

**OHIO**

**SENATE**

**JOURNAL**

THURSDAY, MAY 31, 2007

FIFTY-FOURTH DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, May 31, 2007, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Tom Peters, Grace Baptist Church, Wooster, 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. 178**-Senator Padgett.

Cosponsors: Senators Smith, Mumper, Goodman.

To amend sections 4715.22, 4715.23, 4715.39, and 4715.64 and to enact sections 4715.221, 4715.222, 4715.223, 4715.224, 4715.225, 4715.226, 4715.227, 4715.228, 4715.229, and 4715.2210 of the Revised Code to permit dental hygienists to enter into collaboration agreements with dentists.

To the Committee on Health, Human Services and Aging.

**S. B. No. 179**-Senator Morano.

Cosponsors: Senators Fedor, Miller, D., Roberts, Miller, R., Smith, Sawyer, Cafaro, Mason.

To amend sections 2907.29, 3313.6011, and 4729.16; to enact sections 1751.661, 3701.047, 3701.135, 3727.11, 3727.12, 3923.602, 3923.611, 4729.43, and 4729.45; to repeal section 3701.046 of the Revised Code; to amend Section 206.42.03 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Section 206.42.09 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and to repeal Section 206.42.06 of Am. Sub. H.B. 66 of the 126th General Assembly regarding assistance for pregnancy prevention.

To the Committee on Health, Human Services and Aging.

**S. B. No. 180**-Senator Cafaro.

Cosponsors: Senators Jacobson, Miller, R., Goodman, Schuler, Bocchieri,

Cates, Kearney, Morano, Schaffer.

To amend sections 2903.13 and 2903.21 of the Revised Code to make an assault or aggravated menacing committed in a courthouse a felony of the fifth degree.

To the Committee on Judiciary - Criminal Justice.

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

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

Senator Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. J. R. No. 1**-Senator Coughlin, et al., having had the same under consideration, reports it back with the following amendment and recommends its adoption when so amended.

In line 12, after " use" insert " primarily"

Co-Sponsors: Niehaus, Carey.

YES - 5: LARRY A. MUMPER, TOM NIEHAUS, JOHN A. CAREY, ROBERT L. SCHULER, TIMOTHY J. GRENDALL.

NO - 3: CAPRI S. CAFARO, JOHN A. BOCCIERI, SHIRLEY A. SMITH.

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

The report of the committee was accepted.

Senator Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 7**-Senator Grendell, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Mumper, Carey, Niehaus.

YES - 8: TIMOTHY J. GRENDALL, LARRY A. MUMPER, JOHN A. CAREY, TOM NIEHAUS, ROBERT L. SCHULER, JOHN A. BOCCIERI, CAPRI S. CAFARO, SHIRLEY A. SMITH.

NO - 0.

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

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. B. No. 148**-Senator Faber, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Mumper.

YES - 11: KEVIN J. COUGHLIN, STEPHEN BUEHRER, PATRICIA M. CLANCY, DAVID GOODMAN, LARRY A. MUMPER, J. KIRK SCHURING, SHIRLEY A. SMITH, SUSAN L. MORANO, RANDY GARDNER, JOY PADGETT, DALE MILLER.

NO - 1: CAPRI S. CAFARO.

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

The report of the committee was accepted.

#### **RESOLUTIONS REPORTED BY COMMITTEE**

**Am. S. J. R. No. 1**-Senator Coughlin.

Cosponsors: Senators Grendell, Mumper, Amstutz, Buehrer, Schaffer, Gardner, Clancy, Niehaus, Carey.

Proposing to enact Section 19b of Article I of the Constitution of the State of Ohio to provide limits on the power of a public authority to take private

property for a public use.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 6, 2007, a proposal to enact Section 19b of Article I of the Constitution of Ohio to read as follows:

### ARTICLE I

**Section 19b.** No public authority shall take private property for a public use primarily for the purpose of increasing the revenues available to any public authority, nor shall the fact that a taking of private property may result in increased public revenues be used as evidence that a private property is blighted. Municipal corporations shall have the same authority to take private property for a public use as the state itself, provided that the municipal corporation exercises that power in conformity with the statutes the General Assembly enacts to govern takings by the state. The provisions of this section shall control in the event of any conflict between this section and Sections 2p and 14 of Article VIII, Ohio Constitution, or Sections 3, 4, 7, and 10 of Article XVIII, Ohio Constitution.

#### EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal, Section 19b of Article I of the Constitution of Ohio takes effect immediately.

#### SCHEDULE

The enactment of Section 19b of Article I of the Constitution of Ohio applies only to appropriation proceedings commenced on or after its effective date.

The question being, "Shall the joint resolution, **Am. S. J. R. No. 1**, be adopted?"

The yeas and nays were taken and resulted - yeas 21, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Clancy	Coughlin	Faber	Gardner
Goodman	Grendell	Jacobson	Mumper
Niehaus	Padgett	Schaffer	Schuler
Schuring	Spada	Stivers	Wilson
			Harris-21.

Those who voted in the negative were: Senators

Boccieri	Cafaro	Fedor	Kearney
Mason	Miller D	Miller R	Morano
Roberts	Sawyer		Smith-11.

So the joint resolution was adopted.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Austria, Faber, Goodman, Harris, Jacobson, Padgett, Schuler, Spada, Stivers."

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

The motion was agreed to and the title so amended.

### BILLS FOR THIRD CONSIDERATION

**Sub. S. B. No. 7**-Senator Grendell.

Cosponsors: Senators Harris, Faber, Schaffer, Amstutz, Coughlin, Gardner, Padgett, Schuring, Clancy, Mumper, Carey, Niehaus.

To amend sections 163.01, 163.02, 163.03, 163.04, 163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 163.15, 163.16, 163.17, 163.19, 163.20, 163.21, 163.22, 163.52, 163.53, 163.54, 163.55, 163.56, 163.57, 163.58, 163.59, 163.60, 163.61, 163.62, 303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 1728.01, 3735.40, and 3735.59, and to enact sections 1.08, 163.021, 163.211, and 163.63, and to repeal section 163.51 of the Revised Code to implement recommendations of the Eminent Domain Task Force and to create other procedures to protect the rights of property owners, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 7**, pass?"

Senator Bocchieri moved to amend as follows:

In line 23, after " (1)" insert " The property has either of the following conditions:

(a)"

Between lines 27 and 28, insert:

" (b) The property poses a direct threat to public health or safety in its present condition by reason of environmentally hazardous conditions, solid waste pollution, or contamination."

In line 51, after " (g)" delete the balance of the line

Delete lines 52 and 53

In line 54, delete " (h)"

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

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 7**, pass?"

Senator Boccieri moved to amend as follows:

In line 255, after the underlined period delete the balance of the line

Delete lines 256 and 257

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

Senator Jacobson moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Clancy	Coughlin	Faber	Gardner
Goodman	Grendell	Jacobson	Mumper
Niehaus	Padgett	Schaffer	Schuler
Schuring	Spada	Stivers	Harris-20.

Those who voted in the negative were: Senators

Boccieri	Cafaro	Fedor	Kearney
Mason	Miller D	Miller R	Morano
Roberts	Sawyer	Smith	Wilson-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 7**, pass?"

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

Those who voted in the affirmative were: Senators

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

Senators Fedor, Miller D, and Sawyer voted in the negative-3.

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: "Austria, Buehrer, Goodman, Jacobson, Schuler, Spada, Stivers, Miller, R., Wilson."

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 27, 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. 81**-Senator Schuler.

In memory of Specialist Michael K. Frank.

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 passed the following bill in which the concurrence of the Senate is requested:

**H. B. No. 120** -Representative Latta

Cosponsors: Representatives Chandler, Combs, Hughes, Otterman

To amend section 2152.20 of the Revised Code to eliminate unnecessary and inconsistent language mistakenly retained by Sub. H.B. 241 of the 126th General Assembly and to declare an emergency.

Attest:

Laura P. Clemens,  
Clerk.

Said bill was considered the first time.



On the motion of Senator Jacobson, the Senate adjourned until Tuesday, June 5, 2007, 10:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Assistant Clerk.