

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MARCH 4, 2009

TWENTY-FIRST DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, March 4, 2009, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Steven Smith, Linworth Baptist Church, Worthington, 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 concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

**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.

To the Committee on 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.

To the Committee on Ways and Means and Economic Development.

**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.

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

**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.

To the Committee on Agriculture.

**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.

To the Committee on Health, Human Services and Aging.

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

NO - 0.

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

The report of the committee was accepted.

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

**BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 1**-Senator Hughes.

Cosponsors: Senators Carey, Stewart, Widener.

To amend sections 122.151, 133.52, 151.01, 151.09, 151.40, and 164.28 of the Revised Code and to amend Sections 217.10, 217.11, 239.10, 241.10,

243.10, and 243.11 of Am. Sub. H.B. 562 of the 127th General Assembly to implement the additional debt authority for conservation and revitalization programs provided by Section 2q of Article VIII of the Ohio Constitution, to authorize the issuance of that debt, to increase the technology investment tax credit, to make new appropriations for the purpose of continuing programs established by Am. Sub. H.B. 554 of the 127th General Assembly, the Bipartisan Job Stimulus Act, to allocate certain funds for broadband initiative projects and to provide that such funding allocation provisions of this act terminate on June 30, 2013, when section 164.28 of the Revised Code is repealed on that date, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 10, 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 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.

So the section, Section 10, 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 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.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Cafaro, Fedor, Gibbs, Gillmor, Husted, Kearney, Miller, R., Morano, Patton, Schaffer, Schiavoni, Schuring, Seitz, Smith, Turner, Wagoner, Wilson, Niehaus."

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

The motion was agreed to and the title so amended.

### MOTIONS

Senator Wagoner moved that Senators absent the week of Sunday, March 1, 2009, 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. 63**-Senator Fedor.

Cosponsors: Senators Cafaro, Miller, D., Morano, Schuring.

To enact section 4501.026 of the Revised Code to require the registrar of motor vehicles and deputy registrars to inquire about an individual's veteran status, and, if given permission, to forward the veteran's personal information to the director of veterans services.

**S. B. No. 64**-Senator Coughlin.

Cosponsors: Senators Fedor, Miller, D., Morano, Sawyer, Turner.

To enact sections 1751.69, 3923.651, and 5111.0210 of the Revised Code to require certain health care policies, contracts, agreements, and plans, as well as the state's Medicaid program, to provide benefits for colorectal examinations and laboratory tests for cancer.

**S. B. No. 65**-Senator Schaffer.

Cosponsor: Senator Grendell.

To amend sections 4510.02, 4510.036, 4511.21, 4511.33, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.45, 4511.451, 4511.46, 4511.47, and 4513.39 and to enact section 4501.14 of the Revised Code to provide for increased penalties when a person violates the motor vehicle traffic law assured clear distance ahead provision or commits a failure to yield the right-of-way offense that results in serious physical harm or death to another

person.

**S. B. No. 66**-Senator Faber.

Cosponsors: Senators Schaffer, Stewart, Gibbs, Wagoner, Schuler, Turner.

To amend sections 146.01, 146.12, and 742.45 of the Revised Code to provide health insurance benefits to dependents of volunteer firefighters killed in the line of duty.

**S. B. No. 67**-Senator Faber.

Cosponsors: Senators Gibbs, Coughlin, Schaffer, Seitz.

To amend sections 2743.191 and 2971.05 and to enact sections 5122.51, 5122.52, 5122.53, 5122.54, 5122.55, 5122.56, 5122.57, 5122.58, 5122.59, 5122.60, and 5122.61 of the Revised Code to require that sexually violent predators who are released from prison be monitored by global positioning system devices, to require sexually violent predators to pay the cost of monitoring by global positioning system devices, and to authorize the civil commitment of certain sexually violent predators.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following joint resolution:

**Sub. S. J. R. No. 1** -Senators Grendell, Wilson

Cosponsors: Senators Harris, Patton, Schuler, Schaffer, Hughes, Fedor, Miller, D., Smith, Widener, Miller, R., Wagoner, Carey, Cates, Stewart, Faber, Buehrer, Cafaro, Gibbs, Gillmor, Goodman, Kearney, Morano, Roberts, Sawyer, Schiavoni, Schuring, Turner

Proposing to enact Section 2r of Article VIII of the Constitution of the State of Ohio to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts.

Attest:

Tom Sherman,  
Clerk.

On the motion of Senator Faber, the Senate adjourned until Thursday, March 5, 2009 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.