

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, DECEMBER 3, 2008**

TWO HUNDRED THIRTY-NINTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, December 3, 2008, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, St. Catharine's Church, Columbus, 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 bill, standing in order for second consideration, be referred to committee as recommended:

**S. B. No. 387**-Senator Grendell.

Cosponsors: Senators Harris, Schuler, Cates, Mumper, Wagoner, Buehrer, Fedor, Spada, Stivers, Faber, Sawyer, Amstutz, Padgett, Goodman, Carey, Seitz.

To amend section 3333.31 of the Revised Code to grant certain veterans and their families who relocate to Ohio immediate eligibility for in-state tuition at state institutions of higher education.

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

YES - 4: J. KIRK SCHURING, RAY MILLER, BILL HARRIS,  
TOM NIEHAUS.

NO - 0.

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

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Buehrer submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 317**-Senator Padgett, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Miller, D..

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

NO - 0.

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

Senator Niehaus submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **S. B. No. 372**-Senator Niehaus, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Schaffer.

YES - 7: TOM NIEHAUS, TIMOTHY O. SCHAFFER, TOM PATTON, TIMOTHY J. GRENDALL, SUSAN L. MORANO, DALE MILLER, NINA TURNER.

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:

**Richard W. Babb**, Democrat, from Sabina, Clinton County, Ohio, as a Member of the Reclamation Commission for a term beginning June 18, 2008 and ending at the close of business June 28, 2012, replacing David Beam, who resigned.

**William E. Ball**, from Cuyahoga Falls, Summit County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning August 6, 2008 and ending at the close of business June 23, 2010.

**Lorrie L. Bowman**, Democrat, from McConnelsville, Morgan County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning May 15, 2008 and ending at the close of

business February 18, 2014, replacing E. Jean Glenn, whose term expired.

**Lavea Brachman**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Clean Ohio Council for a new term beginning April 24, 2008 and ending at the close of business November 23, 2009.

**Adam K. Brandt**, from Bexley, Franklin County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a new term beginning April 24, 2008 and ending at the close of business December 31, 2010.

**Shoshanna M. Brooker**, Democrat, from Fleming, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning May 15, 2008 and ending at the close of business February 18, 2014, replacing Larry Unroe, whose term expired.

**James F. Cannon**, Democrat, from Dayton, Montgomery County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning July 25, 2008 and ending at the close of business June 30, 2017, replacing Michael Adams, whose term expired.

**Stephen Colecchi**, Democrat, from Ravenna, Portage County, Ohio, as a Member of the Kent State University Board of Trustees for a term beginning July 1, 2008 and ending at the close of business may 16, 2017, replacing R. Douglas Cowan, whose term expired.

**Robert Douglas Corcoran**, Democrat, from Chillicothe, Ross County, Ohio, as a Member of the Clean Ohio Council for a term beginning June 11, 2008 and ending at the close of business November 23, 2008, replacing Mark Forni, who resigned.

**Marva Cosby**, Democrat, from Clayton, Montgomery County, Ohio, as a Member of the Sinclair Community College Board of Trustees for a term beginning June 12, 2008 and ending at the close of business October 12, 2012, replacing Allen Hill, whose term expired.

**Lynnda M. Davis**, Democrat, from New Albany, Franklin County, Ohio, as a Member of the Ohio Higher Educational Facility Commission for a term beginning May 19, 2008 and ending at the close of business January 1, 2016, replacing Henry Kasson, whose term expired.

**Steven M. Dettelbach**, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ethics Commission for a term beginning August 8, 2008 and ending at the close of business January 1, 2013, replacing Dr. Rev. Robert L. Browning, who passed away.

**James M. Doss**, Democrat, from Gallipolis, Gallia County, Ohio, as a Member of the Ohio Parks and Recreation Council for a term beginning May 14, 2008 and ending at the close of business January 31, 2011, replacing Craig Strong, whose term expired.

**Lisa L. Eschleman**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Environmental Review Appeals Commission for a term beginning May 19, 2008 and ending at the close of business October 22, 2012,

replacing Sarah Lynn, who resigned.

**Robert J. Fahey**, Democrat, from Zanesville, Muskingum County, Ohio, as a Member of the Motor Vehicle Dealers Board for a term beginning April 15, 2008 and ending at the close of business October 4, 2010, replacing Michelle Primm, whose term expired.

**Thomas Ferrell, Jr.**, from Sandusky, Erie County, Ohio, as a Member of the the Solid Waste Management Advisory Council for a new term beginning August 6, 2008 and ending at the close of business June 23, 2010.

**Richard P. Finney**, Republican, from Harrisville, Harrison County, Ohio, as a Member of the Board of Motor Vehicle Collision Repair Registration for a term beginning March 4, 2008 and ending at the close of business January 1, 2009, replacing Timothy Trimbach, who resigned.

**Robert E. Fletcher**, from Columbus, Franklin County, Ohio, as a Member of the Capitol Square Review and Advisory Board for a term beginning August 12, 2008 and ending at the close of business April 22, 2011, replacing Larry C. Sowers, whose term expired.

**Don W. Gephart**, Democrat, from Blanchester, Clinton County, Ohio, as a Member of the Southern State Community College Board of Trustees for a term beginning July 1, 2008 and ending at the close of business May 12, 2014, replacing Dan Mongold, whose term expired.

**Garry L. Getz**, Republican, from Springfield, Clark County, Ohio, as a Member of the Ohio Geology Advisory Council for a new term beginning June 18, 2008 and ending at the close of business March 3, 2011.

**Laurence P. Harkness**, Democrat, from Dayton, Montgomery County, Ohio, as a Member of the Sinclair Community College Board of Trustees for a term beginning February 8, 2008 and ending at the close of business October 12, 2012, replacing Ethel Washington, whose term expired.

**William E. Harrell**, Democrat from Columbus, Franklin County, Ohio, as a Member of the Ohio Civil Rights Commission for a term beginning July 22, 2008 and ending at the close of business July 28, 2012, replacing Barbara Sykes, who resigned.

**Clyde E. Henry**, from Orient, Pickaway County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning may 1, 2008 and ending at the close of business January 14, 2011.

**Stephen L. Hightower**, Democrat, from Franklin, Butler County, Ohio, as a Member of the Petroleum Underground Storage Tank Release Compensation Board for a term beginning July 31, 2008 and ending at the close of business July 11, 2011, replacing Nancy Kister, whose term expired.

**Mark E. Hochstetler**, from Sugarcreek, Holmes County, Ohio, as a Member of the Forestry Advisory Council for a term beginning May 19, 2008 and ending at the close of business February 28, 2012, replacing Scott Galloway, whose term expired.

**John B. Houser**, Democrat, from Bethel, Brown County, Ohio, as a Member of the Southern State Community College Board of Trustees for a term beginning July 31, 2008 and ending at the close of business May 12, 2014, replacing Willis A. Herdman, whose term expired.

**John H. Hull**, Republican, from Toledo, Lucas County, Ohio, as a Member of the Petroleum Underground Storage Tank Release Compensation Board for a new term beginning July 31, 2008 and ending at the close of business July 11, 2011.

**Leon Humphries**, Independent, from Columbus, Franklin County, Ohio, as a Member of the Board of Building Appeals for a term beginning April 16, 2008 and ending at the close of business October 13, 2011, replacing Susan V. Plaisted, whose term expired.

**Christopher P. Jacobs**, from Scio, Harrison County, Ohio, as a Member of the Solid Waste Management Advisory Council for a term beginning August 6, 2008 and ending at the close of business June 23, 2010, replacing Tim Wasserman, whose term expired.

**Jerry D. Jordan**, Republican, from Columbus, Franklin County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a new term beginning June 18, 2008 and ending at the close of business January 31, 2011.

**William B. Koester**, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the State Racing Commission for a term beginning May 13, 2008 and ending at the close of business March 31, 2009, replacing Charlie Luken, who resigned.

**Thomas L. Kovacik**, Independent, from Toledo, Lucas County, Ohio, as a Member of the Clean Ohio Council for a new term beginning June 13, 2008 and ending at the close of business November 23, 2009.

**Donald J. Kuchta**, Independent, from Macedonia, Summit County, Ohio, as a Member of the Petroleum Underground Storage Tank Release Compensation Board for a new term beginning July 31, 2008 and ending at the close of business July 11, 2011.

**Walter H. Lange**, Republican, from Swanton, Fulton County, Ohio, as a Member of the Forestry Advisory Council for a term beginning May 19, 2008 and ending at the close of business February 28, 2012, replacing Mary S. Donaldson, whose term expired.

**David J. Levey**, Democrat, from Akron, Summit County, Ohio, as a Member of the Bowling Green State University Board of Trustees for a term beginning July 1, 2008 and ending at the close of business May 17, 2017, replacing Michael R. Wilcox, whose term expired.

**Morton Q. Levin**, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Cleveland State University Board of Trustees for a term beginning August 14, 2008 and ending at the close of business May 1, 2017, replacing Carl D. Glickman, whose term expired.

**Antoinette A. Selvey-Maddox**, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the Transportation Review Advisory Council for a term beginning July 22, 2008 and ending at the close of business June 30, 2013, replacing Charles H. Gerhardt III, whose term expired.

**Sean A. McCarter**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Reclamation Commission for a term beginning June 29, 2008 and ending at the close of business June 28, 2013, replacing Richard Cochran, whose term expired.

**Molly McClure**, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Parks and Recreation Council for a term beginning April 10, 2008 and ending at the close of business January 31, 2011, replacing Michelle Park, whose term expired.

**Brian Morris**, Democrat, from Bexley, Franklin County, Ohio, as a Member of the Motor Vehicle Dealers Board for a term beginning April 15, 2008 and ending at the close of business October 4, 2010, replacing Gary L. Jones, whose term expired.

**Joseph M. Murtha**, Democrat, from Rockbridge, Hocking County, Ohio, as a Member of the Hocking Technical College Board of Trustees from a term beginning August 27, 2008 and ending at the close of business August 26, 2011, replacing Richard H. Brandt, whose term expired.

**Eilert A. Ofstead**, from Cuyahoga Falls, Summit County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning August 6, 2008 and ending at the close of business June 23, 2010.

**John P. Onacila, Jr.**, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Waterways Safety Council for a term beginning June 18, 2008 and ending at the close of business January 31, 2013, replacing Norman Schultz, whose term expired.

**William L. Ommert**, Republican, from Norwalk, Huron County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning May 15, 2008 and ending at the close of business January 13, 2010.

**Jack R. Pounds**, from Dublin, Franklin County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning May 15, 2008 and ending at the close of business January 13, 2010.

**Thomas Price**, Republican, from Delaware, Delaware County, Ohio, as a Member of the Ohio Soil and Water Conservation Commission for a new term beginning July 1, 2008 and ending at the close of business June, 2012.

**David Reiser**, from Athens, Athens County, Ohio as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning May 1, 2008 and ending at the close of business January 14, 2011, replacing Bradley K. Baker, whose term expired.

**Jack H. Schron, Jr.**, from Cleveland, Cuyahoga County, Ohio, as a

Member of the Clean Ohio Council for a new term beginning June 3, 2008 and ending at the close of business November 23, 2009.

**Patricia D. Kennedy-Scott**, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Cuyahoga Community College Board of Trustees for a term beginning April 23, 2008 and ending at the close business October 12, 2008, replacing Rosalind Thompson, who resigned.

**Steven G. Stone**, Democrat, from Ashland, Ashland County, Ohio, as a member of the North Central State College Board of Trustees for a term beginning April 23, 2008 and ending at the close of business January 16, 2011, replacing Adam Vetter, Jr., whose term expired.

**R. Michael Taylor**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Motor Vehicle Dealers Board for a term beginning April 15, 2008 and ending at the close of business October 4, 2010, replacing Sandra P. Baird, whose term expired.

**Tony M. Townsend**, Democrat, from Massillon, Stark County, Ohio, as a Member of the Stark State College of Technology Board of Trustees for a term beginning June 24, 2008 and ending at the close of business August 1, 2010, replacing William Strohmenger, whose term expired.

**Larry J. Unroe**, Republican, from Marietta, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning April 23, 2008 and ending at the close of business February 18, 2009, replacing Wen-Yu Cheng, who resigned.

**Vicki Wilson**, Democrat, from Wilmington, Clinton County, Ohio, as a Member of the Southern State Community College Board of Trustees for a term beginning July 1, 2008 and ending at the close of business May 12, 2014, replacing Ernest J. McFarland, whose term expired.

**Melvin J. Yoder**, Republican, from Sugarcreek, Holmes County, Ohio, as a Member of the Forestry Advisory Council for a term beginning May 19, 2008 and ending at the close of business February 28, 2012, replacing Andrew Adelman, whose term expired.

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

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

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 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Cafaro
Carey	Cates	Coughlin	Faber
Goodman	Grendell	Kearney	Lehner
Miller D	Miller R	Morano	Niehaus
Padgett	Patton	Roberts	Sawyer
Schaffer	Schuler	Schuring	Seitz
Stivers	Turner	Wagoner	Wilson
			Harris-29.

So the Senate advised and consented to said appointments.

### **BILLS FOR THIRD CONSIDERATION**

**S. B. No. 317**-Senator Padgett.

Cosponsors: Senators Roberts, Schuring, Miller, D., Sawyer, Seitz.

To amend section 4507.071 of the Revised Code to allow a court, under certain circumstances, to grant unaccompanied driving privileges one time to a probationary driver's license holder who, because of a moving violation, otherwise would be subject to a restriction that the person be accompanied by the holder's parent or guardian, was considered the third time.

The question being, "Shall the bill, **S. B. No. 317**, 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	Coughlin	Faber	Fedor
Goodman	Grendell	Kearney	Lehner
Miller D	Miller R	Morano	Niehaus
Padgett	Patton	Roberts	Sawyer
Schaffer	Schuler	Schuring	Seitz
Stivers	Turner	Wagoner	Wilson
			Harris-29.

Senator Cates voted in the negative-1.

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, Buehrer, Fedor, Harris, Lehner, Morano, Patton, Wilson, Turner, Niehaus, Faber, Goodman."

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 30, 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. 388**-Senator Wagoner.

To amend section 1347.99 and to enact sections 1347.15 and 5703.211 of the Revised Code to require state agencies to adopt rules governing access to the confidential personal information that they keep, to create a civil action for harm resulting from an intentional violation of these rules, to impose a criminal penalty for such an intentional violation, and to require the Department of Taxation to adopt rules to require the tracking of searches of any of the Department's databases.

### **OFFERING OF RESOLUTIONS**

Senator Miller, D. offered the following concurrent resolution:

**S. C. R. No. 32**-Senator Miller, D.

Cosponsors: Senators Turner, Morano, Cafaro, Wilson, Fedor, Miller, R., Wagoner, Sawyer.

To memorialize the United States Congress to provide immediate assistance to the domestic automobile industry, conditioned on the industry's transformation, to ensure its long-term survival.

The question being, "Shall the concurrent resolution, **S. C. R. No. 32**, be adopted?"

On the motion of Senator Austria, **S. C. R. No. 32**, was referred to the Committee on Reference.

On the motion of Senator Austria, the Senate adjourned until Thursday, December 4, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.