senator Bocchieri.

Cosponsor: Senator Cafaro.

To enact section 126.031 of the Revised Code to require that each district of the state receive its proportional share of community improvement projects.

S. B. No. 113-Senator Bocchieri.

Cosponsors: Senators Miller, D., Cafaro.

To amend section 4505.01 and to enact section 4505.063 of the Revised Code to apply the motor vehicle certificate of title law to trailers and semitrailers that weigh 4,000 pounds or less and are not farm trailers.

S. B. No. 114-Senator Coughlin.

Cosponsors: Senators Gardner, Cafaro.

To amend sections 4729.38 and 4729.99 and to enact section 4729.382 of the Revised Code regarding substitution of drugs intended to treat epilepsy.

S. B. No. 115-Senator Stivers.

To amend sections 1739.05, 1751.14, and 3923.24 and to enact section 3923.84 of the Revised Code to require health insurers to provide coverage for dependent children until the age of thirty if the child meets specified conditions.

OFFERING OF RESOLUTIONS

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

S. R. No. 34-Senator Smith.

Cosponsors: Senators Miller, R., Gardner, Mumper, Schaffer, Austria, Amstutz, Roberts, Miller, D., Spada, Clancy, Coughlin, Schuring, Mason, Buehrer, Carey, Schuler, Padgett, Boccieri, Morano, Cafaro, Harris, Kearney, Goodman, Grendell, Jacobson, Niehaus, Stivers, Fedor, Wilson, J., Sawyer, Faber.

Honoring Troy Smith as the 2006 Heisman Trophy winner.

S. R. No. 35-Senator Smith.

Cosponsors: Senators Miller, R., Mumper, Mason, Wilson, J., Schuring, Miller, D., Gardner, Cafaro, Clancy, Roberts, Coughlin, Morano, Boccieri, Buehrer, Schuler, Harris, Carey, Kearney, Austria, Fedor, Sawyer, Goodman, Grendell, Jacobson, Niehaus, Schaffer, Spada, Stivers, Faber, Padgett.

Honoring Ted Ginn, Sr. as the 2006 High School Coach of the Year.

S. R. No. 36-Senator Smith.

Cosponsors: Senators Miller, R., Schuler, Grendell, Clancy, Schuring, Cafaro, Coughlin, Boccieri, Fedor, Kearney, Mason, Miller, D., Buehrer, Gardner, Morano, Harris, Jacobson, Roberts, Wilson, J., Sawyer, Schaffer, Goodman, Spada, Stivers, Mumper, Austria, Faber, Padgett, Carey, Niehaus.

Honoring Ted Ginn, Jr. for outstanding athletic achievement.

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 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 passed the following bill in which the concurrence of the Senate is requested:

Am. Sub. H. B. No. 67 Patton, Webster, Hottinger, Evans, Flowers, Schlichter, Strahorn, Aslanides, Batchelder, Bolon, Brown, Carmichael, Collier, Daniels, DeBose, Dolan, Domenick, Fende, Garrison, Gibbs, Hagan, J., Hagan, R., McGregor, J., Miller, Okey, Otterman, Uecker, Williams, B.

To amend sections 737.04, 737.041, 3314.091, 3327.10, 3705.242, 4503.10, 4503.44, 4505.09, 4511.101, 4511.21, 4519.59, 4561.18, 5501.31, 5501.49, 5502.03, 5502.62, 5516.01, 5537.16, 5577.05, 5591.02, 5735.05, 5751.032, and 5751.20; to enact sections 121.51, 4511.092, 5502.67, 5537.31, and 5537.32 of the Revised Code; and to amend Sections 235.20.20 and 235.30.70 of Am. Sub. H.B. 699 of the 126th General Assembly to prescribe terms and conditions pertaining to transportation and public safety purposes.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered the first time.

On the motion of Senator Niehaus, the Senate adjourned until Wednesday, March 14, 2007, 11:30 a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.