

OHIO

SENATE

JOURNAL

TUESDAY, OCTOBER 9, 2007

NINETY-THIRD DAY
Senate Chamber, Columbus, Ohio
Tuesday, October 9, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Monsignor Gerald Calovini, Blessed Sacrament Parish, Steubenville, 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:

Am. H. B. No. 224-Representative Schindel.

Cosponsors: Representatives McGregor, J., Evans, Setzer, Garrison, Huffman, Seitz, Adams, Fessler, Otterman, Zehringer, Miller, Jones, Bubp, Widener, Stebelton, Webster, Wagoner, Gibbs, Bolon, Chandler, Goyal, Latta, Patton, Bacon, Batchelder, Blessing, Coley, Collier, Combs, Core, DeBose, Domenick, Dyer, Flowers, Hagan, J., Harwood, Healy, Heard, Hughes, McGregor, R., Oelslager, Peterson, Schneider, Wolpert, Yates.

To amend section 718.05 of the Revised Code to specify that the municipal income tax annual return filing date for individuals shall not be earlier than the federal income tax filing date, to allow return preparers to use facsimile signatures on returns, and to permit taxpayers to authorize return preparers to communicate directly with municipal tax administrators.

To the Committee on Ways and Means and Economic Development.

H. C. R. No. 25-Representative Jones.

Designating Internet Safety Day in Ohio, September 23, 2007.

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

S. B. No. 226-Senator Kearney.

Cosponsors: Senators Cafaro, Miller, R., Morano, Smith.

To enact section 3701.67 of the Revised Code regarding vermin infestations in apartments.

To the Committee on Health, Human Services and Aging.

S. B. No. 227-Senator Schuring.

Cosponsors: Senators Niehaus, Cates, Padgett, Schuler, Grendell.

To enact section 3721.60 of the Revised Code to require the Department of Job and Family Services to pay a nonprofit nursing home that does not participate in the Medicaid program an annual refund.

To the Committee on Finance and Financial Institutions.

S. B. No. 228-Senator Stivers.

Cosponsors: Senators Schaffer, Coughlin, Mason, Schuring, Faber, Padgett.

To amend sections 2152.86, 2903.03, 2929.20, 2930.03, 2930.06, 2930.16, 2950.01, 2967.03, 2967.12, 2967.121, 2967.26, 2967.28, 5120.66, 5149.07, 5149.10, and 5149.101 of the Revised Code to require automatic notice to victims of first, second, or third degree felony offenses of violence of certain prisoner or alleged juvenile offender release or transfer proceedings; to expand victim participation in parole hearings; to require five years of post-release control for offenders who commit first, second, or third degree felony offenses of violence; to require the Department of Rehabilitation and Correction to keep information on such offenders in a publicly accessible database for ten years following final discharge; to require the Department to provide certain information related to paroles to designated public officials; to require the Department to notify the appropriate prosecuting attorney when a felon serving a specified sentence is released pursuant to a pardon, commutation of sentence, parole, or completed prison term; to prohibit the Parole Board from considering a sentence in effect since July 1, 1996, in making parole determinations; to make other changes related to the release of prisoners and victim's rights; to provide that voluntary manslaughter committed with a sexual motivation is a sexually oriented offense, makes an offender or juvenile offender registrant who commits it a tier III sex offender/child-victim offender, and may qualify a juvenile offender registrant who commits it as a public registry-qualified juvenile offender registrant; to name the victim and family notification provisions Roberta's Law; and to declare an emergency.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 229-Senator Gardner.

Cosponsors: Senators Mumper, Spada.

To enact sections 4774.01, 4774.02, 4774.04, 4774.06, 4774.08, 4774.10,

and 4774.99 of the Revised Code regarding licensure of radiologist assistants.

To the Committee on Health, Human Services and Aging.

S. B. No. 230-Senator Cates.

Cosponsors: Senators Mumper, Buehrer, Schuring, Padgett, Faber, Gardner, Austria, Schaffer.

To amend section 4731.22 and to enact section 2317.561 of the Revised Code to require that a woman who is to have an abortion be given the opportunity to view any available obstetric ultrasound image.

To the Committee on Health, Human Services and Aging.

S. B. No. 231-Senator Cates.

Cosponsors: Senators Mumper, Coughlin, Buehrer, Schuring, Padgett, Faber, Gardner, Austria, Schaffer.

To amend sections 2919.25, 3702.30, and 4731.22 and to enact section 3701.791 of the Revised Code requiring facilities that perform abortions to display a sign and enhancing the criminal penalty for causing or attempting to cause physical harm to a family or household member who was pregnant at the time of the offense.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 232-Senator Stivers.

Cosponsors: Senators Smith, Mason.

To amend sections 109.57, 109.572, 349.01, 921.06, 2151.011, 2151.421, 2907.08, 2919.223, 2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3301.58, 3321.01, 3325.07, 3701.80, 3714.03, 3717.42, 3737.22, 3737.83, 3737.841, 3742.01, 3781.06, 3781.10, 3797.06, 4511.01, 4511.81, 4513.182, 5101.29, 5103.03, 5104.01, 5104.011, 5104.014, 5104.015, 5104.02, 5104.021, 5104.03, 5104.04, 5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 5104.11, 5104.13, 5104.21, 5104.22, 5104.30, 5104.301, 5104.31, 5104.32, 5104.34, 5104.35, 5104.36, 5104.38, 5104.99, 5107.16, 5107.60, 5153.175, 5747.35, and 5747.98; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5104.014 (5104.012), 5104.015 (5104.14), 5104.02 (5104.021), 5104.021 (5104.023), 5104.052 (5104.018), 5104.20 (5104.24), 5104.21 (5104.22), and 5104.22

(5104.23); to enact new sections 5104.013, 5104.014, 5104.015, 5104.02, 5104.09, 5104.20, and 5104.21 and sections 5104.016, 5104.017, 5104.019, 5104.0110, 5104.0111, 5104.0112, 5104.0113, 5104.0114, 5104.0115, 5104.0116, 5104.0117, 5104.022, 5104.024, 5104.025, 5104.031, 5104.041, 5104.082, 5104.091, 5104.092, 5104.093, 5104.094, 5104.095, 5104.096, 5104.097, 5104.098, 5104.099, 5104.0910, 5104.0911, 5104.0912, 5104.0913, 5104.111, 5104.15, 5104.151, 5104.16, 5104.161, 5104.17, 5104.171, 5104.172, 5104.18, and 5104.19; and to repeal sections 5104.012, 5104.013, and 5104.09 of the Revised Code to revise the law governing child care.

To the Committee on Health, Human Services and Aging.

S. B. No. 233-Senator Spada.

Cosponsors: Senators Schuler, Jacobson, Padgett, Schaffer, Mason, Boccieri, Smith.

To amend sections 1517.11, 1531.26, 5101.98, and 5747.113 and to enact section 5502.23 of the Revised Code to allow taxpayers to make contributions to the American Red Cross Disaster Response Fund through their income tax returns.

To the Committee on Ways and Means and Economic Development.

S. B. No. 234-Senator Spada.

Cosponsor: Senator Mason.

To amend section 153.54 of the Revised Code to permit the waiver of bid guaranty and performance indemnity requirements for public improvement projects valued at less than \$500,000.

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

S. B. No. 235-Senator Cafaro.

Cosponsors: Senators Fedor, Miller, D., Grendell, Schuler, Goodman, Faber, Schaffer, Smith.

To enact section 5533.77 of the Revised Code to designate the interchange of United States Route 422 and State Route 82 in the city of Warren as the "Sgt. Marco Miller Memorial Interchange."

To the Committee on Highways and Transportation.

S. B. No. 236-Senator Cafaro.

Cosponsors: Senators Kearney, Mason, Boccieri, Schuler, Gardner, Harris, Carey, Goodman, Schaffer, Smith.

To enact section 5533.76 of the Revised Code to designate the interchange of State Route 45 and State Route 82 in Champion Township in Trumbull County as the "Sgt. Robert M. Carr Memorial Interchange."

To the Committee on Highways and Transportation.

S. B. No. 237-Senator Schaffer.

To amend sections 3731.01 and 3731.04 and to enact section 3731.17 of the Revised Code to allow transient hotels to permit guests to stay longer than thirty days and to allow extended stay hotels to permit guests to stay longer than one year.

To the Committee on Insurance, Commerce and Labor.

S. C. R. No. 18-Senator Padgett.

To approve the Department of Education's proposed changes to the state academic accountability system for public schools.

To the Committee on Education.

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 Cates submitted the following report:

The standing committee on State and Local Government and Veterans'

Affairs, to which was referred **S. B. No. 46**-Senator Mumper, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Cates, Niehaus.

YES - 8: GARY W. CATES, LARRY A. MUMPER, JOHN A. CAREY, TOM NIEHAUS, ROBERT L. SCHULER, CAPRI S. CAFARO, SHIRLEY A. SMITH, JOHN A. BOCCIERI.

NO - 0.

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

The report of the committee was accepted.

Senator Carey submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 84**-Senator Schaffer, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Cates.

YES - 6: GARY W. CATES, LARRY A. MUMPER, JOHN A. CAREY, 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 Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **H. B. No. 50**-Representative Evans, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Cates, Mumper, Carey.

YES - 6: GARY W. CATES, LARRY A. MUMPER, JOHN A. CAREY, 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.

BILLS FOR THIRD CONSIDERATION

S. B. No. 44-Senator Carey.

Cosponsors: Senators Cafaro, Clancy, Padgett, Miller, D., Schuler, Grendell, Boccieri.

To amend section 5511.09 of the Revised Code to permit local jurisdictions to request the Director of Transportation to designate a name for a bridge that is part of the highway system , was considered the third time.

The question being, "Shall the bill, **S. B. No. 44**, 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	Faber	Fedor	Gardner
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Smith	Spada
Stivers	Wilson		Harris-31.

So the bill passed.

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

Senator Carey moved to amend the title as follows:

Add the names: "Cates, Harris, Schaffer, Spada, Stivers, Wilson."

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. 238-Senator Boccieri.

Cosponsors: Senators Coughlin, Fedor, Cafaro, Harris, Schuring, Carey, Schaffer, Mason.

To enact section 5533.76 of the Revised Code to designate a portion of United States Route 62 located within Stark, Columbiana, and Mahoning counties as the "Lance Corporal Daniel McVicker Memorial Highway."

OFFERING OF RESOLUTIONS

Senator Austria offered the following resolution:

S. R. No. 129-Senator Austria.

Cosponsors: Senators Spada, Gardner, Stivers, Miller, D., Mason, Schuler, Boccieri, Cafaro, Buehrer, Wilson, Mumper, Morano.

Recognizing October 2007 as Domestic Violence Awareness Month.

The question being, "Shall the resolution, **S. R. No. 129**, be adopted?"

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	Faber	Fedor	Gardner
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Smith	Spada
Stivers	Wilson		Harris-31.

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: "Faber, Kearney, Niehaus, Roberts, Sawyer, Schaffer, Schuring, Fedor, Miller, R., Smith, Clancy, Carey, Cates, Coughlin, Harris."

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

The motion was agreed to and the title so amended.

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

S. R. No. 130-Senator Harris.

Cosponsors: Senators Fedor, Amstutz, Austria, Boccieri, Buehrer, Cafaro, Carey, Cates, Clancy, Coughlin, Faber, Gardner, Goodman, Grendell, Jacobson, Kearney, Mason, Miller, D., Miller, R., Morano, Mumper, Niehaus, Padgett, Roberts, Sawyer, Schaffer, Schuler, Schuring, Smith, Spada, Stivers, Wilson.

Honoring the memory of James W. Burley.

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 3333.01 of the Ohio Revised Code, the President of the Senate appoints Senator Padgett (Chair of the Senate Education Committee) to serve as an ex-officio member of the Ohio Board of Regents.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3301.01 (A) of the Ohio Revised Code, the President of the Senate appoints Senator Padgett (Chair of the Senate Education Committee) to serve as an ex-officio member of the Ohio State School Board of Education.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 755.03 (A) of H. B. No. 530 of the 126th General Assembly, the President of the Senate and the Speaker of the House of Representatives jointly appoint the following public member to the Ohio Transportation Task Force:

William A. Nicolozakes (representing the Ohio Coal Association)
Zanesville, Ohio 43701

MESSAGE FROM THE PRESIDENT

September 19, 2007

The Honorable Bill Harris
Statehouse
Columbus, Ohio 43215

Dear President Harris,

I am writing to inform you that I will resign my position as the State Senator from the Eighth Ohio Senate District effective Tuesday, October 9, 2007. It has been a privilege to serve in the Ohio Senate under your leadership the last three years as well as in the Ohio House of Representatives for eight years. Although it will be hard to leave my colleagues in the General Assembly, I am looking forward to the opportunity to spend more time with my family and to serve my community at the local level.

Sincerely,
/s/ Patricia Clancy
Patricia Clancy

MESSAGE FROM THE PRESIDENT

October 9, 2007

Senator Patricia Clancy
Senate Building
Columbus, Ohio 43215

Dear Senator Clancy:

In accordance with Section 101.25 of the Ohio Revised Code, I hereby acknowledge receipt of your letter of resignation from the Ohio Senate effective Tuesday, October 9, 2007.

It has certainly been a pleasure working with you during your time with the Senate. I wish you all the best at your new position.

Good luck!

Sincerely,
/s/ Bill Harris

Senator Bill Harris
Senate President
19th District

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, October 10, 2007 at 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.