

OHIO

SENATE

JOURNAL

WEDNESDAY, MARCH 21, 2007

TWENTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 21, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, Christ the King Catholic Church, 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 resolutions, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 118-Senator Gardner.

Cosponsors: Senators Coughlin, Miller, D., Mumper, Boccieri, Spada, Grendell.

To amend sections 3301.0718, 3313.60, 3313.603, 3314.03, and 3314.21 and to enact sections 3314.40 and 3319.076 of the Revised Code to require daily physical education instruction in grades kindergarten to six, to require completion of one unit of physical education in grades seven to twelve, to require physical education teachers to be licensed in their subject area, and to make other changes relative to physical education.

To the Committee on Education.

S. B. No. 119-Senator Schuler.

Cosponsor: Senator Schuring.

To amend sections 323.25, 323.31, 323.67, 5721.06, 5721.10, 5721.13, 5721.14, 5721.18, 5721.25, 5721.31, 5721.34, 5722.01, 5722.02, 5722.05, 5722.06, 5722.07, 5722.08, 5722.10, 5722.14, 5722.15, 5722.21, and 5723.06, to enact new sections 5722.03 and 5722.04, and to repeal sections 323.77, 5722.03, 5722.04, and 5722.13 of the Revised Code to modify the tax-delinquent land reutilization law by authorizing political subdivisions to prosecute property tax foreclosures, acquire such land through foreclosures before the land is offered at a tax sale, and sell such property at less than appraised market value; and to impose a one-year limit on property owners' option to obtain a delinquent tax installment payment contract.

To the Committee on Ways and Means and Economic Development.

S. B. No. 120-Senator Goodman.

Cosponsors: Senators Stivers, Austria.

To amend section 3727.05 and to enact sections 3727.50 and 3727.51 of the Revised Code to require hospitals to operate emergency departments and maintain Medicaid and Medicare provider agreements, to provide exemptions to these requirements, and to permit the Director of Health to seek an injunction for violation of these requirements.

To the Committee on Health, Human Services and Aging.

S. B. No. 121-Senator Stivers.

Cosponsors: Senators Gardner, Faber, Schuler, Harris, Schaffer.

To amend sections 5111.011 and 5111.0118 and to enact section 5111.182 of the Revised Code to establish a Medicaid program for individuals who exhaust benefits under a qualified long-term care insurance policy.

To the Committee on Finance and Financial Institutions.

S. B. No. 122-Senator Miller, D.

Cosponsors: Senators Cafaro, Boccieri, Morano, Mason, Miller, R.

To amend section 122.075 and to enact section 5537.29 of the Revised Code to establish a schedule for E85 blend fuel to be made available at service stations located on the Ohio Turnpike and to permit the Ohio Turnpike Commission to apply for grants made by the Department of Development under the Alternative Fuel Transportation Grant Program.

To the Committee on Highways and Transportation.

S. B. No. 123-Senator Miller, D.

Cosponsors: Senators Smith, Cafaro, Miller, R.

To amend sections 4510.036, 4511.98, 4513.03, and 5501.27 of the Revised Code to require that vehicles display lighted lights within construction zones during the hours of actual work within such zones.

To the Committee on Highways and Transportation.

S. C. R. No. 3-Senator Miller, D.

Cosponsors: Senators Roberts, Boccieri, Mason, Miller, R.

To urge the President and the Congress of the United States to amend the No Child Left Behind Act of 2001 to ensure more flexibility and to fully fund the appropriations authorized in the Act.

To the Committee on Education.

S. C. R. No. 4-Senator Miller, D.

Cosponsors: Senators Smith, Morano, Mason.

To memorialize the United States Congress not to renew Fast Track authority on proposed trade agreements and to create a system that ensures that trade agreements are developed and implemented using a democratic, inclusive mechanism that enshrines the principles of federalism and state sovereignty.

To the Committee on Insurance, Commerce and Labor.

S. C. R. No. 5-Senator Padgett.

Cosponsors: Senators Cates, Clancy, Gardner, Boccieri, Schuler, Miller, D., Schaffer, Kearney.

To urge the Congress of the United States to recognize the significance of the eastern states, including Ohio, in the preparation for, and return of, the Lewis and Clark Expedition by enacting legislation extending the Lewis and Clark National Historic Trail east to its origin at Monticello.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **S. B. No. 20**-Senator Clancy, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Kearney, Miller, D., Roberts, Coughlin, Cates.

YES - 11: RON AMSTUTZ, GARY W. CATES, KEVIN J. COUGHLIN, DAVID GOODMAN, TIMOTHY O. SCHAFFER, ROBERT L. SCHULER, STEVE STIVERS, THOMAS SAWYER, ERIC H. KEARNEY, DALE MILLER, TOM ROBERTS.

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. 80**-Senator Spada, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Padgett.

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

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:

Jack Spratt, Jr., Republican, from Lima, Allen County, Ohio, as a

Member of the James A. Rhodes State College Board of Trustees for a term beginning January 5, 2007 and ending at the close of business August 31, 2009, replacing Angelika Clark, whose term expired.

Elise deLanglade Spriggs, Republican, from Springfield, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a term beginning December 8, 2006 and ending at the close of business November 30, 2012, replacing Alicia Sweet Hupp, who resigned.

Susan H. Starr, Republican, from Port Clinton, Ottawa County, Ohio, as a Member of the Terra State Community College Board of Trustees for a term beginning December 31, 2006 and ending at the close of business December 31, 2012, replacing Thomas M. Brown, whose term expired.

Jon P. Thompson, Republican, from Cheshire, Gallia County, Ohio, as a Member of the Rio Grande Community College Board of Trustees for a new term beginning December 8, 2006 and ending at the close of business October 10, 2011.

Wesley Wells, Democrat, from Dayton, Montgomery County, Ohio, as a Member of the Self-Insuring Employers Evaluation Board for a new term beginning December 22, 2006 and ending at the close of business August 22, 2010.

Linda M. Williams, Democrat, from Akron, Summit County, Ohio, as a Member of the Credit Union Council for a new term beginning January 2, 2007 and ending at the close of business September 22, 2009.

Theresa A. Zide, Republican, from Marietta, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning January 2, 2007 and ending at the close of business February 18, 2009, replacing John R. Hendricks, who resigned.

Helene M. Zielinski, Independent, from Fremont, Sandusky County, Ohio, as a Member of the Terra State Community College Board of Trustees for a new term beginning December 31, 2006 and ending at the close of business December 31, 2012.

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

YES - 11: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, ROBERT F. SPADA, 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 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	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-32.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

S. B. No. 20-Senator Clancy.

Cosponsors: Senators Gardner, Stivers, Faber, Mumper, Padgett, Schuring, Schaffer, Kearney, Miller, D., Roberts, Coughlin, Cates.

To amend section 5747.37 of the Revised Code to increase the income tax adoption credit from \$500 per child to \$1,500, was considered the third time.

The question being, "Shall the bill, **S. B. No. 20**, 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	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-32.

So the bill passed.

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

Senator Clancy moved to amend the title as follows:

Add the names: "Austria, Buehrer, Cafaro, Carey, Fedor, Goodman, Grendell, Harris, Mason, Miller, R., Morano, Niehaus, Schuler, Smith, Spada, Wilson, J., Jacobson."

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

The motion was agreed to and the title so amended.

S. B. No. 40-Senator Schuler.

Cosponsors: Senators Boccieri, Buehrer, Carey, Clancy, Faber, Gardner, Grendell, Kearney, Miller, D., Mumper, Schaffer, Cates.

To enact section 5.2235 of the Revised Code to designate October as "German Heritage Month", was considered the third time.

The question being, "Shall the bill, **S. B. No. 40**, 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	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-32.

So the bill passed.

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

Senator Spada moved to amend the title as follows:

Add the names: "Austria, Fedor, Padgett, Roberts, Schuring, Stivers, Spada, Wilson, J., Sawyer."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 80-Senator Spada.

Cosponsors: Senators Amstutz, Goodman, Miller, D., Padgett.

To amend Section 203.99.21 of Am. Sub. H.B. 66 of the 126th General Assembly to require the Department of Development to establish one new foreign trade office in India and one new foreign trade office in China in fiscal year 2008, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 80**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 3, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Cates	Clancy	Coughlin	Faber
Fedor	Gardner	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Smith	Spada	Stivers
			Harris-29.

Senators Cafaro, Morano, and Wilson voted in the negative-3.

So the bill passed.

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

Senator Spada moved to amend the title as follows:

Add the names: "Clancy, Harris, Kearney, Stivers."

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 18, 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. 124-Senator Grendell.

To enact sections 5533.632 and 5533.91 of the Revised Code to designate State Route Number 2 within the city of Willoughby as the "Brian Montgomery Memorial Highway" and to designate a portion of State Route 44 within Lake County as the "Andy Nowacki Memorial Highway."

S. B. No. 125-Senator Stivers.

Cosponsors: Senators Clancy, Goodman, Spada, Mason, Schuler, Cates, Cafaro, Smith.

To amend sections 3769.03, 3769.08, 3769.083, 3769.085, and 3769.088 and to enact sections 3769.0811, 3769.0812, and 3769.0813 of the Revised Code to authorize wagering at a track on horse races that are telecast via an instant racing system and to levy a tax on amounts wagered in this manner.

S. B. No. 126-Senator Stivers.

Cosponsors: Senators Carey, Gardner, Goodman, Spada, Clancy.

To amend sections 117.13 and 131.02 and to enact sections 117.60 to 117.72 of the Revised Code to require the Auditor of State to contract with independent audit consultants to recover overpayments made by certain state agencies to vendors.

OFFERING OF RESOLUTIONS

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

S. R. No. 37-Senator Stivers.

Honoring Christopher J. Ferruso for his outstanding service to the Ohio General Assembly.

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

So the resolution was adopted.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, March 22, 2007, 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.