

OHIO

SENATE

JOURNAL

THURSDAY, MARCH 13, 2008

ONE HUNDRED FIFTIETH DAY
Senate Chamber, Columbus, Ohio
Thursday, March 13, 2008, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Paul Nobel, St. Matthew the Apostle Church, Gahanna, 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. 306-Senator Schuler.

Cosponsors: Senators Mumper, Seitz, Wagoner.

To amend sections 135.804, 323.151, and 323.159 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 and to expand the definition of a homestead to include settlors of irrevocable inter vivos trusts.

To the Committee on Ways and Means and Economic Development.

S. B. No. 307-Senator Padgett.

Cosponsors: Senators Fedor, Carey, Wilson, Seitz, Mumper, Roberts, Sawyer.

To amend sections 325.33, 1548.06, 1548.10, 2303.20, 4503.033, 4505.032, 4505.06, 4505.09, 4505.11, 4519.55, 4519.59, and 4519.61 of the Revised Code to increase the fees charged by the Clerk of the Court of Common Pleas for services related to certificates of title and taking affidavits, and to make other changes pertaining to the Clerk's titling responsibilities.

To the Committee on Highways and Transportation.

YES - 4: J. KIRK SCHURING, SHIRLEY A. SMITH, RAY
MILLER, BILL HARRIS.

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 Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **H. B. No. 496**-Representative Hottinger, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Kearney, Cafaro.

YES - 10: KEITH L. FABER, JOY PADGETT, STEPHEN C. AUSTRIA, CAPRI S. CAFARO, THOMAS SAWYER, ERIC H. KEARNEY, JOHN A. CAREY, JASON H. WILSON, TOM NIEHAUS, MARK D. WAGONER.

NO - 0.

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

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **Am. H. B. No. 314**-Representative Jones, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Mumper, Padgett, Schuring, Seitz, Coughlin, Buehrer, Wagoner.

YES - 8: KEVIN J. COUGHLIN, STEPHEN BUEHRER, LARRY A. MUMPER, JOY PADGETT, J. KIRK SCHURING, BILL SEITZ, DAVID GOODMAN, MARK D. WAGONER.

NO - 4: SHIRLEY A. SMITH, SUSAN L. MORANO, DALE MILLER, CAPRI S. CAFARO.

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

The report of the committee was accepted.

Senator Mumper submitted the following report:

The standing committee on Agriculture, to which was referred **Am. H. B. No. 289**-Representative Core, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Mumper, Padgett, Carey.

YES - 9: LARRY A. MUMPER, JOY PADGETT, JOHN A. CAREY, J. KIRK SCHURING, JOHN A. BOCCIERI, TOM ROBERTS, JASON H. WILSON, KEITH L. FABER, TIMOTHY J. GRENDALL.

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

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, Zehring, Mecklenborg, Aslanides, Blessing, Brady, Combs, DeBose, DeGeeter, Domenick, Driehaus, Dyer, Flowers, Gibbs, Hagan, J., Hite, Lundy, Oelslager, Raussen, Reinhard, Schlichter, Wagner, White, Widowfield. Senators Mumper, Padgett, Schuring, Seitz, Coughlin, Buehrer, Wagoner.

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, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 314**, pass?"

The yeas and nays were taken and resulted - yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Carey	Cates	Coughlin	Faber
Goodman	Jacobson	Mason	Mumper
Niehaus	Padgett	Sawyer	Schaffer
Schuler	Schuring	Seitz	Spada
Stivers	Wagoner	Wilson	Harris-24.

Senators Cafaro, Fedor, Kearney, Miller D, Miller R, Morano, Roberts, and Smith voted in the negative-8.

So the bill passed.

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

Senator Cates moved to amend the title as follows:

Add the names: "Amstutz, Carey, Cates, Faber, Goodman, Harris, Jacobson, Niehaus, Schaffer, Schuler, Spada, Wilson."

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

The motion was agreed to and the title so amended.

H. B. No. 496-Representative Hottinger.

Cosponsors: Representatives Peterson, Skindell, Boyd, Brown, Budish, Chandler, DeWine, Flowers, Jones, McGregor, R., Schlichter, Sears, Bacon, Bolon, Celeste, Combs, Domenick, Dyer, Evans, Foley, Garrison, Harwood, Hughes, Luckie, McGregor, J., Miller, Stewart, D., Williams, B., Yates, Yuko. Senators Kearney, Cafaro.

To make capital reappropriations for the biennium ending June 30, 2010, and certain capital appropriations, was considered the third time.

The question being, "Shall the bill, **H. B. No. 496**, 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	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Jacobson
Kearney	Mason	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wagoner	Wilson	Harris-32.

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: "Spada, Carey, Fedor, Miller, D., Morano, Amstutz, Harris, Mumper, Grendell."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 281-Senator Seitz.

Cosponsors: Senators Cates, Jacobson, Mumper, Niehaus, Schuler, Spada, Wagoner, Boccieri, Cafaro, Fedor, Kearney, Mason, Miller, D., Morano, Roberts, Sawyer.

To amend sections 2329.66, 2716.02, 2716.03, 2716.05, 2716.11, and 2716.13 of the Revised Code to increase the exemptions for property that a debtor may hold exempt from execution, garnishment, attachment, or sale for the satisfaction of a judgment or order to reflect the higher exemptions available for such property under the United States Bankruptcy Code and to provide for automatic adjustments to those exemptions based on changes in the Consumer Price Index and to modify the garnishment procedure, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 281**, pass?"

Senator Kearney moved to amend as follows:

In line 909, after the period insert " **Any garnishee that garnishes the property, other than personal earnings, of a judgment debtor in good faith reliance upon the order and notice of garnishment received by ordinary or regular mail service shall not be liable for damages in any civil action.**"

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

The motion was agreed to.

The question recurred, "Shall the bill 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	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 Seitz moved to amend the title as follows:

Add the names: "Carey, Goodman, Harris, Miller, D., Miller, R., Niehaus,

Schaffer, Smith, Spada, Wilson."

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 9, 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.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 346 -Representative Hughes

Cosponsors: Representatives Hagan, R., DeGeeter, Yuko, Strahorn, Flowers, Peterson, Setzer, Oelslager, Williams, S., Fende, Skindell, Bacon, Batchelder, Beatty, Boyd, Brown, Celeste, Chandler, Combs, DeBose, Distel, Driehaus, Dyer, Evans, Gerberry, Goyal, Harwood, Heard, Jones, Letson, Luckie, McGregor, J., Okey, Patton, Sayre, Schneider, Slesnick, Szollosi, White, Williams, B., Yates

To enact sections 3727.50 to 3727.57 of the Revised Code regarding hospital staffing guidelines for registered nurses and licensed practical nurses.

H. B. No. 385 -Representative Hottinger

Cosponsors: Representatives Evans, Wagoner, Flowers, Stebelton, Chandler, Mallory, McGregor, J., Yuko, Bacon, Barrett, Batchelder, Budish, Combs, Domenick, Dyer, Fende, Goyal, Hagan, J., Harwood, Hughes, Luckie, Lundy, Mecklenborg, Otterman, J., Patton, Peterson, Schindel, Stewart, D., Zehringer

To amend section 5705.19 of the Revised Code to permit land acquired by a board of township trustees for the purpose of protecting or preserving "greenspace" to be used for recreational purposes.

Attest:

Laura P. Clemens,
Clerk.

Said bills were considered the first time.

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 bills:

Sub. S. B. No. 185 -Senator Schuler

Cosponsors: Senators Kearney, Cates, Grendell, Seitz, Carey, Gardner, Harris, Sawyer, Wilson, Fedor, Morano, Spada, Boccieri Representatives Daniels, Brown, Collier, Domenick, Flowers, Lundy, Reinhard, Schneider, Skindell, Bacon, Batchelder, Bolon, Budish, Carmichael, Celeste, Chandler, DeBose, Dyer, Evans, Gardner, Gerberry, Gibbs, Goodwin, Goyal, Hughes, Koziura, Letson, Luckie, Mecklenborg, Patton, Schindel, Setzer, Stewart, D., Ujvagi, Yates, Yuko, Zehringer

To amend sections 127.14, 131.18, 131.44, 131.51, 133.10, 135.35, 135.352, 149.411, 321.08, 3375.05, 3375.121, 3375.32, 3375.35, 3375.36, 3375.37, 3375.38, 3375.39, 3375.40, 3375.404, 3375.41, 3375.42, 3375.85, 3375.91, 3375.92, 5705.28, 5705.281, 5705.31, 5705.32, 5705.321, 5705.37, 5715.36, 5719.041, 5747.03, 5747.46, 5747.47, 5747.48, 5747.51, and 5747.52 and to enact sections 3375.351, 3375.64, 3375.65, 3375.66, and 3375.67 of the Revised Code and to amend Section 323.10 of H.B. 119 of the 127th General Assembly to revise certain laws governing public libraries, to change the name of the Library and Local Government Support Fund, and to codify the creation of the Ohio Public Library Information Network.

Sub. S. B. No. 225 -Senator Schaffer

Cosponsors: Senators Faber, Schuler, Austria, Gardner, Harris, Niehaus, Seitz, Spada, Wilson Representatives Hughes, Sykes, Brown, Combs, DeBose, Domenick, Dyer, Evans, Flowers, Gardner, Harwood, Hottinger, Letson, McGregor, J., Patton, Schneider, Sears, Setzer, Uecker, Yuko

To amend sections 125.22, 4703.01 to 4703.15, 4703.151, 4703.16, 4703.18, 4703.181, 4703.19, 4703.331, 4703.34, 4703.37, 4703.50, 4703.51, and 4703.52 of the Revised Code to make changes to the Architects Law.

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:

Sub. H. B. No. 125 -Representative Huffman - et al.

Attest:

Laura P. Clemens,
Clerk.

On the motion of Senator Jacobson, the Senate adjourned until Tuesday, March 18, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.