JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

OHIO SENATE

JOURNAL

TUESDAY, MAY 8, 2007

FORTY-FOURTH DAY Senate Chamber, Columbus, Ohio **Tuesday, May 8, 2007, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Gribble, St. Joseph's 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, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 158-Senator Padgett.

Cosponsors: Senators Wilson, Schaffer, Cafaro.

To amend sections 4510.02, 4510.036, 4511.21, 4511.33, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.45, 4511.451, 4511.46, 4511.47, and 4513.39 and to enact section 4501.14 of the Revised Code to provide for increased penalties when a person violates the motor vehicle traffic law assured clear distance ahead provision or commits a failure to yield the right-of-way offense that results in serious physical harm or death to another person.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 159-Senator Coughlin. Cosponsors: Senators Clancy, Mumper.

To amend section 2950.99 of the Revised Code to make a violation of the prohibition against certain sex offenders residing within 1,000 feet of any school premises a felony of the fifth degree.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 160-Senator Amstutz. Cosponsors: Senators Schuring, Spada.

To amend sections 5739.03, 5739.031, 5739.033, 5739.035, 5739.123, and 5741.02 and to enact section 5741.09 of the Revised Code to require vendors

using origin-based situsing rules to determine the appropriate sales tax jurisdiction in which a sale is taxable to continue to do so, to authorize vendors using destination-based sourcing to convert to origin-based situsing at their convenience, to repeal Ohio's multiple points of use provisions for services and computer-related sales, and to authorize the Tax Commissioner to develop a plan for in-state and out-of-state vendors to elect to collect and remit Ohio use taxes at a uniform rate.

To the Committee on Ways and Means and Economic Development.

S. B. No. 161-Senator Jacobson.

Cosponsors: Senators Cates, Coughlin, Goodman, Kearney, Mason, Mumper, Padgett.

To amend sections 135.143 and 135.35 and to enact sections 137.01 to 137.11 of the Revised Code to specify procedures for divesting investments a public authority holds in a company conducting specified types of business in Sudan and to prohibit public authorities from investing in such a company.

To the Committee on Finance and Financial Institutions.

YES - 4: J. KIRK SCHURING, TERESA FEDOR, JEFF JACOBSON, 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 Schuring submitted the following report:

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

Thomas P. Charles, from Pickerington, Fairfield County, Ohio, as Inspector General of Ohio for a term beginning February 9, 2007.

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.

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.

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.

Ronald G. Ferrell, Republican, from Mason, Warren County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a term beginning December 22, 2006 and ending at the close of business September 19, 2009, replacing Arthur M. Scott, who resigned.

Peter Miragliotta, Republican, from Cleveland, Cuyahoga County, as a Member of the Ohio Private Investigation and Security Services Commission for a new term beginning February 12, 2007 and ending at the close of business December 31, 2011.

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.

Tom Stickrath, from Franklin County, Ohio, as Director of Youth Services, for the 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, RANDY GARDNER, JEFF JACOBSON, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, LANCE T. MASON, RAY MILLER, 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	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

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Harris-33.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 39-Senator Schuler. Cosponsors: Senators Boccieri, Cafaro, Carey, Clancy, Faber, Gardner, Grendell, Kearney, Miller, D., Schaffer, Austria.

To amend sections 955.202 and 4501.21 and to enact section 4503.731 of the Revised Code to create Civil Air Patrol license plates and to direct that the Ohio Pet Fund receive contributions from the Pets license plates, was considered the third time.

The question being, "Shall the bill, Sub. S. B. No. 39, 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 Schuler moved to amend the title as follows:

Add the names: "Cates, Fedor, Goodman, Roberts, Sawyer, Spada, Stivers, Wilson, Harris, Miller, R.."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 126-Senator Stivers.

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

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 perform recovery audits for overpayments made to vendors by certain state agencies and to permit the Auditor to contract with independent audit consultants to conduct those audits, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 126**, pass?" Senator Amstutz moved to amend as follows:

In line 10, after "117.69," insert "and"; delete ", 117.71, and 117.72"

In line 13, delete " <u>117.71</u>" and insert " <u>117.69</u>"

In line 143, delete " 117.72" and insert " 117.70"

In line 171, delete "<u>117.72</u>" and insert "<u>117.70</u>"; delete "<u>An agency so</u> exempted"

Delete lines 172 and 173

In line 181, delete " <u>117.71</u>" and insert " <u>117.69</u>"

In line 190, delete everything after the underlined period

Delete lines 191 through 193

In line 197, delete " <u>117.72</u>" and insert " <u>117.70</u>"

In line 250, after " <u>the</u>" insert " <u>overpayment recovery audit consultant</u> may, during the forty-five-day period following the issuance of the report, continue attempting to recover the overpayment and the head officer of the state agency receiving the report shall proceed to collect the money in accordance with section 131.02 of the Revised Code. For purposes of division (A) of that section, the payment is to be considered due when the report is received by the officer."

Delete lines 251 through 278

In line 279, delete " 117.72." and insert " 117.70."

In line 327, strike through "If" and insert " <u>Except as provided in section</u> <u>117.69 of the Revised Code, if</u>"

In line 425, delete " detected" and insert " discovered and collected"

In line 2 of the title, delete "117.72" and insert "117.70"

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

The amendment was agreed to.

The question recurred, "Shall the bill, Sub. S. B. No. 126, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

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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: "Buehrer, Schaffer, Schuler, Schuring, Wilson, Harris, 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 bill was introduced and considered the first time:

S. B. No. 162-Senator Stivers.

Cosponsors: Senators Goodman, Coughlin, Smith, Schuring, Schaffer.

To amend sections 5747.01, 5747.02, 5747.05, 5747.08, and 5747.98 of the Revised Code to exempt from the personal income tax any unearned income of an individual who is age sixty-five or older.

OFFERING OF RESOLUTIONS

Senator Austria offered the following resolution:

S. R. No. 72-Senator Austria.

Recognizing National Older Americans Month, May 2007.

The question being, "Shall the resolution, S. R. No. 72, be adopted?"

So the resolution was adopted.

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

Senator Austria moved to amend the title as follows:

Add the names: "Carey, Goodman, Schuler, Schuring, Spada, Padgett,

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Wilson, Miller, D., Boccieri, Stivers, Cafaro, Morano, Fedor, Grendell, Sawyer, Mason, Clancy, Harris, Cates, Faber, Roberts, Niehaus, Jacobson, Gardner."

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

The motion was agreed to and the title so amended.

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:

Sub. H. B. No. 9 -Representative Carmichael. Cosponsors: Representatives Adams, Aslanides, Bacon, Brown, Coley, Collier, Combs, Daniels, Dodd, Evans, Fende, Fessler, Flowers, Hughes, Garrison, Gibbs, Latta, McGregor, J., Okey, Reinhard, Sayre, Schlichter, Seitz, Stewart, J., Wagoner, Webster, Bubp, Domenick, Otterman, Wachtmann, Batchelder, Bolon, Book, Chandler, Core, DeBose, Dyer, Goodwin, Goyal, Hagan, J., Harwood, Heard, Hottinger, Huffman, Letson, Luckie, Miller, Patton, Schneider, Setzer, Stebelton, Strahorn, Szollosi, Wagner, Zehringer.

To amend sections 4501.01, 4507.03, 4511.01, 4511.202, 4513.11, and 4513.99 of the Revised Code to require farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour to display a speed identification symbol and a slow-moving vehicle emblem when operated on a road or highway and to further address the operation of such farm machinery on roads and highways.

Attest:

Laura P. Clemens, Clerk.

Said bill was considered the first time.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, May 9, 2007, 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI, Clerk.