

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, NOVEMBER 14, 2007

ONE HUNDRED EIGHTH DAY  
Senate Chamber, Columbus, Ohio  
Wednesday, November 14, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, St. Catherine's Church, Bexley, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

Senator Harris nominated Vincent L. Keeran for the office of Clerk.  
Senator Gardner seconded the nomination.

On the motion of Senator Spada, the nominations were closed.

The question being, "Shall Vincent L. Keeran be elected Clerk?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

|         |         |          |            |
|---------|---------|----------|------------|
| Amstutz | Austria | Buehrer  | Cafaro     |
| Carey   | Cates   | Faber    | Fedor      |
| Gardner | Goodman | Grendell | Jacobson   |
| Kearney | Mason   | Miller D | Miller R   |
| Morano  | Mumper  | Niehaus  | Padgett    |
| Roberts | Sawyer  | Schaffer | Schuring   |
| Seitz   | Smith   | Spada    | Stivers    |
| Wilson  |         |          | Harris-30. |

Mr. Keeran having received a majority of the votes cast was declared the elected Clerk.

Mr. Keeran appeared at the bar of the Senate and was administered the oath of office by the Honorable Bill Harris, President, Ohio Senate.

**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:

**Am. Sub. H. B. No. 372**-Representatives McGregor, R., Ujvagi.  
Cosponsors: Representatives Bulp, Wachtmann, Combs, Aslanides, White, Domenick, Healy, Reinhard, Bacon, Barrett, Batchelder, Beatty, Blessing, Bolon, Book, Boyd, Brady, Brown, Budish, Carmichael, Celeste, Chandler, Coley, Collier, Daniels, DeBose, DeGeeter, DeWine, Distel, Dodd, Dolan, Driehaus, Dyer, Evans, Fende, Flowers, Foley, Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hottinger,

Huffman, Hughes, Jones, Latta, Letson, Luckie, Lundy, Mallory, McGregor, J., Mecklenborg, Oelslager, Okey, Otterman, Patton, Peterson, Raussen, Redfern, Sayre, Schindel, Schlichter, Schneider, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Sykes, Szollosi, Uecker, Wagner, Wagoner, Widener, Williams, B., Williams, S., Wolpert, Yates, Yuko, Zehringer.

To amend sections 124.93, 125.111, 153.59, 153.591, 176.04, 176.06, 717.01, 1751.18, 2101.16, 2927.03, 3905.55, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4503.571, 4735.16, 4735.55, 5747.01, 5903.10, and 5903.12 and to enact sections 1349.04, 2101.164, 4112.023, and 5903.121 of the Revised Code to exempt estates of armed forces members who died while serving in a combat zone from probate fees, to exempt military retirement pay from the income tax, to provide that reservists and National Guard members may renew their professional licenses within six months after active duty service, to extend continuing education reporting periods for National Guard members ordered to duty by the Governor, to provide that standard "Purple Heart" license plates be issued without charge, to prohibit discrimination under the Ohio Civil Rights Commission Law and certain other laws on the basis of military status, to require the Attorney General to appoint a staff member of the Consumer Protection Division to expedite certain cases or issues raised by a person, or the person's immediate family, who is deployed on active duty, and to require relevant military experience to be considered in continuing education determinations.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 245**-Senator Schuring.

To amend sections 4762.02 to 4762.06, 4762.08 to 4762.11, 4762.13, 4762.131, 4762.132, 4762.14 to 4762.16, and 4762.18 and to enact section 4762.22 of the Revised Code to modify the laws regarding the practice of acupuncturists.

To the Committee on Health, Human Services and Aging.

**S. B. No. 246**-Senator Sawyer.

Cosponsors: Senators Boccieri, Miller, D., Miller, R., Wilson, Seitz.

To amend sections 124.56, 124.57, and 124.60 of the Revised Code to authorize classified employees to engage in political activities during nonworking hours, to broaden the prohibition against coercion or harassment of classified employees for political purposes, and to authorize the State Personnel Board of Review and local civil service commissions to remedy

such coercion or harassment.

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

**S. B. No. 247**-Senator Spada.

Cosponsors: Senators Grendell, Seitz, Padgett, Schuring, Buehrer, Mumper, Cates, Roberts, Cafaro, Kearney, Morano.

To amend sections 926.29, 1733.13, 1733.15, 1733.19, 1733.329, and 1733.34 and to enact sections 1733.241, 1733.242, 1733.243, and 1733.291 of the Revised Code relative to changes in the Credit Union Regulation Law.

To the Committee on Finance and Financial Institutions.

**S. B. No. 248**-Senator Austria.

Cosponsors: Senators Boccieri, Buehrer, Carey, Cates, Coughlin, Faber, Gardner, Harris, Jacobson, Mason, Mumper, Padgett, Schaffer, Schuring, Spada, Smith.

To amend sections 149.43, 317.24, 317.27, 1315.39, 1315.41, 2313.16, 2921.22, and 3345.01 and to enact sections 2741.99, 3333.42, 3345.52, and 5913.11 of the Revised Code to exempt certain armed forces discharges from inspection or copying as a public record, to prohibit failing to report the unauthorized use of certain electronic property to law enforcement authorities, to create restrictions for check-cashing businesses when making a loan to certain members of the military, to excuse certain military persons from jury duty, to establish a criminal penalty for unlawfully using a deceased military person's persona, to establish tuition benefits for certain military persons, and to create the Ohio Military Medal of Distinction and the National Guard Youth Challenge Program Study Committee.

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

**S. B. No. 249**-Senator Faber.

Cosponsors: Senators Mumper, Schuler, Mason, Seitz, Buehrer, Stivers, Sawyer, Gardner.

To enact section 4501.81 of the Revised Code to establish a next of kin database within the Bureau of Motor Vehicles.

To the Committee on Highways and Transportation.

**S. B. No. 250**-Senator Carey.

Cosponsors: Senators Niehaus, Gardner, Seitz, Schuring, Mumper, Austria, Harris, Padgett, Amstutz.

To amend sections 5725.31, 5729.07, 5733.42, and 5747.39 of the Revised Code to extend the job training tax credit for an additional year.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 251**-Senator Coughlin.

Cosponsor: Senator Seitz.

To enact sections 3701.94 and 3701.941 to 3701.945 of the Revised Code to create the Pilot Accessing to Health grant program and to make an appropriation.

To the Committee on Finance and Financial Institutions.

**S. B. No. 252**-Senator Coughlin.

To amend sections 109.42, 109.572, 109.60, 120.03, 120.14, 120.15, 120.16, 120.18, 120.24, 120.25, 120.26, 120.28, 120.33, 120.36, 309.08, 341.23, 341.33, 503.44, 503.46, 504.04, 504.05, 504.06, 504.08, 504.15, 705.14, 705.55, 733.40, 733.44, 733.51, 733.52, 743.14, 753.02, 753.021, 753.04, 753.08, 925.31, 955.99, 1901.021, 1901.024, 1901.026, 1901.04, 1901.08, 1901.11, 1901.181, 1901.31, 1905.29, 1907.012, 1923.01, 1923.02, 1923.10, 2152.021, 2152.03, 2152.16, 2152.18, 2152.21, 2152.41, 2325.15, 2335.06, 2335.08, 2335.09, 2743.51, 2743.60, 2743.70, 2901.01, 2903.04, 2903.06, 2903.08, 2903.212, 2903.213, 2903.214, 2907.24, 2907.27, 2907.28, 2907.41, 2913.01, 2915.01, 2917.11, 2917.41, 2919.25, 2919.251, 2919.26, 2919.271, 2921.25, 2921.51, 2921.52, 2929.142, 2929.21, 2930.01, 2931.01, 2933.02, 2933.03, 2933.04, 2933.05, 2933.06, 2933.10, 2935.01, 2935.03, 2935.13, 2935.14, 2935.17, 2935.27, 2935.33, 2935.36, 2937.08, 2937.221, 2937.23, 2937.46, 2937.99, 2938.02, 2938.04, 2941.51, 2945.17, 2947.23, 2949.02, 2950.01, 2951.041, 2953.02, 2953.03, 2953.07, 2953.09, 2953.31, 2953.36, 3113.31, 3301.88, 3313.662, 3319.20, 3319.31, 3327.10, 3345.23, 3375.50, 3375.51, 3397.41, 3397.43, 4112.02, 4113.52, 4301.252, 4501.11, 4503.13, 4503.233, 4503.234, 4506.07, 4506.15, 4506.18, 4507.02, 4507.06, 4507.091, 4507.164, 4509.33, 4509.35, 4510.01, 4510.03, 4510.031, 4510.032, 4510.034, 4510.036, 4510.038, 4510.04, 4510.05, 4510.07, 4510.11, 4510.12, 4510.13, 4510.14, 4510.15, 4510.16, 4510.161, 4510.17, 4510.22, 4510.31, 4510.41, 4510.43, 4510.53, 4510.54, 4511.01, 4511.181, 4511.19, 4511.191, 4511.192, 4511.193, 4511.194, 4511.195, 4511.196,

4511.197, 4511.203, 4511.211, 4511.512, 4511.63, 4511.69, 4511.75, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, 4511.79, 4511.81, 4513.263, 4513.35, 4513.37, 4521.01, 4549.17, 4730.31, 4731.223, 4760.15, 4762.15, 4999.06, 5104.09, 5123.081, 5126.28, 5309.54, 5321.05, 5502.61, and 5503.04; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 1905.29 (737.34); to enact sections 1901.42, 1905.41, 1905.42, 1905.43, 1905.44, 1905.45, 1905.46, 1905.47, 1905.48, 1905.49, 1905.50, 1905.51, 1905.52, 1905.53, 1905.54, 1905.55, 1905.56, 1905.57, and 1907.25; to repeal sections 1905.01, 1905.02, 1905.03, 1905.031, 1905.032, 1905.033, 1905.04, 1905.05, 1905.08, 1905.17, 1905.20, 1905.201, 1905.21, 1905.22, 1905.23, 1905.24, 1905.25, 1905.26, 1905.28, 1905.30, 1905.31, 1905.32, 1905.34, 1905.35, 1905.36, 1905.37, 2933.07, 2933.08, and 2933.09 of the Revised Code to abolish mayor's courts and to create community courts, to convert three part-time municipal court judgeships into full-time judgeships, and to modify the compensation of municipal court judges in territories having a population of more than 50,000.

To the Committee on Judiciary - Civil Justice.

YES - 5: J. KIRK SCHURING, JEFF JACOBSON, 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 were considered a second time and referred to committee as recommended.

#### 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 **Am. H. B. No. 224**-Representative Schindel, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Spada, Amstutz, Sawyer, Goodman, Cates.

YES - 10: RON AMSTUTZ, ROBERT F. SPADA, GARY W. CATES, DAVID GOODMAN, TIMOTHY O. SCHAFFER, STEVE STIVERS, THOMAS SAWYER, ERIC H. KEARNEY, DALE MILLER, TOM ROBERTS.

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. 183**-Senator Schaffer, 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, LANCE T. MASON, SHIRLEY  
A. SMITH, THOMAS SAWYER, BILL SEITZ.

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 was referred the appointment by the Governor of:

**Thomas F. Zych**, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Ohio Venture Capital Authority for a term beginning June 28, 2007, and ending at the close of business January 31, 2011, replacing Lewis Smoot, Jr., whose term expired.

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

YES - 11: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER,  
ROBERT F. SPADA, STEPHEN C. AUSTRIA, J. KIRK  
SCHURING, LANCE T. MASON, RAY MILLER, TOM  
ROBERTS, TERESA FEDOR, JOHN A. CAREY.

NO - 0.

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

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

|         |         |          |            |
|---------|---------|----------|------------|
| Amstutz | Austria | Buehrer  | Cafaro     |
| Carey   | Cates   | Faber    | Fedor      |
| Gardner | Goodman | Grendell | Jacobson   |
| Kearney | Mason   | Miller D | Miller R   |
| Morano  | Mumper  | Niehaus  | Padgett    |
| Roberts | Sawyer  | Schaffer | Schuring   |
| Seitz   | Spada   | Stivers  | Wilson     |
|         |         |          | Harris-29. |

So the Senate advised and consented to said appointment.

**HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS**

The amendments of the House of Representatives to:

**Sub. S. B. No. 36-Senator Schuler.**

Cosponsors: Senators Clancy, Mumper, Schaffer, Cates, Wilson, Kearney. Representatives Combs, Chandler, Fende, Mallory, Yuko, Uecker, Wolpert, McGregor, J., Adams, Bacon, Daniels, Dodd, Domenick, Dyer, Evans, Flowers, Hughes, Koziura, Luckie, Lundy, Otterman, Sayre, Schindel, Schneider, Setzer, Williams, B., Yates.

To amend sections 133.09, 504.01, 504.02, and 505.031 of the Revised Code and to amend Section 555.10 of Am. Sub. H.B. 67 of the 127th General Assembly to authorize transportation projects entered into on or before May 1, 2008, between transportation improvement districts and two or more governmental agencies for the joint financing of projects and to permit townships with a population of at least three thousand five hundred but less than five thousand in its unincorporated territory to adopt a limited home rule government under certain conditions , were taken up.

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

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

|         |         |          |            |
|---------|---------|----------|------------|
| Amstutz | Austria | Buehrer  | Cafaro     |
| Carey   | Cates   | Faber    | Fedor      |
| Gardner | Goodman | Grendell | Jacobson   |
| Kearney | Mason   | Miller D | Miller R   |
| Morano  | Mumper  | Niehaus  | Padgett    |
| Roberts | Sawyer  | Schaffer | Schuring   |
| Seitz   | Smith   | Spada    | Stivers    |
| Wilson  |         |          | Harris-30. |



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

The amendments of the House of Representatives to:

**Am. S. B. No. 144**-Senator Stivers.

Cosponsors: Senators Goodman, Miller, D., Schuler, Gardner, Schuring, Padgett, Morano, Austria, Boccieri, Clancy, Faber, Fedor, Harris, Kearney, Mason, Miller, R., Mumper, Niehaus, Roberts, Sawyer, Schaffer, Spada, Wilson, Cafaro, Buehrer. Representatives Schindel, Flowers, Yuko, Hagan, R., DeBose, Otterman, Letson, Boyd, Fende, Brown, Williams, B., Uecker, Raussen, Jones, Beatty, Blessing, Bolon, Brady, Budish, Celeste, Chandler, Collier, Combs, DeGeeter, Distel, Domenick, Dyer, Evans, Hagan, J., Harwood, Healy, Heard, Hite, Hottinger, Huffman, Hughes, Luckie, Lundy, McGregor, J., Mecklenborg, Oelslager, Peterson, Sayre, Schlichter, Schneider, Setzer, Skindell, Stewart, D., Strahorn, Szollosi, Wachtmann, Wagoner, White, Zehringer.

To enact sections 3701.63, 3701.64, and 5101.135 of the Revised Code to require the Director of Health to establish the Shaken Baby Syndrome Education Program and to require the Department of Job and Family Services to record in the statewide automated child welfare information system whether a reported case of child abuse involved shaken baby syndrome , were taken up.

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

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

- |         |         |          |            |
|---------|---------|----------|------------|
| Amstutz | Austria | Buehrer  | Cafaro     |
| Carey   | Cates   | Faber    | Fedor      |
| Gardner | Goodman | Grendell | Jacobson   |
| Kearney | Mason   | Miller D | Miller R   |
| Morano  | Mumper  | Niehaus  | Padgett    |
| Roberts | Sawyer  | Schaffer | Schuring   |
| Seitz   | Smith   | Spada    | Stivers    |
| Wilson  |         |          | Harris-30. |

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

**RESOLUTIONS REPORTED BY COMMITTEE**

**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.

WHEREAS, The federal No Child Left Behind Act of 2001 requires each state to establish a uniform accountability system for school districts and public school buildings that measures whether each district and building makes adequate yearly progress for all subgroups of students as defined under that act; and

WHEREAS, The state of Ohio has created a uniform accountability system that incorporates the adequate yearly progress requirements of the No Child Left Behind Act and that has been approved by the United States Department of Education; and

WHEREAS, Section 3302.09 of the Revised Code requires that modifications to Ohio's accountability system proposed by the Ohio Department of Education on or after July 1, 2005, be approved by a concurrent resolution of the General Assembly prior to implementation; and

WHEREAS, The Ohio Department of Education has proposed to employ a growth model for No Child Left Behind accountability purposes that would give districts and buildings the option of making adequate yearly progress by showing that students who currently are not proficient in reading or mathematics are on a trajectory to be proficient within three years; and

WHEREAS, The United States Department of Education has directed the Ohio Department of Education to adopt a uniform minimum subgroup size to be counted for purposes of measuring adequate yearly progress in order to receive final approval for the proposed growth model; and

WHEREAS, The State Board of Education on September 11, 2007, adopted a resolution recommending a uniform minimum subgroup size of thirty students for all subgroups and implementation of the proposed growth model using that uniform minimum subgroup size; now therefore be it

RESOLVED, That the General Assembly in adopting this concurrent resolution approves the Ohio Department of Education's proposed changes to the state accountability system to establish a uniform minimum subgroup size of thirty students and to implement the growth model as another option for making adequate yearly progress; and be it further

RESOLVED, That the Clerk of the Senate shall send a certified copy of this resolution to the State Board of Education, the Superintendent of Public Instruction, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 18**, be adopted?"

The yeas and nays were taken and resulted - yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

|         |          |          |            |
|---------|----------|----------|------------|
| Austria | Buehrer  | Cafaro   | Carey      |
| Cates   | Faber    | Fedor    | Gardner    |
| Goodman | Grendell | Jacobson | Kearney    |
| Mason   | Miller D | Miller R | Morano     |
| Mumper  | Niehaus  | Padgett  | Roberts    |
| Sawyer  | Schaffer | Schuring | Seitz      |
| Smith   | Spada    | Stivers  | Wilson     |
|         |          |          | Harris-29. |

Senator Amstutz voted in the negative-1.

So the concurrent resolution was adopted.

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

The title was agreed to.

**BILLS FOR THIRD CONSIDERATION**

**H. B. No. 50**-Representative Evans.

Cosponsors: Representatives McGregor, J., Stebelton, Flowers, Setzer, Combs, Seitz, Bacon, Hite, Okey, Webster, Collier, Bubp, Chandler, Batchelder, Bolon, Coley, Daniels, Dolan, Gerberry, Gibbs, Hagan, R., Hottinger, Huffman, Letson, Luckie, Mallory, Otterman, Patton, Schindel, Schneider, Stewart, J., Wagoner, Zehringer. Senators Cates, Mumper, Carey.

To amend sections 505.85 and 505.87 and to enact section 505.871 of the Revised Code to allow townships to remove junk motor vehicles from public and private property and to borrow money to pay for that removal of junk motor vehicles and for other debris from private property , was considered the third time.

The question being, "Shall the bill, **H. B. No. 50**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

|         |          |          |            |
|---------|----------|----------|------------|
| Amstutz | Austria  | Cafaro   | Carey      |
| Cates   | Faber    | Fedor    | Gardner    |
| Goodman | Grendell | Jacobson | Kearney    |
| Mason   | Miller D | Miller R | Morano     |
| Mumper  | Niehaus  | Padgett  | Roberts    |
| Sawyer  | Schaffer | Schuring | Seitz      |
| Smith   | Spada    | Stivers  | Wilson     |
|         |          |          | Harris-29. |

Senator Buehrer voted in the negative-1.

So the bill passed.

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

Senator Cates moved to amend the title as follows:

Add the names: "Harris, Roberts, Seitz, Niehaus."

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

The motion was agreed to and the title so amended.

**Am. Sub. H. B. No. 142**-Representative Batchelder.

Cosponsors: Representatives Bacon, Williams, B., Combs, Chandler, Bulp, Fessler, Latta, Harwood, Fende, Adams, Wachtmann, White, Collier, Aslanides, Domenick, Boyd, DeBose, Distel, Dyer, Flowers, Gibbs, Hagan, J., Healy, Hite, Hughes, Mallory, Mandel, Oelslager, Otterman, Patton, Peterson, Schindel, Wagoner, Webster, Yuko, Zehringer. Senators Grendell, Schaffer, Faber.

To amend sections 2917.31 and 3313.482 of the Revised Code to increase the penalty for inducing panic to a felony of the second degree when a school or an institution of higher education is involved, and to permit school districts to make up excess calamity days by adding extra hours to the remaining days in the school year , was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 142**, pass?"

Senator Gardner moved to amend as follows:

In line 189, delete " for any of the reasons"

Delete line 190

In line 191, delete " or"

In line 206, strike through "Notwithstanding" and insert:

" (C) If a school district closes or evacuates any school building for any of the reasons specified in division (B) of section 3317.01 of the Revised Code, and if for that school the total number of full school days specified in the district's contingency plan adopted under division (A) of this section is insufficient to enable the school district to meet the requirements of sections 3313.48, 3313.481, and 3317.01 of the Revised Code regarding the number of days schools must be open for instruction or the requirements of the state minimum standards for the school day that are established by the department of education regarding the number of hours there must be in the school day, the school district may increase the length of one or more other school days for the school that was closed or evacuated, in increments of one-half hour, to make up the number of hours or days that the school building in question was so closed or evacuated for the purpose of satisfying the requirements of those sections regarding the number of days schools must be open for instruction or the requirements of those standards regarding the number of hours there must be in the school day. The district shall not be required to actually make up any of the days specified in the district's contingency plan prior to increasing the length of one or more school

days to make up the shortage of hours or days caused by the school's closure or evacuation, but in no case shall the district fail to make up the total number of full school days specified in the contingency plan in accordance with that plan.

(D) If a school district closes or evacuates a school building as a result of a bomb threat or any other report of an alleged or impending explosion and also closes or evacuates that school building on a different day for any of the reasons specified in division (B) of section 3317.01 of the Revised Code, division (B) of this section applies regarding the closing or evacuation of the school building as a result of the bomb threat or report of an alleged or impending explosion and division (C) of this section applies regarding the closing or evacuation of the school building for the reason specified in division (B) of section 3317.01 of the Revised Code.

Notwithstanding"

In line 211, after "section" insert "regarding the closing or evacuation of a school building as a result of a bomb threat or any other report of an alleged or impending explosion"

In line 212, strike through "this"; after "division" insert "(B) or (C) of this section"

In line 213, strike through "so"; after "evacuated" insert "for any of the reasons identified in division (B) or (C) of this section"

In line 5 of the title, delete "excess"

In line 6 of the title, after "days" insert "caused other than by a bomb threat in excess of the total number of days specified in their contingency plans and otherwise allowed"

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

The yeas and nays were taken and resulted - yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

|         |          |          |            |
|---------|----------|----------|------------|
| Austria | Buehrer  | Cafaro   | Carey      |
| Cates   | Faber    | Fedor    | Gardner    |
| Goodman | Grendell | Jacobson | Kearney    |
| Mason   | Miller D | Miller R | Morano     |
| Mumper  | Niehaus  | Padgett  | Roberts    |
| Sawyer  | Schaffer | Schuring | Seitz      |
| Smith   | Spada    | Stivers  | Wilson     |
|         |          |          | Harris-29. |

Senator Amstutz voted in the negative-1.

The amendment was agreed to.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 142**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 2, as follows:

Those who voted in the affirmative were: Senators

|         |          |          |            |
|---------|----------|----------|------------|
| Amstutz | Austria  | Buehrer  | Cafaro     |
| Carey   | Cates    | Faber    | Fedor      |
| Gardner | Goodman  | Grendell | Jacobson   |
| Kearney | Mason    | Miller R | Morano     |
| Mumper  | Niehaus  | Padgett  | Roberts    |
| Sawyer  | Schaffer | Schuring | Seitz      |
| Spada   | Stivers  | Wilson   | Harris-28. |

Senators Miller D and Smith voted in the negative-2.

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: "Cates, Harris, Niehaus, Padgett, Spada."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 157**-Representative Hughes.

Cosponsors: Representatives Bulp, Schindel, Huffman, McGregor, J., Seitz, Combs, Miller, Collier, Fende, Evans, Widener, Latta, Setzer, Stebelton, Uecker, Yuko, Adams, Luckie, Gibbs, Aslanides, Bacon, Batchelder, Bolon, Book, Boyd, Brady, Brown, Budish, Coley, Distel, Domenick, Dyer, Flowers, Foley, Garrison, Gerberry, Hagan, R., Harwood, Lundy, Mandel, Oelslager, Otterman, Patton, Sayre, Stewart, D., Wachtmann, Williams, B., Zehringar. Senators Amstutz, Spada, Schaffer.

To amend sections 3953.33, 5701.11, 5739.01, 5739.02, 5739.035, and 5747.08 of the Revised Code to require a box on personal income tax returns that a taxpayer may check to authorize a paid tax preparer to speak to the Department of Taxation about certain matters concerning the return, to exempt property used to provide electronic publishing services from sales and use taxation, to incorporate changes in the Internal Revenue Code since December 28, 2006, into Ohio's tax law, and to revise the date by which title insurance agents or agencies must have independent reviews made of certain accounts , was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 157**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

|         |         |          |          |
|---------|---------|----------|----------|
| Amstutz | Austria | Buehrer  | Cafaro   |
| Carey   | Cates   | Faber    | Fedor    |
| Gardner | Goodman | Grendell | Jacobson |
| Kearney | Mason   | Miller D | Miller R |

|         |        |          |            |
|---------|--------|----------|------------|
| Morano  | Mumper | Niehaus  | Padgett    |
| Roberts | Sawyer | Schaffer | Schuring   |
| Seitz   | Smith  | Spada    | Stivers    |
| Wilson  |        |          | Harris-30. |

So the bill passed.

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

Senator Amstutz moved to amend the title as follows:

Add the names: "Harris, Sawyer, Faber, Austria, Fedor."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 169**-Representative Wagner.

Cosponsors: Representatives Evans, McGregor, J., Latta, Stebelton, Chandler, Yuko, Collier, Fessler, Wolpert, Lundy, Hagan, R., Mallory, Otterman, Heard, Williams, B., Schindel, DeBose, Celeste, Zehringer, Budish, Domenick, Dyer, Flowers, Foley, Harwood, Hughes, Koziura, Letson, Miller, Stewart, D., Stewart, J., Wagoner. Senators Niehaus, Schaffer, Miller, D., Morano.

To amend section 3734.13 and to enact sections 3734.91, 3734.911, 3734.912, 3734.913, 3734.914, and 3734.915 of the Revised Code to establish requirements governing the disposal and collection of used lead-acid batteries , was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 169**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

|         |         |          |            |
|---------|---------|----------|------------|
| Amstutz | Austria | Buehrer  | Cafaro     |
| Carey   | Cates   | Faber    | Fedor      |
| Gardner | Goodman | Grendell | Jacobson   |
| Kearney | Mason   | Miller D | Miller R   |
| Morano  | Mumper  | Niehaus  | Padgett    |
| Roberts | Sawyer  | Schaffer | Schuring   |
| Seitz   | Smith   | Spada    | Stivers    |
| Wilson  |         |          | Harris-30. |

So the bill passed.

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

Senator Niehaus moved to amend the title as follows:

Add the names: "Fedor, Harris, Kearney, Mason, Mumper, Spada."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 217**-Representative Reinhard.

Cosponsors: Representatives Adams, Aslanides, Evans, Fessler, Latta, McGregor, J., Schlichter, Seitz, Setzer, Stebelton, Webster, Zehringer, Core, Goodwin, Huffman, Hite, Luckie, Domenick, Blessing, Bolon, Book, Brown, Bupp, Chandler, Collier, Combs, Daniels, Dodd, Dyer, Garrison, Gerberry, Goyal, Hagan, R., Harwood, Hughes, Letson, Mallory, Okey, Otterman, Raussen, Schneider, Widener. Senator Schuring.

To amend sections 924.01, 924.02, 924.08, 924.09, and 924.99 and to enact sections 924.20 to 924.30 and 3717.53 of the Revised Code to establish a grain marketing program, to provide that the Director of Agriculture has exclusive authority to regulate the provision of food nutrition information at food service operations, and to provide incentives for bioproducts innovation in the Ohio polymer industry , was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 217**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

|         |         |          |            |
|---------|---------|----------|------------|
| Amstutz | Austria | Buehrer  | Cafaro     |
| Carey   | Cates   | Faber    | Fedor      |
| Gardner | Goodman | Grendell | Jacobson   |
| Kearney | Mason   | Miller D | Miller R   |
| Morano  | Mumper  | Niehaus  | Padgett    |
| Roberts | Sawyer  | Schaffer | Schuring   |
| Seitz   | Smith   | Spada    | Stivers    |
| Wilson  |         |          | Harris-30. |

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, Buehrer, Faber, Grendell, Harris, Kearney, Morano, Mumper, Niehaus, Roberts, Seitz, Fedor, Wilson."

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

The motion was agreed to and the title so amended.

**Sub. 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. Senators Spada, Amstutz, Sawyer, Goodman, Cates.

To amend section 718.05 of the Revised Code to specify that the municipal income tax annual return filing date 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 , was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 224**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

|         |         |          |            |
|---------|---------|----------|------------|
| Amstutz | Austria | Buehrer  | Cafaro     |
| Carey   | Cates   | Faber    | Fedor      |
| Gardner | Goodman | Grendell | Jacobson   |
| Kearney | Mason   | Miller D | Miller R   |
| Morano  | Mumper  | Niehaus  | Padgett    |
| Roberts | Sawyer  | Schaffer | Schuring   |
| Seitz   | Smith   | Spada    | Stivers    |
| Wilson  |         |          | Harris-30. |

So the bill passed.

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

Senator Amstutz moved to amend the title as follows:

Add the names: "Harris, Miller, D., Niehaus, Seitz, Schaffer, Stivers."

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

The motion was agreed to and the title so amended.

**Am. H. B. No. 238**-Representatives Latta, Stewart, J.

Cosponsors: Representatives McGregor, J., Bubp, Evans, Ujvagi, Koziura, Zehringer, Bolon, Okey, Miller, Aslanides, Distel, Goodwin, Huffman, Sayre, Hite, Luckie, Adams, Batchelder, Book, Chandler, DeBose, Domenick, Dyer, Gibbs, Goyal, Hagan, J., Hughes, Letson, Mallory, Otterman, Patton, Schlichter, Uecker, Wachtmann, Wagoner, Webster, Widener, Yates. Senators Grendell, Mumper, Schaffer, Niehaus, Miller, D.

To amend sections 1531.201, 1531.99, and 1533.99 of the Revised Code to revise provisions governing the restitution value of a wild animal that is

unlawfully held, taken, bought, sold, or possessed , was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 238**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

|         |          |          |            |
|---------|----------|----------|------------|
| Amstutz | Austria  | Buehrer  | Cafaro     |
| Carey   | Cates    | Faber    | Fedor      |
| Gardner | Goodman  | Grendell | Jacobson   |
| Kearney | Mason    | Miller D | Miller R   |
| Morano  | Mumper   | Niehaus  | Roberts    |
| Sawyer  | Schaffer | Schuring | Seitz      |
| Smith   | Spada    | Stivers  | Wilson     |
|         |          |          | Harris-29. |

Senator Padgett voted in the negative-1.

So the bill passed.

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

Senator Niehaus moved to amend the title as follows:

Add the names: "Buehrer, Cates, Gardner, Harris, Kearney, Spada, Wilson, Faber."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 87**-Senator Carey.

Cosponsors: Senators Miller, D., Mumper, Padgett, Clancy, Boccieri, Schaffer, Schuler, Mason, Cafaro.

To enact section 5502.522 of the Revised Code to create the statewide emergency alert program to aid in the identification and location of missing individuals who have a mental impairment or are sixty-five years of age or older and to establish activation criteria for the implementation of the program , was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 87**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

|         |         |          |          |
|---------|---------|----------|----------|
| Amstutz | Austria | Buehrer  | Cafaro   |
| Carey   | Cates   | Faber    | Fedor    |
| Gardner | Goodman | Grendell | Jacobson |
| Kearney | Mason   | Miller D | Miller R |
| Morano  | Mumper  | Niehaus  | Padgett  |

|         |        |          |            |
|---------|--------|----------|------------|
| Roberts | Sawyer | Schaffer | Schuring   |
| Seitz   | Smith  | Spada    | Stivers    |
| Wilson  |        |          | Harris-30. |

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: "Austria, Fedor, Gardner, Goodman, Grendell, Harris, Niehaus, Roberts, Sawyer, Spada, Stivers."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 183**-Senator Schaffer.

Cosponsors: Senators Coughlin, Austria, Cates, Clancy, Faber, Gardner, Grendell, Padgett.

To amend sections 2907.07 and 2929.13 of the Revised Code to provide mandatory minimum prison terms for persons who plead guilty to or are convicted of importuning , was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 183**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

|         |          |          |            |
|---------|----------|----------|------------|
| Amstutz | Austria  | Buehrer  | Cafaro     |
| Carey   | Cates    | Faber    | Fedor      |
| Gardner | Goodman  | Grendell | Jacobson   |
| Kearney | Mason    | Miller R | Morano     |
| Mumper  | Niehaus  | Padgett  | Roberts    |
| Sawyer  | Schaffer | Schuring | Seitz      |
| Smith   | Spada    | Stivers  | Wilson     |
|         |          |          | Harris-29. |

Senator Miller D voted in the negative-1.

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: "Fedor, Harris, Mason, Miller, R., Mumper, Spada, 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, November 11, 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 bills were introduced and considered the first time:

**S. B. No. 253**-Senator Stivers.

Cosponsors: Senators Mumper, Seitz.

To enact section 1321.22 of the Revised Code to allow alternative interest rates and maturities for loans not exceeding one thousand dollars.

**S. B. No. 254**-Senator Faber.

Cosponsors: Senators Mumper, Niehaus, Schuler, Gardner, Amstutz, Harris, Schuring, Seitz, Austria, Coughlin, Buehrer.

To enact section 119.14 of the Revised Code to waive fines or penalties for paperwork violations that are first-time offenses committed by small businesses.

### MESSAGE FROM THE PRESIDENT

Pursuant to Section 375.60.80 of H. B. No. 119 of the 127th General Assembly, the President of the Senate appoints Senator Steve Austria to serve on the Central State University Speed to Scale Task Force.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, November 15, 2007 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.