

OHIO

SENATE

JOURNAL

TUESDAY, MARCH 3, 2009

TWENTIETH DAY
Senate Chamber, Columbus, Ohio
Tuesday, March 3, 2009, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, St. Catharine's Church, Bexley, 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 Schuler reports for the Standing Committee on Reference, recommending that the following bills and resolutions, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 56-Senator Niehaus.

Cosponsors: Senators Hughes, Carey, Fedor, Miller, D., Wagoner, Patton, Schuler.

To amend section 2903.04 and to enact section 2919.221 of the Revised Code to prohibit a person from negligently leaving a child who is less than five years of age unattended in an automobile.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 57-Senator Gibbs.

Cosponsors: Senators Schaffer, Wagoner, Schuring, Schuler, Sawyer, Buehrer.

To amend section 2108.31 of the Revised Code to permit persons who are sixteen to donate blood with parental consent.

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

S. B. No. 58-Senator Hughes.

Cosponsors: Senators Schaffer, Wagoner.

To enact section 2927.15 of the Revised Code to prohibit a person from collecting any bodily substance of another person without privilege to do so.

To the Committee on Judiciary - Criminal Justice.

S. C. R. No. 4-Senators Grendell, Coughlin.

Cosponsors: Senators Schuring, Faber, Seitz, Gibbs, Cates, Wagoner, Hughes.

To request that the members of the United States Congress refrain from enacting the Fairness Doctrine into law.

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

S. C. R. No. 5-Senator Smith.

Cosponsors: Senators Morano, Cafaro, Roberts, Stewart.

To urge the President and Congress of the United States to provide funds for the Ohio Hub rail corridor development.

To the Committee on Finance and Financial Institutions.

S. J. R. No. 2-Senator Coughlin.

Cosponsor: Senator Grendell.

Proposing to enact Section 43 of Article II of the Constitution of the State of Ohio to prohibit the General Assembly from enacting certain laws regarding health care.

To the Committee on Insurance, Commerce and Labor.

YES - 5: SHIRLEY A. SMITH, ROBERT L. SCHULER, MARK D. WAGONER, TOM NIEHAUS, CAPRI S. CAFARO.

NO - 0.

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

The report of the committee was accepted.

Said bills and resolutions were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **S. B. No. 1**-Senator Hughes, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Carey, Stewart, Widener.

YES - 13: TOM NIEHAUS, CHRIS WIDENER, TOM PATTON, DALE MILLER, BILL SEITZ, JOHN A. CAREY, GARY W. CATES, JASON H. WILSON, SHIRLEY A. SMITH, RAY MILLER, MARK D. WAGONER, KEITH L. FABER, JIMMY STEWART.

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

S. B. No. 9-Senator Patton.

Cosponsors: Senators Gillmor, Grendell, Gibbs, Wagoner, Coughlin, Schuring.

To amend section 5747.98 and to enact sections 122.85 and 5747.66 of the Revised Code to authorize income tax credits for investments in motion pictures produced in Ohio, was considered the third time.

The question being, "Shall the bill, **S. B. No. 9**, pass?"

The yeas and nays were taken and resulted - yeas 21, nays 10, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Coughlin
Faber	Gibbs	Gillmor	Goodman
Grendell	Hughes	Husted	Niehaus
Patton	Schaffer	Schiavoni	Schuler
Schuring	Seitz	Stewart	Wagoner
			Widener-21.

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Sawyer	Smith
Turner			Wilson-10.

So the bill passed.

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

Senator Patton moved to amend the title as follows:

Add the names: "Carey, Hughes."

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

The motion was agreed to and the title so amended.

Senator Faber moved that the vote, whereby **S. B. No. 9** - Senator Patton -et al. was passed, be now reconsidered.

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

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Coughlin	Faber	Fedor	Gibbs
Gillmor	Goodman	Grendell	Hughes
Husted	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuler	Schuring
Seitz	Smith	Stewart	Turner
Wagoner	Widener		Wilson-31.

The motion was agreed to.

The question being, "Shall the bill, **S. B. No. 9**, pass?"

The yeas and nays were taken and resulted - yeas 20, nays 11, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Coughlin
Faber	Gibbs	Gillmor	Goodman
Grendell	Hughes	Husted	Niehaus
Patton	Schaffer	Schuler	Schuring
Seitz	Stewart	Wagoner	Widener-20.

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Sawyer	Schiavoni
Smith	Turner		Wilson-11.

So the bill passed.

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

The title was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 59-Senator Fedor.

Cosponsors: Senators Sawyer, Miller, R.

To amend sections 3301.0718, 3313.60, 3313.6011, 3313.814, 3314.03, and 3326.11 and to enact section 3301.23 of the Revised Code as the "Healthy Students Act" to establish standards for K-12 health education in public schools and to create the Office of Healthy Schools within the Department of Education.

S. B. No. 60-Senator Wagoner.

Cosponsors: Senators Buehrer, Coughlin, Hughes, Schuler, Seitz, Stewart.

To amend section 5747.113 and to enact section 149.308 of the Revised Code to allow taxpayers to contribute a portion of their income tax refunds to the Ohio Historical Society.

S. B. No. 61-Senator Husted.

Cosponsors: Senators Coughlin, Patton, Wagoner, Schuring, Schaffer, Gibbs, Buehrer, Faber.

To amend sections 3501.05 and 3521.02 of the Revised Code to require that the Governor call a special election to fill a vacancy in the representation of Ohio in the United States Senate.

S. B. No. 62-Senator Turner.

Cosponsors: Senators Miller, R., Morano.

To amend sections 4301.17, 4303.26, and 4303.292 of the Revised Code to prohibit the Division of Liquor Control from issuing a retail liquor permit or entering into an agency liquor contract if the permit location or liquor agency store is proposed to be located within five hundred feet from a school, church, library, public playground, or township park.

OFFERING OF RESOLUTIONS

Senators Grendell and Buehrer offered the following concurrent resolution:

S. C. R. No. 6-Senators Grendell, Buehrer.

Cosponsors: Senators Coughlin, Gibbs, Schaffer, Seitz, Wagoner, Schuring, Faber.

To urge the President of the United States and the Congress of the United States to oppose the Freedom of Choice Act if introduced again during the 111th Congress.

The question being, "Shall the concurrent resolution, **S. C. R. No. 6**, be adopted?"

On the motion of Senator Faber, **S. C. R. No. 6**, was referred to the

Committee on Reference.

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 13-Senator Harris.

Cosponsors: Senators Cafaro, Buehrer, Carey, Coughlin, Faber, Fedor, Goodman, Grendell, Hughes, Husted, Kearney, Miller, D., Miller, R., Morano, Niehaus, Sawyer, Schaffer, Schiavoni, Schuler, Schuring, Seitz, Smith, Turner, Wagoner, Wilson, Cates, Gibbs, Gillmor, Patton, Stewart, Widener.

Honoring Senator Tom Roberts for outstanding service to the Ohio Senate.

S. R. No. 14-Senator Kearney.

Cosponsors: Senators Cates, Niehaus, Schuler, Seitz.

Honoring Nancy L. Zimpher on her service to the University of Cincinnati.

S. R. No. 15-Senator Wagoner.

Honoring Beatrice Thaman as one of Ohio's top youth volunteers for 2009.

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

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 103.51 of the Ohio Revised Code, the President of the Senate appoints the following people to serve on the Legislative Task Force on Redistricting, Reapportionment, and Demographic Research:

Senator Harris, Co-Chair
Senator Cafaro
Matthew Schuler

MESSAGE FROM THE PRESIDENT

Pursuant to Section 6161.02 of the Ohio Revised Code, the President of the Senate reappoints Senator Grendell to serve on the Great Lakes Commission.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 103.11 of the Ohio Revised Code, the President of the Senate appoints the following members to serve on the Legislative Service Commission:

Senator Harris (Chair)
Senator Niehaus

Senator Faber
Senator Wagoner
Senator Schuring
Senator Cafaro
Senator Sawyer

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rules No. 19 and No. 20, the Senate President makes the following appointment changes to the following Standing Committees effective Monday, March 2, 2009:

Removes Senator Kearney from the Standing Committee on Energy and Public Utilities

Appoints Senator Schiavoni to serve on the Standing Committee on Energy and Public Utilities

Appoints Senator Fedor to serve on the Standing Committee on Education

Temporarily appoints Senator Schiavoni to serve as Ranking Minority Member on the Standing Committee on Judiciary – Criminal Justice

Removes Senator Schiavoni from the Standing Committee on Highways and Transportation

Appoints Senator Fedor to serve on the Standing Committee on Highways and Transportation

Temporarily appoints Senator Kearney to serve as Ranking Minority Member on the Standing Committee on Ways & Means & Economic Development

On the motion of Senator Faber, the Senate adjourned until Wednesday, March 4, 2009 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.