

OHIO

SENATE

JOURNAL

WEDNESDAY, OCTOBER 31, 2007

ONE HUNDRED THIRD DAY
Senate Chamber, Columbus, Ohio
Wednesday, October 31, 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 STANDING AND SELECT COMMITTEES

Senator Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **H. B. No. 157**-Representative Hughes, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Amstutz, Spada, Schaffer.

YES - 9: RON AMSTUTZ, ROBERT F. SPADA, DAVID GOODMAN, TIMOTHY O. SCHAFFER, ROBERT L. SCHULER, STEVE STIVERS, THOMAS SAWYER, DALE MILLER, TOM ROBERTS.

NO - 2: GARY W. CATES, ERIC H. KEARNEY.

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 Finance and Financial Institutions, to which was referred **Am. Sub. H. B. No. 166**-Representative Schindel, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Niehaus, Cates, Miller, D., Gardner, Faber, Padgett.

YES - 12: JOHN A. CAREY, STEVE STIVERS, TOM NIEHAUS, GARY W. CATES, DALE MILLER, RAY MILLER, ERIC H. KEARNEY, RANDY GARDNER, RON AMSTUTZ, KEITH L. FABER, TOM ROBERTS, JOY PADGETT.

NO - 0.

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

The report of the committee was accepted.

Senator Padgett submitted the following report:

The standing committee on Education, to which was referred **H. B. No. 190**-Representative Hite, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Roberts, Morano, Sawyer, Jacobson, Padgett, Mumper.

YES - 9: TOM ROBERTS, SUSAN L. MORANO, THOMAS SAWYER, JEFF JACOBSON, JOHN A. CAREY, GARY W. CATES, LARRY A. MUMPER, RANDY GARDNER, JOY PADGETT.

NO - 0.

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

The report of the committee was accepted.

Senator Padgett submitted the following report:

The standing committee on Education, to which was referred **S. C. R. No. 18**-Senator Padgett, having had the same under consideration, reports it back and recommends its adoption.

YES - 9: TOM ROBERTS, SUSAN L. MORANO, THOMAS SAWYER, JOY PADGETT, GARY W. CATES, JOHN A. CAREY, RANDY GARDNER, LARRY A. MUMPER, JEFF JACOBSON.

NO - 0.

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

The report of the committee was accepted.

Senator Schuler submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **S. B. No. 221**-Senator Schuler (By Request), having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Jacobson.

YES - 8: ROBERT L. SCHULER, TOM NIEHAUS, TIMOTHY J. GRENDELL, JEFF JACOBSON, ROBERT F. SPADA, LANCE T. MASON, JASON H. WILSON, RAY MILLER.

NO - 0.

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

The report of the committee was accepted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. S. B. No. 116 -Senator Padgett

Cosponsors: Senators Coughlin, Niehaus, Stivers, Faber, Clancy, Jacobson, Goodman, Smith, Miller, D., Schuler, Grendell, Mumper, Schuring, Buehrer, Roberts, Kearney, Cates, Amstutz, Austria, Boccieri, Cafaro, Carey, Fedor, Gardner, Harris, Mason, Miller, R., Morano, Sawyer, Schaffer, Spada, Wilson
Representatives Skindell, Bacon, Bolon, Boyd, Brown, Budish, Chandler, Driehaus, Evans, Flowers, Garrison, Hagan, R., Hite, Hottinger, McGregor, R., Schlichter, Stewart, D., Stewart, J., Strahorn, Ujvagi, Yates, Adams, Barrett, Batchelder, Beatty, Blessing, Book, Brady, Bubp, Celeste, Collier, Combs, DeBose, DeGeeter, Distel, Dodd, Domenick, Dyer, Fende, Fessler, Foley, Gerberry, Goyal, Hagan, J., Harwood, Healy, Heard, Huffman, Hughes, Koziura, Latta, Letson, Luckie, Lundy, McGregor, J., Mecklenborg, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Sayre, Schindel, Schneider, Setzer, Stebelton, Szollosi, Uecker, Wagner, White, Widener, Widowfield, Williams, B., Williams, S., Yuko, Zehringer

To amend section 4141.312 of the Revised Code to specify conditions under which a claimant's unemployment compensation benefits are not reduced by the amount the claimant concurrently receives in social security retirement benefits and to declare an emergency.

With the following additional amendments, in which the concurrence of the Senate is requested.

After line 41, insert:

"Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to provide immediate assistance to individuals who are deprived currently of their full unemployment compensation benefits

under Ohio law. Therefore, this act shall go into immediate effect."

In line 5 of the title, after "benefits" insert "and to declare an emergency"

Attest: Laura P. Clemens,
Clerk.

Senator Jacobson moved that the amendments by the House of Representatives to **Am. S. B. No. 116** be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

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	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-32.

So the section, Section 3, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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	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-32.

So the Senate concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

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. Senators Niehaus, Cates, Miller, D., Gardner, Faber, Padgett.

To amend sections 124.341 and 5703.21 and to enact sections 126.45 to 126.48 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 , was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 166**, 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	Bocchieri	Buehrer
Cafaro	Carey	Cates	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-32.

So the bill passed.

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

Senator Spada moved to amend the title as follows:

Add the names: "Spada, Austria, Buehrer, Carey, Goodman, Grendell, Harris, Mumper, Roberts, Seitz, Schaffer, Schuler, Schuring, Stivers."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 190-Representative Hite.

Cosponsors: Representatives Bubp, Wagner, McGregor, J., Combs, Adams, Goodwin, Wagoner, Stebelton, Webster, Letson, Hottinger, Peterson, Latta, Huffman, Otterman, Okey, Setzer, Dyer, Patton, Lundy, Luckie, Garrison, Evans, Celeste, Heard, Collier, Schlichter, Brady, Aslanides, Bacon, Bolon,

Boyd, Budish, Core, DeBose, Domenick, Fende, Fessler, Flowers, Gibbs, Goyal, Hagan, J., Harwood, Healy, Hughes, Koziura, Mallory, Mandel, Oelslager, Sayre, Schindel, Stewart, D., Sykes, Szollosi, Williams, B., Yuko, Zehringer. Senators Roberts, Morano, Sawyer, Jacobson, Mumper, Padgett.

To amend sections 109.57, 121.40, 3301.0710, 3301.0711, 3314.03, 3314.19, 3319.089, 3319.291, 3319.31, 3319.39, 3321.01, 3326.11, 3326.23, and 3327.10 and to enact section 3319.391 of the Revised Code and to amend Section 8 of Am. Sub. S.B. 311 of the 126th General Assembly to specify administration dates for the elementary achievement tests, to allow public schools to charge tuition for all-day kindergarten, to require the Department of Education to conduct a survey of the fees charged by school districts, to revise the requirements regarding criminal records checks of school employees, to require the Educator Standards Board to recommend a code of conduct for educators, to require the Department of Education to recommend penalties for failure to report educator misconduct, to permit the State Board of Education to revoke an expired license, to permit waivers from the minimum number of school days in the 2006-2007 school year for certain joint vocational school districts that experienced delays in a state-assisted construction project, to extend the deadline for the commission studying student success with the Ohio Core curriculum to issue its recommendations, to alter the membership of the Ohio Community Service Council, and to declare an emergency , was considered the third time.

The question being, "Shall the section, Section 11, 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	Boccieri	Buehrer
Cafaro	Carey	Cates	Faber
Fedor	Gardner	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Spada
Stivers	Wilson		Harris-31.

Senator Smith voted in the negative-1.

So the section, Section 11, 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 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
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Cafaro	Carey	Cates	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-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 Padgett moved to amend the title as follows:

Add the names: "Bocchieri, Buehrer, Faber, Fedor, Gardner, Grendell, Harris, Kearney, Niehaus, Schaffer, Schuler, Schuring, Spada, Stivers, Wilson, Goodman, Miller, R., Miller, D., Smith, Cafaro, Mason."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 221-Senators Schuler (By Request), Jacobson.

To amend sections 122.41, 122.451, 3706.01, 3706.02, 3706.03, 3706.04, 3706.041, 3706.05, 3706.06, 3706.07, 3706.08, 3706.09, 3706.10, 3706.11, 3706.12, 3706.13, 3706.14, 3706.15, 3706.16, 3706.17, 3706.18, 4905.31, 4905.40, 4909.161, 4928.01, 4928.02, 4928.05, 4928.06, 4928.12, 4928.14, 4928.15, 4928.16, 4928.17, 4928.18, 4928.20, and 4928.21, to enact sections 1551.41, 4928.111, 4928.141, 4928.142, 4928.64, 4928.68, and 4928.69, and to repeal sections 4928.31, 4928.32, 4928.33, 4928.34, 4928.35, 4928.36, 4928.37, 4928.38, 4928.39, 4928.40, 4928.41, 4928.42, 4928.431, and 4928.44 of the Revised Code to revise state energy policy to address electric service price regulation and to provide for new bonding authority for advanced energy projects, advanced (including sustainable resource) energy portfolio standards, energy efficiency standards, and greenhouse gas emission reporting and carbon control planning requirements , was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 221**, 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	Bocchieri	Buehrer
Cafaro	Carey	Cates	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-32.

So the bill passed.

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

Senator Schuler moved to amend the title as follows:

Add the names: "Harris, Fedor, Boccieri, Miller, R., Morano, Mumper, Niehaus, Padgett, Roberts, Wilson, Spada."

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, October 28, 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 resolutions were offered:

S. R. No. 134-Senator Sawyer.

In memory of Corporal Benjamin Charles Dillon.

S. R. No. 135-Senator Ray Miller.

Honoring Mt. Olivet Baptist Church on its Centennial.

S. R. No. 136-Senator Harris.

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

Honoring David A. Battocletti for outstanding service to the State of Ohio.

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

So the resolutions were adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives insists on its amendments to:

Am. Sub. S. B. No. 155 -Senator Faber - et al.

and asks for a Committee of Conference.

Attest:

Laura P. Clemens,
Clerk.

Senator Spada moved that the Senate accede to the request of the House of Representatives.

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

The motion was agreed to.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Am. Sub. S.B. No. 155 of the 127th General Assembly:

Senator Faber
Senator Goodman
Senator Kearney

On the motion of Senator Spada, the Senate adjourned until Thursday, November 1, 2007 at 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.