

OHIO

SENATE

JOURNAL

THURSDAY, MAY 10, 2007

FORTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Thursday, May 10, 2007, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ken Kirk, Grove City United Methodist Church, Grove City, 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:

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.

To the Committee on Judiciary - Criminal Justice.

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.

To the Committee on Health, Human Services and Aging.

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.

To the Committee on Finance and Financial Institutions.

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.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Niehaus submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **S. B. No. 77**-Senator Grendell, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: TOM NIEHAUS, TIMOTHY O. SCHAFFER, DALE MILLER, ROBERT F. SPADA, SUSAN L. MORANO, TIMOTHY J. GRENDALL, LANCE T. MASON, LARRY A. MUMPER.

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 17-Senator Grendell.

Cosponsors: Senators Harris, Gardner, Schuring, Schaffer, Mason.

To amend sections 1547.11, 1547.111, 1547.99, 4503.231, 4503.233, 4507.164, 4510.13, 4510.43, 4511.181, 4511.19, 4511.191, 4511.192, 4511.193, and 4511.203 and to enact sections 1547.112, 4503.235, 4511.198, 4511.199, and 5502.10 of the Revised Code to increase certain penalties for repeat OVI offenders; to authorize a court to issue a vehicle immobilization waiver order in favor of specified family members of an OVI offender; to specify that wrongful entrustment of a motor vehicle is a strict liability offense, remove the requirement that an offender charged with the offense know or have reasonable cause to believe that the person provided a vehicle did not have a right to drive, and provide for that offense an affirmative defense of lack of such knowledge after reasonably diligent inquiry; to require a person with two prior applicable convictions to submit upon request to a chemical test under the vehicle or watercraft Implied Consent Law; to require the consideration of certain prior convictions in determining the length of a refusal suspension under the vehicle Implied Consent Law; to expand the list of offenses that are "equivalent offenses" for certain vehicle or watercraft OVI purposes; to clarify the application of a qualified immunity to persons who withdraw blood at the request of law enforcement personnel pursuant to the Implied Consent Law; to expand the circumstances when evidence on the concentration of alcohol or drugs of abuse in a bodily substance may be admitted in a watercraft OVI case; to require the Department of Public Safety to establish a state registry of Ohio's habitual OVI/OMWI arrestees and an Internet database, both of which are public records, containing information about persons with five or more Ohio arrests within the preceding twenty years for vehicle OVI or watercraft OMWI; to require law enforcement officers who arrest a person for vehicle OVI or watercraft OMWI to send to the Department of Public Safety a sworn report with specified information about the arrestee, the arrest, and prior similar arrests within the preceding 20 years; and to revise the criteria for certification of ignition interlock devices, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 17**, 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	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 Grendell moved to amend the title as follows:

Add the names: "Carey, Cates, Cafaro, Fedor, Goodman, Jacobson, Mumper, Niehaus, Padgett, Roberts, Sawyer, Faber, Spada, Stivers, Wilson, Boccieri, Morano, Buehrer."

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

The motion was agreed to and the title so amended.

S. B. No. 81-Senator Stivers.

Cosponsors: Senators Schuler, Smith, Carey, Faber, Clancy, Goodman, Boccieri, Schaffer, Mason, Cafaro, Miller, D.

To enact section 5.2250 of the Revised Code to designate the month of September as "Brain Aneurysm Awareness Month" in Ohio, was considered the third time.

The question being, "Shall the bill, **S. B. No. 81**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Fedor	Gardner	Goodman
Grendell	Jacobson	Kearney	Mason
Miller D	Miller R	Morano	Mumper
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Spada
Stivers	Wilson		Harris-31.

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: "Amstutz, Austria, Buehrer, Fedor, Harris, Padgett, Wilson, Spada."

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

The motion was agreed to and the title so amended.

S. B. No. 93-Senator Miller, D.

Cosponsors: Senators Smith, Cafaro, Fedor, Morano, Mason, Miller, R., Gardner.

To enact section 5.2235 of the Revised Code to designate May as "Nutrition and Physical Fitness Month", was considered the third time.

The question being, "Shall the bill, **S. B. No. 93**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Fedor	Gardner	Goodman
Grendell	Jacobson	Kearney	Mason
Miller D	Miller R	Morano	Mumper
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Spada
Stivers	Wilson		Harris-31.

So the bill passed.

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

Senator Miller, D. moved to amend the title as follows:

Add the names: "Amstutz, Austria, Bocchieri, Buehrer, Carey, Clancy, Coughlin, Faber, Goodman, Grendell, Jacobson, Kearney, Mumper, Niehaus, Padgett, Roberts, Sawyer, Schaffer, Schuler, Schuring, Spada, Stivers, Wilson, Harris, Cates."

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

The motion was agreed to and the title so amended.

S. B. No. 96-Senator Cates.

Cosponsor: Senator Carey.

To enact section 5.091 of the Revised Code to adopt the children's book Lentil as the official children's book of the state and to designate its author, Robert McCloskey, as the official children's book author of the state, was considered the third time.

The question being, "Shall the bill, **S. B. No. 96**, pass?"

Senator Cates moved that **S. B. No. 96** be recommitted to the Committee on State and Local Government and Veterans' Affairs.

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

The motion to recommit was agreed to.

Sub. S. B. No. 108-Senator Schaffer.

Cosponsors: Senators Stivers, Schuring, Cafaro, Mason.

To amend section 2929.20 of the Revised Code to prohibit a court from granting judicial release to any person serving a prison term for any of a list of specified felony offenses committed while the person held public office, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 108**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Fedor	Gardner	Goodman
Grendell	Jacobson	Kearney	Mason
Miller D	Miller R	Morano	Mumper
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Spada
Stivers	Wilson		Harris-31.

So the bill passed.

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Amstutz, Fedor, Harris, Padgett, Sawyer, Wilson, Grendell, Miller, D.."

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, May 6, 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.

OFFERING OF RESOLUTIONS

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

S. R. No. 74-Senator Morano.

In memory of Sergeant Norman Lane Tollett.

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

So the resolution was adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Sub. H. B. No. 2 -Representative Webster. - et al.

Attest:

Laura P. Clemens,
Clerk.

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:

H. B. No. 50 -Representative Evans.

Cosponsors: Representatives McGregor, J., Stebelton, Flowers, Setzer, Combs, Seitz, Bacon, Hite, Okey, Webster, Collier, Bulp, Chandler, Batchelder, Bolon, Coley, Daniels, Dolan, Gerberry, Gibbs, Hagan, R., Hottinger, Huffman, Letson, Luckie, Mallory, Otterman, Patton, Schindel, Schneider, Stewart, J., Wagoner, Zehringer.

To amend sections 505.85 and 505.87 and to enact section 505.871 of the Revised Code to allow townships to remove junk motor vehicles from public

and private property and to borrow money to pay for that removal of junk motor vehicles and for other debris from private property.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered the first time.

On the motion of Senator Jacobson, the Senate adjourned until Tuesday, May 15, 2007, 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.