

OHIO

SENATE

JOURNAL

TUESDAY, OCTOBER 16, 2007

NINETY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, October 16, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Grace Baptist Church, Cedarville, 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:

H. B. No. 13-Representative Fessler.

Cosponsors: Representatives Stebelton, Wachtmann, Brinkman, Adams, Harwood, Bulp, Domenick, Healy, Mallory, Miller, Sayre, Bacon, Barrett, Batchelder, Blessing, Bolon, Book, Boyd, Brown, Chandler, Collier, Daniels, DeBose, DeGeeter, Dyer, Evans, Fende, Flowers, Foley, Garrison, Gibbs, Goodwin, Hagan, J., Hagan, R., Hite, Hottinger, Huffman, Hughes, Koziura, Latta, Letson, Lundy, Oelslager, Okey, Otterman, Patton, Raussen, Schindel, Schneider, Setzer, Skindell, Stewart, D., Stewart, J., Uecker, Wagoner, Williams, B., Wolpert, Zehring.

To amend section 4503.102 of the Revised Code to prohibit the inclusion of Social Security numbers on motor vehicle registration renewal notices.

To the Committee on Judiciary - Civil Justice.

Sub. H. B. No. 71-Representative White.

Cosponsors: Representatives McGregor, J., Setzer, Brown, Hagan, J., Seitz, Wagoner, Wolpert, Aslanides, Distel, Batchelder, Blessing, Boyd, Chandler, Coley, Domenick, Evans, Flowers, Foley, Hagan, R., Hite, Hottinger, Hughes, Letson, Luckie, Mallory, Otterman, Schneider, Stebelton, Stewart, D., Webster, Williams, S., Yuko.

To amend sections 955.28 and 959.16, to enact new section 959.132 and section 959.161, and to repeal section 959.132 of the Revised Code to provide for the seizure, impoundment, and disposition of roosters involved in cockfighting and dogs involved in dogfighting; to revise requirements and procedures governing the seizure, impoundment, and disposition of companion animals that are the subject of abuse or neglect; and to clarify that the authority conferred upon a person to kill an attacking dog does not include

the authority to kill a police dog.

To the Committee on Agriculture.

Am. Sub. H. B. No. 166-Representative Schindel.

Cosponsors: Representatives Adams, Bubp, Combs, DeWine, Flowers, Gibbs, Seitz, Stebelton, Widener, Zehringer, Aslanides, Bacon, Batchelder, Blessing, Coley, Collier, Daniels, Dolan, Evans, Fessler, Hagan, J., Hite, Hottinger, Huffman, Hughes, McGregor, R., Patton, Schneider, Setzer, Uecker, Wachtmann, Wagner, Wagoner, Widowfield.

To amend section 124.341 and to enact sections 126.40 to 126.43 of the Revised Code to create an Office of Internal Auditing within the Office of Budget and Management, to establish the State Audit Committee, and to prescribe their respective and interrelated functions.

To the Committee on Finance and Financial Institutions.

Am. Sub. H. B. No. 125-Representative Huffman.

Cosponsors: Representatives DeGeeter, Seitz, McGregor, J., Schneider, Latta, Adams, Gibbs, Setzer, Oelslager, Uecker, McGregor, R., Stewart, J., Stebelton, Fessler, Barrett, Wagoner, Celeste, Reinhard, Widener, Blessing, Book, Carmichael, Lundy, Hughes, Core, Dodd, Batchelder, Boyd, Budish, Chandler, Collier, Distel, Driehaus, Dyer, Evans, Flowers, Goyal, Hagan, J., Healy, Koziura, Letson, Luckie, Otterman, Patton, Yuko.

To amend sections 1751.13, 1753.01, 1753.07, 1753.09, and 5111.17, to enact sections 3963.01 to 3963.10, and to repeal sections 1753.03, 1753.04, 1753.05, and 1753.08 of the Revised Code to establish certain uniform contract provisions between health care providers and contracting entities, to establish standardized credentialing, to require contracting entities to provide to health care providers specified information concerning enrollees, to require the Department of Job and Family Services to allow managed care plans to use providers to render care, and to create a Joint Legislative Study Commission on Most Favored Nation Clauses in Health Care Contracts.

To the Committee on Judiciary - Civil Justice.

Am. Sub. H. B. No. 214-Representatives Wagner, Combs.

Cosponsors: Representatives Seitz, McGregor, J., Stebelton, Brown, Aslanides, Batchelder, Blessing, Collier, Flowers, Goodwin, Hagan, J., Letson, Raussen, Wachtmann.

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, 5103.234, 5103.235, 5103.236, and 5103.237 of the Revised Code relative to training for foster caregivers, the public record status of identifying information of current and prospective foster caregivers, petitioning Congress for expanded usage of Title IV-E funding, the Interstate Compact on the Placement of Children, and the coordination of the provision of services for foster children with mental retardation or developmental disabilities.

To the Committee on Health, Human Services and Aging.

Sub. H. B. No. 41-Representative Uecker.

Cosponsors: Representatives McGregor, J., Stebelton, Brown, Flowers, Fende, Wagoner, Stewart, D., Yuko, Chandler, Goyal, Harwood, Luckie, Skindell.

To amend section 4745.01 and to enact sections 4770.01 to 4770.14 and 4770.99 of the Revised Code to require the licensure of persons operating security or life-safety systems companies or companies providing locksmith services and of individuals performing specified types of security or life-safety systems work or locksmith services and to establish the Security or Life-Safety Systems Advisory Board in the Office of the State Fire Marshal.

To the Committee on Insurance, Commerce and Labor.

Am. Sub. H. B. No. 177-Representative Blessing.

Cosponsors: Representatives Adams, Yuko, Webster.

To amend sections 2915.01 and 3769.07 and to enact sections 2915.06 and 2915.061 of the Revised Code to allow the same person, association, trust, or corporation to own and operate two separate race tracks in Ohio, to modify the definition of "slot machine" and "skill-based amusement machine" for purposes of the Gambling Law, to create a limit on the redemption value of prizes associated with skill-based amusement machines, and to clarify regulatory authority pertaining to skill-based amusement machines and to declare an emergency.

To the Committee on Rules.

S. B. No. 239-Senator Gardner.

To amend sections 133.20 and 307.041 of the Revised Code to require that the amount spent by counties on energy conservation measures be unlikely to exceed the amount saved in energy and operating costs over the average system life of the measures, and to require that financed measures be paid for within their average system life.

To the Committee on Energy and Public Utilities.

S. B. No. 240-Senator Grendell.

To enact section 5.033 of the Revised Code to adopt the spotted salamander as the state amphibian.

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

S. B. No. 241-Senator Cates.

Cosponsors: Senators Carey, Mumper, Schuring, Faber, Padgett.

To amend section 301.28 of the Revised Code to modify the law governing payment of county expenses by a financial transaction device.

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

S. B. No. 242-Senator Miller, D.

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

To enact sections 4905.66, 4905.661, 4905.662, 4905.663, and 4905.664 of the Revised Code to create a renewable energy portfolio standard for electric suppliers and authorize a state system of tradable renewable energy credits.

To the Committee on Energy and Public Utilities.

S. C. R. No. 20-Senator Boccieri.

Cosponsors: Senators Fedor, Miller, D., Wilson, Cafaro, Morano, Smith, Roberts, Kearney, Sawyer.

To urge Congress to override President Bush's veto of the Children's Health Insurance Reauthorization Act of 2007.

To the Committee on Finance and Financial Institutions.

YES - 4: J. KIRK SCHURING, TOM ROBERTS, TERESA FEDOR, BILL HARRIS.

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 Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 217**-Senator Kearney, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Cates, Grendell, Seitz, Niehaus.

YES - 8: GARY W. CATES, TIMOTHY J. GRENDALL, BILL SEITZ, ROBERT L. SCHULER, TOM NIEHAUS, 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. 194**-Representative Zehringer, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Cates, Seitz, Carey, Niehaus.

YES - 9: GARY W. CATES, TIMOTHY J. GRENDALL, BILL SEITZ, JOHN A. CAREY, TOM NIEHAUS, JOHN A.

BOCCIERI, CAPRI S. CAFARO, SHIRLEY A. SMITH,
ROBERT L. SCHULER.

NO - 0.

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

The report of the committee was accepted.

Senator Schuring submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

Frances S. Buchholzer, Republican, from Akron, Summit County, Ohio, as a Member of the Recreation and Resources Commission for a term beginning April 4, 2007, and ending at the close of business February 1, 2012.

William Brantingham, Winona, Columbiana County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning April 4, 2007, and ending at the close of business January 13, 2009.

Paul A. Centolella, Democrat, from Worthington, Franklin County, Ohio, as a Member of the Public Utilities Commission of Ohio for a term beginning April 11, 2007 and ending at the close of business April 10, 2012.

John M. Hoopingarner, Republican, from Dover, Tuscarawas County, Ohio, as a Member of the Ohio Water Advisory Council for a term beginning June 6, 2007, and ending at the close of business February 1, 2009, replacing Paul Labovitz, whose term expired.

Hans Landefeld, from Springboro, Warren County, Ohio, as a Member of the Ohio Parks and Recreation Council for a term beginning June 6, 2007, and ending at the close of business January 31, 2009, replacing Owen V. Hall, whose term expired.

Tina G. Niven, Democrat, from Worthington, Franklin County, Ohio, as a Member of the Ohio Geology Advisory Council for a term beginning June 28, 2007, and ending at the close of business May 3, 2010, replacing Lynn M. Kantner, whose term expired.

Roy Rushing, Independent, from Columbus, Franklin County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning April 11, 2007, and ending at the close of business January 31, 2010, replacing Robert Pitts, whose term expired.

Vincent A. Russo, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Air Quality Development Authority for a term beginning July 1, 2007, and ending at the close of business June 30, 2015, replacing James Scott Smith, whose term expired.

Janine H. Rybka, from Cleveland, Cuyahoga County, Ohio, as a Member

of the Parks and Recreation Council for a term beginning June 12, 2007, and ending at the close of business January 31, 2009, replacing Caroleta Colborn, whose term expired.

John P. Vimmerstedt, Democrat, from Wooster, Wayne County, Ohio, as a Member of the Forestry Advisory Council for a new term beginning June 28, 2007, and ending at the close of business February 28, 2011.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 10: BILL HARRIS, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, LANCE T. MASON, RAY MILLER, TOM ROBERTS, TERESA FEDOR.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Gardner	Goodman
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wilson	Harris-32.

Senator Grendell voted in the negative-1.

So the Senate advised and consented to said appointments.

Senator Schuring submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Attorney General of:

Gene Krebs, Republican, Camden, Preble County, Ohio, representing residential consumers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2007 and ending September 1, 2010.

Joe Logan, Democrat, Kinsman, Trumbull County, Ohio, representing family farmers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2007 and ending September 1, 2010.

David McCall, Democrat, Reynoldsburg, Franklin County, Ohio,

representing labor on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2007 and ending September 1, 2010.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 10: BILL HARRIS, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, LANCE T. MASON, RAY MILLER, TOM ROBERTS, TERESA FEDOR.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Attorney General?"

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	Coughlin
Faber	Fedor	Gardner	Goodman
Grendell	Jacobson	Kearney	Mason
Miller D	Miller R	Morano	Mumper
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Seitz
Smith	Spada	Stivers	Wilson
			Harris-33.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 233-Representative Reinhard.

Cosponsors: Representatives Bulp, Collier, DeWine, Evans, Fende, Goodwin, Goyal, Huffman, Latta, McGregor, J., Schlichter, Seitz, Setzer, Webster, Zehringer, Wolpert, Hagan, J., Hagan, R., Reinhard, Schindel, Wagner, Heard, Williams, B., DeBose, Chandler, Lundy, Celeste, Stebelton, Otterman, Mallory, Adams, Aslanides, Bacon, Batchelder, Blessing, Bolon, Brown, Budish, Carmichael, Core, Daniels, Dodd, Domenick, Dyer, Flowers, Garrison, Gibbs, Harwood, Healy, Hite, Hughes, Koziura, Letson, Luckie, Mandel, Miller, Oelslager, Okey, Patton, Sayre, Schneider, Uecker, Ujvagi, Wachtmann, Wagoner, Widener. Senators Faber, Carey, Schuring, Mumper.

To enact sections 122.23, 122.24, 122.25, 122.26, and 122.27 of the Revised Code and to amend Sections 384.10 and 757.03 of Am. Sub. H.B. 119 of the 127th General Assembly to revive the Rural Industrial Parks Loan

Program, to make changes regarding the Local Government Service Collaboration Grant Fund Program, and to create the Ohio Agriculture to Chemicals, Polymers, and Advanced Materials Task Force , was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 233**, 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	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Gardner	Goodman
Grendell	Jacobson	Kearney	Mason
Miller D	Miller R	Morano	Mumper
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Seitz
Smith	Spada	Stivers	Wilson
			Harris-33.

So the bill passed.

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

Senator Mumper moved to amend the title as follows:

Add the names: "Amstutz, Bocchieri, Buehrer, Cafaro, Cates, Grendell, Harris, Kearney, Miller, D., Morano, Niehaus, Padgett, Roberts, Sawyer, Schuler, Spada, Schaffer, Seitz, Smith, Stivers, Wilson, Mason, Gardner."

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

The motion was agreed to and the title so amended.

S. B. No. 84-Senator Schaffer.

Cosponsors: Senators Bocchieri, Cates.

To amend section 5502.31 of the Revised Code to specify an additional type of Emergency Management Agency for which a political subdivision may make an appropriation , was considered the third time.

The question being, "Shall the bill, **S. B. No. 84**, 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	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Gardner	Goodman
Grendell	Jacobson	Kearney	Mason

Miller D
Niehaus
Schaffer
Smith

Miller R
Padgett
Schuler
Spada

Morano
Roberts
Schuring
Stivers

Mumper
Sawyer
Seitz
Wilson
Harris-33.

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, Mason, Padgett, Seitz, Schuler, Schuring, Spada, Wilson, Smith, Stivers, Faber, Gardner, Niehaus, Sawyer."

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 adjourned until Wednesday, October 17, 2007 at 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.