

OHIO

SENATE

JOURNAL

TUESDAY, MAY 6, 2008

ONE HUNDRED SIXTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 6, 2008, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Steven Smith, Linworth Baptist Church, Worthington, 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:

Sub. H. B. No. 247-Representative Brown.

Cosponsors: Representatives Koziura, Chandler, Ujvagi, Williams, S., Williams, B., Yuko, Brady, Miller, DeGeeter, Otterman, Domenick, Luckie, Wagoner, Strahorn, Skindell, DeBose, McGregor, J., Driehaus, Hughes, Garrison, Combs, Schneider, Letson, Bacon, Batchelder, Beatty, Bolon, Book, Boyd, Budish, Celeste, Dodd, Dolan, Dyer, Evans, Fende, Foley, Gardner, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hottinger, Jones, Lundy, Mallory, Newcomb, Oelslager, Okey, Otterman, J., Patton, Schindel, Sears, Slesnick, Stebelton, Stewart, D., Szollosi, Widowfield, Yates.

To amend sections 2151.23, 2903.214, 2919.25, 3113.31, and 3113.33 of the Revised Code to allow a court to issue a civil protection order to a child who has had or has a dating relationship with the respondent if certain offenses are alleged and to include foster parents under the scope of the domestic violence laws.

To the Committee on Judiciary - Civil Justice.

Am. H. B. No. 320-Representative Jones.

Cosponsors: Representatives Brown, Evans, McGregor, J., Schindel, Stebelton, Uecker, Combs, Domenick, Newcomb, Ujvagi, Wachtmann, Boyd, Chandler, DeBose, DeGeeter, Dyer, Gardner, Heard, Hite, Hottinger, Koziura, Oelslager, Schneider, Skindell, Widener, Williams, S., Yates, Yuko.

To amend sections 4511.093, 4511.81, and 4513.263 of the Revised Code to require certain children who are between four and eight years of age to be secured in a booster seat and to require children who are between eight and eighteen years of age to be restrained in a child restraint system or an occupant restraining device if not otherwise required to be in a child restraint system or

booster seat.

To the Committee on Highways and Transportation.

Sub. H. B. No. 545-Representative Widener.

Cosponsors: Representatives Koziura, Batchelder, Budish, Stewart, D., Boyd, DeBose, Driehaus, Dyer, Foley, Garrison, Gerberry, Hagan, R., Letson, Luckie, Lundy, Newcomb, Peterson, Skindell, Stebelton, Sykes, Wagner, Widowfield, Yates.

To amend sections 109.572, 135.63, 1109.15, 1151.29, 1181.05, 1181.21, 1181.25, 1315.99, 1321.02, 1321.21, 1321.99, 1345.01, 1349.71, 1349.72, 1733.25, and 2307.61, to enact sections 121.085, 135.68, 135.69, 135.70, 1321.35, 1321.36, 1321.37, 1321.38, 1321.39, 1321.40, 1321.41, 1321.42, 1321.43, 1321.44, 1321.45, 1321.46, 1321.47, and 1321.48, and to repeal sections 1315.35, 1315.36, 1315.37, 1315.38, 1315.39, 1315.40, 1315.41, 1315.42, 1315.43, and 1315.44 of the Revised Code to repeal the Check-Cashing Lender Law, to establish the short-term lender law, to authorize savings and loan associations and credit unions to make short-term loans with special terms, to create a short-term installment loan linked deposit program, and to expand the responsibilities of the Consumer Finance Education Board.

To the Committee on Finance and Financial Institutions.

S. B. No. 327-Senator Coughlin.

To enact sections 5533.633 and 5533.634 of the Revised Code to designate a portion of State Route 59 within Cuyahoga Falls in Summit County as the "Sergeant Bryan W. Large Memorial Highway" and to designate another portion of State Route 59 within Cuyahoga Falls as the "Sergeant Justin T. Walsh Memorial Highway."

To the Committee on Highways and Transportation.

S. B. No. 328-Senator Buehrer.

To enact section 5533.811 of the Revised Code to designate a bridge on State Route 108 over the Maumee River as the "Henry County Veterans Bridge."

To the Committee on Highways and Transportation.

S. B. No. 329-Senator Roberts.

Cosponsors: Senators Mason, Miller, D., Seitz, Morano.

To amend section 319.20 of the Revised Code to require a third party trustee's name and address to be included on a real property transfer application submitted to the county auditor for endorsement, when the trustee holds title to real property and is neither the grantor nor the grantee.

To the Committee on Judiciary - Civil Justice.

YES - 5: J. KIRK SCHURING, SHIRLEY A. SMITH, JEFF JACOBSON, 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 **Sub. H. B. No. 544**-Representative Hottinger, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 11: JOHN A. CAREY, MARK D. WAGONER, TOM NIEHAUS, STEPHEN C. AUSTRIA, KEITH L. FABER, JOY PADGETT, GARY W. CATES, CAPRI S. CAFARO, JASON H. WILSON, ERIC H. KEARNEY, STEVE STIVERS.

NO - 1: RON AMSTUTZ.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION**H. B. No. 13**-Representative Fessler.

Cosponsors: Representatives Stebelton, Wachtmann, Brinkman, Adams, Harwood, Bubp, Domenick, Healy, Mallory, Miller, Sayre, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brown, Chandler, Collier, Daniels, DeBose, DeGeeter, Dyer, Evans, Fende, Flowers, Foley, Garrison, Gibbs, Goodwin, Hagan, J., Hagan, R., Hite, Hottinger, Huffman, Hughes, Koziura, Latta, Letson, Lundy, Oelslager, Okey, Otterman, Patton, Raussen, Schindel, Schneider, Setzer, Skindell, Stewart, D., Stewart, J., Uecker, Wagoner, Williams, B., Wolpert, Zehringer. Senators Seitz, Kearney, Fedor, Mason, Goodman.

To amend section 4503.102 of the Revised Code to prohibit the inclusion of Social Security numbers on motor vehicle registration renewal notices, was considered the third time.

The question being, "Shall the bill, **H. B. No. 13**, 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 Goodman moved to amend the title as follows:

Add the names: "Buehrer, Cates, Coughlin, Faber, Grendell, Harris, Morano, Mumper, Niehaus, Padgett, Sawyer, Schaffer, Schuler, Spada, Stivers, Wagoner, Miller, D., Cafaro."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 544-Representative Hottinger.

Cosponsors: Representatives Hagan, R., Yates, McGregor, J.

To amend sections 102.02, 183.021, 183.30, 183.33, and 2151.87; to enact sections 3701.84 and 3701.841; to repeal sections 183.03, 183.04, 183.05, 183.06, 183.061, 183.07, 183.08, 183.09, and 183.10 of the Revised Code; to repeal Section 3 of Am. S.B. 192 of the 127th General Assembly, to repeal Section 4 of S.B. 209 of the 127th General Assembly, and to repeal Section 205.10 of Sub. S.B. 321 of the 126th General Assembly to abolish the Tobacco Use Prevention and Control Foundation and transfer certain powers of the Foundation to the Department of Health, to make an appropriation, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 11, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Miller, R. moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the section, Section 11, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

Austria	Boccieri	Cafaro	Carey
Cates	Faber	Fedor	Goodman
Grendell	Jacobson	Kearney	Mason
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Spada	Stivers
Wagoner	Wilson		Harris-27.

Senators Amstutz, Buehrer, Coughlin, Miller D, and Smith voted in the negative-5.

So the section, Section 11, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

Senator Miller, R. moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the bill pass as an emergency measure?"

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

Those who voted in the affirmative were: Senators

Austria	Bocchieri	Buehrer	Cafaro
Carey	Cates	Faber	Fedor
Goodman	Grendell	Jacobson	Kearney
Mason	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-29.

Senators Amstutz, Coughlin, and Miller D voted in the negative-3.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Jacobson, Harris, Seitz."

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. 330-Senator Bocchieri.

To amend sections 4141.31 and 4141.312 of the Revised Code to eliminate the reduction in the amount of a claimant's unemployment compensation benefits by the amount the claimant concurrently receives in specified military benefits.

S. B. No. 331-Senator Roberts.

Cosponsors: Senators Fedor, Mason, Miller, D., Morano, Sawyer, Miller, R.

To amend sections 3302.03, 3313.672, 3314.012, 3314.015, 3314.03, 3314.19, and 3314.21 and to enact sections 3314.101, 3314.38, and 3314.39 of the Revised Code to require regular on-site evaluations of community schools, to require certain community school teachers to be "highly qualified," and to make other changes regarding public schools.

S. B. No. 332-Senator Roberts.

Cosponsors: Senators Fedor, Mason, Miller, D., Morano, Sawyer, Miller, R.

To amend sections 117.11, 3314.03, 3314.072, and 3314.19 and to enact sections 117.103 and 3314.40 of the Revised Code regarding the application of the Public Records Law and Public Audit Law to community school sponsors and operators and sanctions for community schools in arrears on workers' compensation payments.

S. B. No. 333-Senator Roberts.

Cosponsors: Senators Fedor, Mason, Miller, D., Morano, Sawyer, Miller, R.

To amend sections 3313.41, 3314.051, and 3318.08 of the Revised Code regarding the sale of school district property to community schools.

OFFERING OF RESOLUTIONS

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

S. R. No. 214-Senator Miller, R.

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

Recognizing National Foster Care Month, May 2008.

S. R. No. 215-Senators Goodman, Stivers.

Recognizing Building Safety Week, May 5-11, 2008.

S. R. No. 216-Senator Schaffer.

Recognizing Jessica E. Hanzlik as a 2008 Rhodes Scholar.

S. R. No. 217-Senators Stivers, Goodman.

In memory of John Henderson McConnell.

S. R. No. 218-Senator Grendell.

Honoring Kevin Slaten on being selected as a 2008 Carnegie Junior Fellow.

S. R. No. 219-Senators Austria, Buehrer, Cafaro, Cates, Faber, Fedor, Mason, Miller, D., Mumper, Padgett, Schaffer, Schuler, Seitz, Spada, Stivers, Wagoner.

Recognizing National Older Americans Month, May 2008.

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 adjourned until Wednesday, May 7, 2008 at 1:30 p.m.

Attest:

Vincent L. Keeran,
Clerk.