

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, MAY 16, 2007**

FORTY-EIGHTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, May 16, 2007, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Jason Miller, Congregation Agudas Achim, Bexley, 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 resolutions, standing in order for second consideration, be referred to committee as recommended:

**S. B. No. 166**-Senator Goodman.

Cosponsors: Senators Schaffer, Fedor, Carey, Stivers, Grendell, Kearney, Jacobson, Spada, Schuring, Miller, D., Faber, Buehrer, Coughlin, Clancy, Padgett, Miller, R., Mason, Sawyer, Gardner, Austria, Schuler, Cafaro, Mumper, Morano.

To enact section 4933.41 of the Revised Code relative to the removal of trees and structures from easements that are part of interstate gas pipeline facilities.

To the Committee on Energy and Public Utilities.

**S. B. No. 167**-Senator Kearney.

To enact section 5101.90 of the Revised Code to create the Ohio Department of Job and Family Services Oversight Commission.

To the Committee on Health, Human Services and Aging.

**S. B. No. 168**-Senator Miller, D.

Cosponsors: Senators Smith, Morano, Roberts, Fedor.

To enact sections 3922.01 to 3922.15, 3922.21 to 3922.28, 3922.31, 3922.32, and 3922.33 of the Revised Code to establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

To the Committee on Health, Human Services and Aging.

**S. B. No. 169**-Senator Goodman.

Cosponsor: Senator Padgett.

To enact sections 109.45, 109.46, 109.47, 109.48, and 109.49 of the Revised Code to prohibit and provide civil penalties for the filing of false or fraudulent claims with the state and for defrauding the state of money or property in relation to the Medicaid program, to create a procedure for the investigation by the Attorney General of suspected violations, and to authorize the Attorney General and private persons to bring civil enforcement actions on behalf of the state.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 170**-Senator Amstutz.

To amend sections 6101.10, 6101.48, 6101.53, 6101.67, and 6101.70 and to enact section 6101.101 of the Revised Code to revise the membership of the board of directors of a conservancy district that includes all or parts of more than sixteen counties, to require the board of directors of such a district rather than the conservancy court to perform certain functions under the Conservancy Districts Law, to prohibit the levying of an assessment by such a conservancy district under specified circumstances, and to make other changes concerning the levying of an assessment by such a conservancy district.

To the Committee on Environment and Natural Resources.

**S. B. No. 171**-Senator Stivers.

Cosponsors: Senators Jacobson, Schuring, Schuler, Mumper.

To amend sections 4727.08, 4727.11, 4737.01, and 4737.04 and to enact sections 4737.041, 4737.042, and 4737.043 of the Revised Code to make certain changes to the Pawnbrokers Law and the Secondhand Dealers Law.

To the Committee on Insurance, Commerce and Labor.

**S. C. R. No. 9**-Senator Stivers.

Cosponsors: Senators Schuler, Carey, Goodman, Mason, Boccieri, Sawyer.

To proclaim April as Community Theatre Month to recognize the importance of community theatre in our society.

To the Committee on State and Local Government and Veterans' Affairs.

**S. C. R. No. 10**-Senator Stivers.

To designate the first week of February as "Kawasaki Disease Week."

To the Committee on Health, Human Services and Aging.

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

#### **REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **S. B. No. 134**-Senator Faber., having had the same under consideration, reports it back and recommends its passage.

YES - 8: STEVE STIVERS, STEPHEN BUEHRER, KEITH L.  
FABER, DAVID GOODMAN, J. KIRK SCHURING,  
LANCE T. MASON, THOMAS SAWYER, RON  
AMSTUTZ.

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 referred **S. B. No. 3**-Senator Faber, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: TIMOTHY J. GRENDALL, KEITH L. FABER,  
TIMOTHY O. SCHAFFER, PATRICIA M. CLANCY,  
SHIRLEY A. SMITH, THOMAS SAWYER, LANCE T.  
MASON.

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 referred **S. B. No. 10**-Senator Austria, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: TIMOTHY J. GRENDALL, KEITH L. FABER,  
TIMOTHY O. SCHAFFER, STEPHEN C. AUSTRIA,  
PATRICIA M. CLANCY, LANCE T. MASON, STEVE  
STIVERS.

NO - 2: SHIRLEY A. SMITH, THOMAS SAWYER.

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 referred **S. B. No. 97**-Senator Stivers, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

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

NO - 0.

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

The report of the committee was accepted.

**RESOLUTIONS REPORTED BY COMMITTEE****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.

WHEREAS, The December 2004 tsunami that hit Southeast Asia and the east coast of Africa and that killed tens of thousands of people was one of the worst international natural disasters in history. Hurricane Katrina was the costliest and one of the deadliest hurricanes in United States history; and

WHEREAS, After those two catastrophes, people from around the world reached out to the victims. Two men stood out among the thousands who volunteered their time to help those in need. Those two men, former Presidents of the United States George H.W. Bush and Bill Clinton, worked tirelessly together to raise funds and bring attention to the needs of those who were suffering; and

WHEREAS, The international community is honoring the collaboration of those two men in raising donations worldwide for the victims of the tsunami and Hurricane Katrina by awarding them the International Freedom Conductor Award. The Award is modeled after the Nobel Peace Prize to honor contemporary individuals or organizations that make significant contributions to freedom and human rights around the world; now therefore be it

RESOLVED, That we, the members of the 127th General Assembly of the State of Ohio, 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; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to former Presidents of the United States George H.W. Bush and Bill Clinton and the news media of Ohio.

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

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz  
Carey

Austria  
Cates

Buehrer  
Clancy

Cafaro  
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 concurrent resolution was adopted.

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

Senator Cates moved to amend the title as follows:

Add the names: "Amstutz, Austria, Carey, Kearney, Mason, Roberts, Schaffer, Harris, Stivers, Sawyer, Fedor."

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

The motion was agreed to and the title so amended.

On the motion of Senator Jacobson, the Senate recessed.

The Senate met pursuant to the recess.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 3**-Senator Faber.

Cosponsors: Senators Schaffer, Stivers, Jacobson, Carey, Grendell, Schuring.

To amend sections 145.27, 145.56, 145.82, 145.95, 742.41, 742.47, 2329.66, 2967.16, 2967.17, 3305.07, 3307.20, 3307.41, 3309.22, 3309.66, 3309.82, 3309.95, 5505.04, and 5505.22 and to enact sections 101.721, 101.921, 121.621, 145.572, 742.463, 2901.43, 2929.192, 3305.11, 3307.372, 3309.672, and 5505.262 of the Revised Code to provide that the privilege of holding a position of honor, trust, or profit that is forfeited by reason of conviction of certain felonies is not restored on completion of a prison term, period of community control sanctions or pardon or release by the Adult Parole Authority; to impose as part of the sentence of a person convicted of certain felonies committed while serving in such a position the forfeiture of the portion of any public retirement benefit that is based on employer contributions; to provide for the notification of the appropriate public retirement system if a member is charged with one of the felonies that could result in such a forfeiture; and to impose a lifetime ban against serving as, and the termination of any current registration of, a legislative agent, retirement system lobbyist, or executive agency lobbyist upon a person convicted of certain felonies, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 3**, 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	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-32.

So the bill passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Cafaro, Cates, Clancy, Fedor, Goodman, Harris, Mason, Morano, Niehaus, Padgett, Roberts, Sawyer, Wilson, Gardner, Mumper."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 10**-Senator Austria.

Cosponsors: Senators Carey, Clancy, Faber, Gardner, Goodman, Grendell, Harris, Kearney, Mumper, Niehaus, Padgett, Schaffer, Schuler, Spada, Stivers, Wilson, J.

To amend sections 109.42, 109.57, 311.171, 1923.02, 2151.23, 2152.02, 2152.19, 2152.191, 2152.22, 2152.82, 2152.83, 2152.84, 2152.85, 2152.851, 2743.191, 2901.07, 2903.211, 2905.01, 2905.02, 2905.03, 2905.05, 2907.01, 2907.02, 2907.05, 2921.34, 2929.01, 2929.02, 2929.022, 2929.03, 2929.06, 2929.13, 2929.14, 2929.19, 2929.23, 2930.16, 2941.148, 2950.01, 2950.02, 2950.03, 2950.031, 2950.04, 2950.041, 2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.10, 2950.11, 2950.12, 2950.13, 2950.14, 2967.12, 2967.121, 2971.01, 2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 5120.49, 5120.61, 5120.66, 5139.13, 5149.10, 5321.03, and 5321.051; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2152.821 (2151.811) and 2950.031 (2950.034); to enact new section 2950.031 and sections 2152.831, 2152.86, 2950.011, 2950.032, 2950.033, 2950.042, 2950.043, 2950.131, 2950.15, and 2950.16; and to repeal sections 2152.811, 2950.021, 2950.09, and 2950.091 of the Revised Code to revise Ohio's Sex Offender Registration and Notification Law and conform it to recently enacted requirements of federal law contained in the Adam Walsh Child Protection and Safety Act of 2006, to increase the penalties for certain violations of



kidnapping, aggravated murder when a sentence of death or life without parole is not imposed, and murder when the victim of any of those offenses is less than 13 years of age and the offense was committed with a sexual motivation and require that those sentences be served under the Sexually Violent Predator Sentencing Law, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	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-31.

Senator Smith voted in the negative-1.

So the section, Section 5, 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?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	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-31.

Senator Smith voted in the negative-1.

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

Senator Jacobson moved that the vote, whereby **Sub. S. B. No. 10** - Senator Austria -et al. was passed, be now reconsidered.

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

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	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-32.

The motion to reconsider was agreed to.

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

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	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-32.

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

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

Senator Austria moved to amend the title as follows:

Add the names: "Cates, Buehrer, Fedor, Miller, R., Schuring, Mason, Jacobson."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 97**-Senator Stivers.

Cosponsors: Senators Schaffer, Faber, Clancy, Boccieri, Mumper, Austria.

To amend section 2950.99 and to enact section 2950.131 of the Revised Code to modify the penalties for violations of the Sexual Offender Registration and Notification Law, to require the inclusion of specified information on the statewide and county sheriffs' internet sex offender and child-victim offender databases, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Miller D voted in the negative-1.

So the section, Section 5, 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?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Miller D voted in the negative-1.

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

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

Senator Stivers moved to amend the title as follows:

Add the names: "Goodman, Harris, Padgett, Spada, Wilson, Cates."

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 13, 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.

### **INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bill was introduced and considered the first time:

**S. B. No. 172**-Senator Cafaro.

Cosponsors: Senators Grendell, Fedor, Roberts, Kearney, Mason, Boccieri, Smith, Miller, D., Morano, Wilson.

To amend section 319.281 and to enact sections 3718.30 to 3718.38 of the Revised Code to delay the application of the rules adopted under the Household and Small Sewage Treatment Systems Law that are related to the rehabilitation, renovation, improvement, or replacement of an existing household sewage treatment system, to establish the Household Sewage Treatment System Revolving Loan Program and the Household Sewage Treatment System Grant Program in the Department of Health to provide loans and grants to eligible persons for repairs to or upgrades of household sewage treatment systems, to make appropriations, and to declare an emergency.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, May 17, 2007, 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,  
Clerk.