

OHIO

SENATE

JOURNAL

WEDNESDAY, NOVEMBER 19, 2008

TWO HUNDRED THIRTY-THIRD DAY
Senate Chamber, Columbus, Ohio
Wednesday, November 19, 2008, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Paul Noble, St. Matthew's Church, Gahanna, 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:

Am. H. B. No. 501-Representatives Okey, Stebelton.

Cosponsors: Representatives DeGeeter, Sayre, Brown, Brady, Luckie, Setzer, Williams, B., Yuko, Yates, Hite, Dodd, Budish, Skindell, Evans, McGregor, J., Dyer, Szollosi, Foley, Bolon, Schlichter, Gibbs, Aslanides, Zehringer, Reinhard, Goodwin, Newcomb, Domenick, Heard, Adams, Bacon, Batchelder, Beatty, Blessing, Boyd, Celeste, Chandler, Ciafardini, Combs, Daniels, DeBose, Fende, Flowers, Garrison, Gerberry, Hagan, J., Hagan, R., Harwood, Heydinger, Hottinger, Huffman, Hughes, Koziura, Letson, Lundy, Mallory, Nero, Oelslager, Otterman, J., Patton, Peterson, Schneider, Slesnick, Stewart, D., Stewart, J., Strahorn, Uecker, Ujvagi, Wachtmann.

To create the Ohio Beekeepers Task Force.

To the Committee on Agriculture.

Am. Sub. H. B. No. 525-Representative Combs.

Cosponsors: Representatives McGregor, J., Peterson, Setzer, Harwood, Szollosi, Raussen, Chandler, Uecker, Adams, Batchelder, Blessing, Boyd, Brown, Ciafardini, Coley, Domenick, Dyer, Evans, Flowers, Gardner, Gerberry, Hite, Huffman, Letson, Lundy, Mecklenborg, Nero, Patton, Schneider, Stebelton.

To amend section 317.36 and to enact sections 317.114 and 317.37 of the Revised Code to establish standard format requirements for documents to be recorded by a county recorder and to allow recording of a single instrument for multiple transactions pertaining to oil and gas.

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

S. B. No. 376-Senator Carey.

Cosponsors: Senators Harris, Faber, Amstutz, Schuler, Padgett.

To amend sections 122.0818, 122.452, 165.031, 166.02, 307.673, 307.696, 1551.13, 1728.07, 3706.042, 4115.032, 4115.033, 4981.23, and 6121.061 of the Revised Code relative to the application of the Prevailing Wage Law to publicly supported, private sector construction projects.

To the Committee on Finance and Financial Institutions.

S. B. No. 377-Senator Wilson.

To enact section 5533.95 of the Revised Code to designate the portion of Interstate 77 within the municipal corporation of Dover as the "Mayor Guy M. Smith Memorial Highway."

To the Committee on Highways and Transportation.

S. B. No. 378-Senator Austria.

To enact section 5533.872 of the Revised Code to designate part of State Route 72 in Greene County as the "Kenneth P. Hauprich, Jr., Memorial Highway."

To the Committee on Highways and Transportation.

S. B. No. 379-Senator Cafaro.

Cosponsors: Senators Miller, D., Turner, Carey, Seitz, Faber, Padgett, Schuler.

To enact section 5533.881 of the Revised Code to designate a portion of State Route 45 as "The Warren and Ashtabula Freedom Turnpike."

To the Committee on Highways and Transportation.

S. B. No. 380-Senator Seitz.

To amend sections 3503.15, 3505.21, 3509.02, 3509.03, 3509.04, 3509.05, 3509.06, 3509.07, 3511.01, 3511.02, 3511.05, and 3511.11 of the Revised Code to require absent voter's ballot identification envelope statements to be completed for absent voter's ballots to be counted, to require boards of

elections to notify absent voters that their ballots will be rejected if they do not complete the required statement, to prohibit same day voter registration and application for absent voter's ballots, to permit election observers to be appointed to serve at the board of elections or at another designated site during the time absent voter's ballots may be cast in person, and to require the Secretary of State to notify boards of elections of mismatches between voter registration information and motor vehicle records.

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

YES - 5: J. KIRK SCHURING, SHIRLEY A. SMITH, RAY MILLER, TOM NIEHAUS, 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 Schuring submitted the following report:

The Standing Committee on Rules to which was referred the appointment by the Governor of:

Jolene M. Molitoris, Democrat, from Dublin, Franklin County, Ohio, as a Member of the Ohio Rail Development Commission for a term beginning October 21, 2007 and ending at the close of business October 20, 2013, replacing James Betts, whose term expired.

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

YES - 10: BILL HARRIS, TOM NIEHAUS, KEITH L. FABER, MARK D. WAGONER, JOHN A. CAREY, J. KIRK SCHURING, CAPRI S. CAFARO, DALE MILLER, SHIRLEY A. SMITH, RAY MILLER.

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 28, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Buehrer	Cafaro	Carey
Cates	Coughlin	Faber	Fedor
Grendell	Kearney	Lehner	Miller D
Miller R	Morano	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Turner	Wagoner	Wilson	Harris-28.

So the Senate advised and consented to said appointment.

Senator Buehrer submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 259**-Senator Padgett, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Schaffer, Cafaro.

YES - 8: STEPHEN BUEHRER, JOY PADGETT, TIMOTHY O. SCHAFFER, DALE MILLER, CAPRI S. CAFARO, JASON H. WILSON, J. KIRK SCHURING, KEVIN J. COUGHLIN.

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 244-Senator Sawyer.

Cosponsors: Senators Mason, Kearney, Cates, Coughlin, Goodman, Schuler, Stivers, Fedor.

To amend sections 2743.191, 2903.214, and 2919.27 of the Revised Code to authorize the court to require that certain persons who engage in menacing by stalking and against whom a civil order of protection is granted be electronically monitored and to authorize the court to require that certain persons convicted of violating a protection order that requires electronic monitoring be electronically monitored, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 244**, pass?"

On the motion of Senator Niehaus, **Sub. S. B. No. 244** was informally passed and retained its place on the calendar.

S. B. No. 259-Senator Padgett.

Cosponsors: Senators Mason, Carey, Miller, D., Seitz, Goodman, Wilson, Grendell, Schaffer, Cafaro.

To amend section 121.403 and to enact section 4503.93 of the Revised Code to create Ohio "Volunteer" license plates, was considered the third time.

The question being, "Shall the bill, **S. B. No. 259**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Buehrer	Cafaro	Carey
Cates	Coughlin	Faber	Fedor
Grendell	Kearney	Lehner	Miller D
Miller R	Morano	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Turner	Wagoner	Wilson	Harris-28.

So the bill passed.

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

Senator Padgett moved to amend the title as follows:

Add the names: "Amstutz, Fedor, Harris, Lehner, Morano, Niehaus, Roberts, Schuler, Schuring, Wagoner, Kearney, Patton, Smith."

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

The motion was agreed to and the title so amended.

S. B. No. 266-Senator Roberts.

Cosponsors: Senators Cafaro, Faber, Seitz, Carey, Miller, D., Sawyer, Kearney, Goodman, Schuler, Schuring, Bocchieri, Morano, Cates, Fedor.

To enact section 5.2237 of the Revised Code to designate January as "Ohio Mentor Month, was considered the third time.

The question being, "Shall the bill, **S. B. No. 266**, pass?"

Senator Roberts moved to amend as follows:

In line 3, delete "5.2237" and insert "5.2241"

In line 5, delete "5.2237" and insert "5.2241"

In line 1 of the title, delete "5.2237" and insert "5.2241"

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

The motion to amend was agreed to.

The question being, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 28, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Buehrer	Cafaro	Carey
Cates	Coughlin	Faber	Fedor
Grendell	Kearney	Lehner	Miller D
Miller R	Morano	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Turner	Wagoner	Wilson	Harris-28.

So the bill passed.

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

Senator Roberts moved to amend the title as follows:

Add the names: "Amstutz, Buehrer, Harris, Lehner, Miller, R., Niehaus, Padgett, Schaffer, Smith, Wagoner, Wilson."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Niehaus moved that Senators absent the week of Sunday, November 16, 2008, 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 bill was introduced and considered the first time:

S. B. No. 381-Senator Stivers.

To amend sections 307.204, 505.266, 903.02, 903.03, and 903.05 and to enact section 903.021 of the Revised Code to require additional information to be considered when determining the impact on local infrastructure of a major

concentrated animal feeding facility, to require an applicant for a permit to operate such a facility to complete all infrastructure improvements prior to applying for that permit, and to revise other requirements governing applications for permits to install and permits to operate.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

Am. H. B. No. 267 -Representative Huffman

Cosponsors: Representatives Evans, Chandler, Seitz, McGregor, R., Uecker, Dyer, Batchelder, Blessing, Bolon, Book, Boyd, Combs, Domenick, Fende, Flowers, Gibbs, Hagan, R., Hite, Letson, Mallory, Otterman, J., Sears, Stewart, D., Webster, White, Yates

To amend sections 103.71, 103.72, 103.73, 103.74, and 5120.55 and to enact section 103.80 of the Revised Code to permit the Department of Rehabilitation and Correction to establish a loan repayment program for recruitment of nurses and dentists and to modify the laws governing the Correctional Institution Inspection Committee.

Am. H. B. No. 537 -Representative Oelslager

Cosponsors: Representatives McGregor, J., Hughes, Evans, Stebelton, Skindell, Huffman, Okey, Letson, Yuko, DeGeeter, Batchelder, Chandler, Ciafardini, Combs, Domenick, Fende, Harwood, Heydinger, Luckie, Mecklenborg, Otterman, J., Slesnick

To amend section 2701.10 of the Revised Code to permit a civil action referred to a retired judge for consideration and adjudication to be tried and determined by a jury presided over by the retired judge.

Attest:

Laura P. Clemens,
Clerk.

Said bills were considered the first time.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rules No. 19 and No. 20, the President of the Senate makes the following appointments to the following Standing Committee:

Appoints Senator Mark Wagoner to the Standing Committee on Rules

Appoints Senator Keith Faber to the Standing Committee on Rules

Appoints Senator Tom Niehaus as Vice Chairman of the Standing Committee on Rules

On the motion of Senator Niehaus, the Senate recessed until 2:15 p.m.

The Senate met pursuant to the recess.

Senator Niehaus moved that the Senate revert to the sixth order of business, Bills for Third Consideration.

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

The motion was agreed to.

On the motion of Senator Niehaus, **Sub. S. B. No. 244**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Sub. S. B. No. 244**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Buehrer	Cafaro	Carey
Cates	Coughlin	Faber	Fedor
Grendell	Kearney	Lehner	Miller D
Miller R	Morano	Niehaus	Padgett
Patton	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Turner	Wagoner	Wilson	Harris-28.

So the bill passed.

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

Senator Sawyer moved to amend the title as follows:

Add the names: "Cafaro, Grendell, Harris, Miller, D., Miller, R., Morano, Padgett, Patton, Roberts, Schaffer, Smith, Turner, Wagoner, Wilson."

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

The motion was agreed to and the title so amended.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, November 20, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.