

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 9, 2007

FORTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 9, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father James Dunfee, St. Agnes Church, Mingo Junction, 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. 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.

To the Committee on Highways and Transportation.

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.

To the Committee on Ways and Means and Economic Development.

YES - 5: J. KIRK SCHURING, TOM ROBERTS, 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 Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 9**-Senator Clancy, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 9: TIMOTHY J. GRENDALL, KEITH L. FABER, TIMOTHY O. SCHAFFER, STEPHEN C. AUSTRIA, PATRICIA M. CLANCY, LANCE T. MASON, SHIRLEY A. SMITH, THOMAS SAWYER, STEVE STIVERS.

NO - 0.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was recommitted **Sub. S. B. No. 17**-Senator Grendell, et al., having had the same under consideration, re-reports back a substitute bill and recommends its passage.

Co-Sponsor: Mason.

YES - 9: TIMOTHY J. GRENDALL, PATRICIA M. CLANCY, LANCE T. MASON, THOMAS SAWYER, KEITH L. FABER, TIMOTHY O. SCHAFFER, SHIRLEY A. SMITH, STEVE STIVERS, STEPHEN C. AUSTRIA.

NO - 0.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was recommitted **S. B. No. 108**-Senator Schaffer, et al., having had the same under consideration, re-reports back a substitute bill and recommends its passage.

Co-Sponsor: Mason.

YES - 9: TIMOTHY J. GRENDALL, PATRICIA M. CLANCY,
LANCE T. MASON, THOMAS SAWYER, KEITH L.
FABER, TIMOTHY O. SCHAFFER, SHIRLEY A.
SMITH, STEVE STIVERS, STEPHEN C. AUSTRIA.

NO - 0.

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

The report of the committee was accepted.

Senator Padgett submitted the following report:

The standing committee on Education, to which was referred **S. B. No. 143**-Senator Padgett, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Sawyer, Morano, Cates.

YES - 9: THOMAS SAWYER, SUSAN L. MORANO, TOM
ROBERTS, JOY PADGETT, GARY W. CATES, JOHN
A. CAREY, LARRY A. MUMPER, RANDY GARDNER,
JEFF JACOBSON.

NO - 0.

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

The report of the committee was accepted.

Senator Schuler submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **S. B. No. 117**-Senator Jacobson, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: RAY MILLER, ROBERT F. SPADA, STEPHEN BUEHRER, TOM NIEHAUS, KEVIN J. COUGHLIN, JEFF JACOBSON, LANCE T. MASON.

NO - 1: ROBERT L. SCHULER.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

S. B. No. 9-Senator Clancy.

Cosponsors: Senators Stivers, Faber, Padgett, Jacobson, Cates, Grendell, Mumper, Harris, Austria.

To amend section 2901.13 of the Revised Code to permit a prosecution for a felony sex offense or kidnapping offense involving a victim under 13 years of age to be commenced at any time after the commission of the offense and to require the division of Criminal Justice Services in the Department of Public Safety to apply to the United States Attorney General for a "Jessica Lunsford and Sarah Lunde Grant", was considered the third time.

The question being, "Shall the bill, **S. B. No. 9**, 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 Clancy moved to amend the title as follows:

Add the names: "Goodman, Morano, Niehaus, Schaffer, Schuler, Spada, Wilson, Mason, Fedor, Kearney."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 102-Senator Schuler.

To amend section 4303.99 and to enact section 4303.208 of the Revised Code to authorize the F-8 liquor permit to be issued to certain nonprofit organizations to allow the sale of beer and intoxicating liquor at specific events that occur on public space that the organization manages, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 102**, 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	Bocchieri	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
Spada	Stivers	Wilson	Harris-32.

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: "Spada, Niehaus, Miller, D., Kearney, Clancy, Mumper."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 117-Senator Jacobson.

Cosponsors: Senators Miller, R., Spada, Buehrer, Mumper, Niehaus, Stivers, Mason.

To amend section 153.64, to enact sections 1332.21, 1332.22, 1332.23, 1332.24, 1332.25, 1332.26, 1332.27, 1332.28, 1332.29, 1332.30, 1332.31, 1332.32, 1332.33, and 1332.34, and to repeal sections 505.90, 505.91, and 505.92 of the Revised Code to provide for the issuance of video service authorizations by the Director of Commerce, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 117**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 4, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Clancy	Coughlin
Faber	Fedor	Gardner	Grendell
Jacobson	Mason	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuring
Smith	Spada	Stivers	Wilson
			Harris-29.

Senators Cates, Goodman, Kearney, and Schuler voted in the negative-4.

So the bill passed.

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

Senator Jacobson moved to amend the title as follows:

Add the names: "Fedor, Harris, Coughlin, Wilson, Sawyer."

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. 163-Senator Niehaus.

Cosponsors: Senators Cates, Kearney, Austria, Clancy, Schuring, Padgett.

To amend sections 109.57, 109.572, 109.60, 109.99, 2151.413, 2151.414, 2151.419, 2151.421, 2151.86, 3107.14, 5101.132, 5101.134, 5103.03, 5103.16, 5103.18, 5104.011, 5104.013, and 5104.30 and to enact sections 109.581, 1901.43, 1907.181, 2301.10, 5101.32, 5103.0328, and 5104.022 of the Revised Code to improve foster caregiver background checks, clarify when a court must order a person to be fingerprinted, and establish the retained applicant fingerprint database.

S. B. No. 164-Senator Cates.

Cosponsors: Senators Niehaus, Austria, Clancy, Schuring.

To amend sections 149.43, 2151.152, 2151.23, 2151.39, 3313.64, 5101.29, 5103.031, 5103.032, 5103.035, 5103.0312, 5103.0313, 5103.16, 5103.391, 5126.04, 5153.122, and 5153.123 and to enact sections 5103.23, 5103.231, 5103.232, 5103.233, 5130.234, 5103.235, 5103.236, 5103.237, and 5103.238 of the Revised Code relative to training for foster caregivers, the public record status of identifying information of current and prospective foster caregivers, department of job and family services authority to begin the child placement level of care pilot program and petition Congress for expanded usage of Title IV-E funding, and the coordination of the provision of services for foster children with mental retardation or developmental disabilities, and to amend the version of section 149.43 of the Revised Code that is scheduled to take

effect September 29, 2007, to maintain the provisions of this act on and after that effective date.

S. B. No. 165-Senator Kearney.

To amend sections 5126.028 and 5126.029 of the Revised Code to increase by two the board membership of county boards of mental retardation and developmental disabilities and require the new members of each board to be individuals eligible to receive mental retardation and developmental disabilities services offered by the board.

OFFERING OF RESOLUTIONS

S. C. R. No. 8-Senator Cates.

Cosponsors: Senators Clancy, Coughlin, Niehaus, Mumper, Schuring, Spada, Schuler, Miller, R., Cafaro, Grendell, Faber, Buehrer, Goodman.

To congratulate former Presidents of the United States George H.W. Bush and Bill Clinton for being awarded the 2007 International Freedom Conductor Award for their work in raising donations worldwide for the victims of the December 2004 tsunami and Hurricane Katrina.

The question being, "Shall the concurrent resolution, **S. C. R. No. 8**, be adopted?"

On the motion of Senator Jacobson, **S. C. R. No. 8**, was referred to the Committee on Reference.

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

S. R. No. 73-Senator Mason.

Honoring the Cuyahoga County Public Library on being ranked first in the nation on the 2006 HAPLR Index.

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

So the resolution was adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4121.70 (4) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the Labor-Management Government Advisory Council:

Christopher J. Ferruso
NFIB/Ohio
Columbus, Ohio 43215

(representing employers – term beginning immediately and ending October 6, 2010, replacing Chad Wilson)

On the motion of Senator Jacobson, the Senate adjourned until Thursday, May 10, 2007, 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.