

OHIO

SENATE

JOURNAL

TUESDAY, APRIL 24, 2007

THIRTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, April 24, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Bishop R. Daniel Conlon, Diocese of Steubenville, Steubenville, 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:

Am. H. B. No. 24-Representative Wagner.

Cosponsors: Representatives McGregor, J., Wagoner, Gibbs, Combs, Stebelton, Collier, Huffman, Blessing, Bulp, Latta, Schindel, Hagan, J., Wolpert, Adams, Aslanides, Bacon, Barrett, Batchelder, Boyd, Brown, Budish, Carmichael, Chandler, Coley, Core, Daniels, DeBose, Dolan, Domenick, Dyer, Evans, Fende, Fessler, Flowers, Goodwin, Goyal, Harwood, Healy, Hite, Hottinger, Hughes, Jones, Letson, Luckie, Lundy, Mandel, Miller, Oelslager, Otterman, Patton, Raussen, Reinhard, Sayre, Schneider, Seitz, Setzer, Szollosi, Uecker, Wachtmann, Webster, Williams, S., Yuko, Zehringer.

To amend sections 718.01 and 718.02 of the Revised Code to authorize municipalities to allow self-employed taxpayers to take a municipal income tax deduction for amounts paid for medical care insurance and to authorize municipalities to allow individuals to deduct amounts paid into health savings accounts.

To the Committee on Ways and Means and Economic Development.

H. C. R. No. 13-Representatives Fessler, Setzer.

Declaring Aviation Maintenance Technician Day in Ohio, May 24, 2007 and 2008.

To the Committee on Highways and Transportation.

S. B. No. 146-Senator Spada.

Cosponsors: Senators Gardner, Goodman, Schuler, Clancy, Austria, Faber, Niehaus, Stivers, Grendell, Harris, Padgett, Amstutz, Mumper, Coughlin, Schuring, Schaffer.

To enact sections 126.40 to 126.43 of the Revised Code to create an Office of Internal Auditing within the Office of Budget and Management, to establish the State Audit Committee, and to prescribe their respective and interrelated functions.

To the Committee on Finance and Financial Institutions.

S. B. No. 147-Senator Faber.

Cosponsors: Senators Schuring, Grendell.

To amend section 5120.55 of the Revised Code to permit the Department of Rehabilitation and Correction to establish a loan repayment program for recruitment of nurses.

To the Committee on Health, Human Services and Aging.

S. B. No. 148-Senator Faber.

To amend sections 3309.33, 3309.34, 3309.36, 3309.38, and 3309.381 of the Revised Code to revise retirement eligibility requirements for members of the School Employees Retirement System.

To the Committee on Health, Human Services and Aging.

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

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 Schuring submitted the following report:

The standing committee on Rules to which were referred the appointments by the Governor of:

Helen Jones-Kelley, from Montgomery County, Ohio, as Director of Job and Family Services, for the term beginning January 8th 2007.

Henry Guzman, from Columbus, Franklin County, Ohio, as the Director of the Department of Public Safety for a term beginning February 9, 2007.

John Martin, from Lucas County, Ohio, as Director of Mental Retardation and Developmental Disabilities, for the term beginning January 15th 2007.

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	Bocchieri	Buehrer
Cafaro	Carey	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

Am. Sub. H. B. No. 53-Representative Peterson.

Cosponsors: Representatives Yuko, Skindell, Ujvagi, Setzer, Dodd, Bacon, Collier, Fende, Chandler, Strahorn, White, Hagan, R., Wachtmann, Williams, B., Boyd, Brown, DeBose, Flowers, Goodwin, Hottinger, Huffman, Jones, Oelslager, Otterman, Raussen, Uecker, Webster, Adams, Aslanides, Batchelder, Beatty, Bolon, Book, Brady, Bulp, Budish, Carano, Celeste, Combs, DeGeeter, Distel, Dolan, Domenick, Driehaus, Dyer, Evans, Foley, Garrison, Gibbs, Goyal, Harwood, Heard, Hite, Hughes, Latta, Letson, Luckie,

Lundy, Mallory, Mandel, McGregor, R., Miller, Okey, Patton, Sayre, Schindel, Schneider, Stebelton, Stewart, D., Stewart, J., Sykes, Wagoner, Williams, S., Yates Senators Miller, D., Cafaro, Morano, Padgett, Clancy.

To amend sections 701.01, 711.23, 1775.31, 2111.37, 2111.47, 2307.14, 2317.021, 2317.03, 2317.06, 2721.05, 3763.06, 4303.272, 4399.05, 4971.16, 5301.22, 5305.17, 5305.18, 5305.19, 5305.20, 5305.21, 5305.22, 5307.19, 5307.20, 5310.12, 5711.05, 5711.07, 5907.06, 5907.08, and 5907.09 of the Revised Code to replace terms that refer to persons with certain conditions , was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 53**, 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	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: "Spada, Amstutz, Austria, Boccieri, Buehrer, Faber, Carey, Coughlin, Fedor, Gardner, Grendell, Harris, Jacobson, Kearney, Mason, Sawyer, Schaffer, Schuler, Schuring, Smith, Wilson, Mumper, Miller, R.."

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. 149-Senator Roberts.

Cosponsors: Senators Fedor, Miller, D., Cafaro, Morano, Jacobson.

To amend sections 903.02, 903.04, 903.05, and 903.10, to enact sections 903.021, 903.101, and 903.102, and to repeal section 903.20 of the Revised Code to revise the law governing concentrated animal feeding facilities.

S. B. No. 150-Senator Roberts.

Cosponsors: Senators Fedor, Boccieri, Miller, D., Kearney, Schuler.

To amend sections 4301.10 and 4301.639 of the Revised Code to authorize liquor permit holders to accept military identification cards that contain a picture and age data as proof of a purchaser's age in order to qualify for a specified affirmative defense, and to require the Division of Liquor Control to provide retail permit holders with a notice of the permissible forms of identification for purposes of qualifying for that affirmative defense.

S. B. No. 151-Senator Roberts.

Cosponsors: Senators Fedor, Morano.

To enact sections 3346.01 to 3346.06 and 3346.10 of the Revised Code with respect to textbook pricing at state institutions of higher education.

S. B. No. 152-Senator Roberts.

Cosponsors: Senators Fedor, Morano, Kearney.

To enact section 4511.531 of the Revised Code to require bicycle operators and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.

S. B. No. 153-Senator Schuler.

Cosponsors: Senators Mumper, Schuring, Spada.

To amend sections 4509.01, 4509.20, 4509.41, and 4509.51 of the Revised Code to increase the minimum financial limits for bodily injury for one person injured in an accident, for all bodily injuries in one accident, and for the property damage maximum in one accident.

S. B. No. 154-Senator Cates.

To enact sections 4173.01, 4173.02, 4173.03, and 4173.99 of the Revised Code to require certain retail establishments to allow customers with eligible medical conditions to use the retail establishment's restrooms that are not usually available to the public.

OFFERING OF RESOLUTIONS

Senator Roberts offered the following concurrent resolution:

S. C. R. No. 6-Senator Roberts.

Cosponsors: Senators Fedor, Cafaro, Morano, Kearney, Boccieri, Schuler, Schuring.

To memorialize Congress to enact legislation providing for the funding and immediate implementation of the portions of the Farm Security and Rural Investment Act of 2002 dealing with country of origin labeling.

The question being, "Shall the concurrent resolution, **S. C. R. No. 6**, be adopted?"

On the motion of Senator Jacobson, **S. C. R. No. 6**, was referred to the Committee on Reference.

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

S. R. No. 54-Senator Faber.

Honoring the Marion Local High School football team as the 2006 Division VI State Champion.

S. R. No. 55-Senator Goodman.

Cosponsors: Senators Harris, Gardner, Carey, Coughlin, Schuler, Jacobson, Sawyer.

Recognizing May 2007 as National Amyotrophic Lateral Sclerosis Awareness Month.

S. R. No. 56-Senator Miller, R.

Honoring Alex A. Boudreaux as a Congressional Gold Medal recipient.

S. R. No. 57-Senator Mumper.

Honoring Steve Wilson as a 2007 Division III State Wrestling Champion.

S. R. No. 58-Senator Mumper.

Honoring Jedd Moore as a 2007 Division III State Wrestling Champion.

S. R. No. 59-Senator Mumper.

Honoring Jeffrey Pelton as a 2007 Division II State Wrestling Champion.

S. R. No. 60-Senator Mumper.

Honoring Matt Clum as a 2007 Division II State Wrestling Champion.

S. R. No. 61-Senator Miller, R.

Honoring the Columbus Africentric High School girls basketball team on

winning the 2007 Division IV State Championship.

S. R. No. 62-Senator Roberts.

Honoring the Dunbar High School boys basketball team as the 2007 Division II State Champion.

S. R. No. 63-Senator Roberts.

Honoring the Piqua High School football team as the 2006 Division II State Champion.

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

So the resolutions were adopted.

MOTIONS

Pursuant to Senate Rule No. 37, Senator Jacobson moved that Sub. S. B. No. 17 be recommitted to the Committee on Judiciary - Criminal Justice.

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

The motion was agreed to.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following message from the Governor which was read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Mark P. Morelli, Democrat, from Winterville, Jefferson County, Ohio, as a Member of the Ohio Steel Industry Advisory Council for a term beginning December 22, 2006 and ending at the close of business September 17, 2009.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 22nd day of December in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,
Governor.

Said appointment was referred to the Committee on Rules.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following message from the Governor which was read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Marsha P. Ryan, from New Albany, Franklin County, Ohio, as Administrator of the Bureau of Workers' Compensation for a term beginning May 5, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 20th day of April in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

Said appointment was referred to the Committee on Rules.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, James Beasley, from Georgetown, Brown County, Ohio, as Director of the Department of Transportation for a term beginning March 5, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Angela Cornelius, from Columbus, Franklin County, Ohio, as Director of the Department of Alcohol and Drug Addiction Services for a term beginning March 5, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Michael A. Dolan, from Cleveland, Cuyahoga County, Ohio, as Director of the State Lottery Commission for a term beginning March 28, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 28th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Jane A. Harf, from Granville, Licking County, Ohio, as a Member of the Waterways Safety Council for a term beginning March 6, 2007 and ending at the close of business January 31, 2012, replacing Rodney M. Allen, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Lee C. Howley, from Vermilion, Lorain County, Ohio, as a Member of the Wildlife Council for a new term beginning March 6, 2007, and ending at the close of business January 31, 2011.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Alvin Jackson, from Lucas County, Ohio, as Director of the Department of Health for a term beginning May 1, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 30th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Robert D. Kendis, Republican, from Solon, Cuyahoga County, Ohio, as a Member of the Labor-Management Government Advisory Council for a new term

beginning March 6, 2007, and ending at the close of business August 22, 2012.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Heather Heslop Licata, from Akron, Summit County, Ohio, as a Member of the State Board of Education for a term beginning March 1, 2007 and ending at the close of business December 31, 2008, replacing Tom Sawyer, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 1st day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, J. Richard Lumpe, Independent, from Columbus, Franklin County, Ohio, as a Member and Chair of the State Personnel Board of Review for a new term beginning February 9, 2007, and ending at the close of business February 8, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 9th day of February in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Roger W. McCauley, from Glouster, Athens County, Ohio, as a Member of the Ohio Housing Finance Agency for a new term beginning March 6, 2007, and ending at the close of business January 31, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Rhonda L. Mears, from Marietta, Washington County, Ohio, as a Member of the Banking Commission for a term beginning March 6, 2007 and ending at the close of business January 31, 2010, replacing Tiney M. McComb, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Sylvester Patton, from Youngstown, Mahoning County, Ohio, as a Member of the Unemployment Compensation Review Commission for a term beginning March 8, 2007 and ending at the close of business February 27, 2013, replacing John D. Jacob, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 8th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Bick Weissenrieder, from Athens, Athens County, Ohio, as a Member of the Banking Commission for a term beginning March 6, 2007 and ending at the close of business January 31, 2010, replacing Marlene Barkheimer, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of March in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, April 25, 2007, 11:30 a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.