

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 14, 2008

ONE HUNDRED SEVENTY-FOURTH DAY

Senate Chamber, Columbus, Ohio

Wednesday, May 14, 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 bills, standing in order for second consideration, be referred to committee as recommended:

Am. H. B. No. 323-Representative Gibbs.

Cosponsors: Representatives Peterson, McGregor, J., Evans, Huffman, Wagner, Miller, Fessler, Seitz, Bulp, Okey, McGregor, R., Fende, Schlichter, Sayre, Aslanides, Zehringer, Reinhard, Core, Hite, Domenick, Adams, Batchelder, Bolon, Collier, Combs, Dolan, Dyer, Gardner, Hagan, J., Harwood, Hughes, Luckie, Newcomb, Patton, Schindel, Setzer, Skindell, Szollosi, Uecker, Williams, B.

To amend sections 971.01, 971.04, 971.05, 971.06, 971.07, 971.08, 971.09, 971.10, 971.33, 971.34, and 971.99; to amend for the purpose of adopting new section numbers as indicated in parentheses sections 971.04 (971.09), 971.05 (971.10), 971.06 (971.11), 971.07 (971.12), 971.08 (971.13), 971.09 (971.14), and 971.10 (971.15); to enact new sections 971.02, 971.03, 971.04, 971.05, 971.06, 971.07, 971.08, 971.16, 971.17, and 971.18; and to repeal sections 971.02, 971.03, 971.11, 971.12, 971.13, 971.14, 971.15, 971.16, 971.17, 971.18, 971.21, 971.22, 971.23, 971.24, 971.25, 971.26, 971.27, 971.28, 971.29, 971.30, 971.31, and 971.32 of the Revised Code to revise the Fences Law.

To the Committee on Agriculture.

Am. Sub. H. B. No. 359-Representative Huffman.

Cosponsors: Representatives McGregor, J., Peterson, Healy, McGregor, R., Jones, Bacon, Adams, Lundy, Stebelton, Evans, Gibbs, Letson, Slesnick, Patton, Batchelder, Bolon, Boyd, Brown, Chandler, Combs, DeBose, DeGeeter, Dolan, Domenick, Dyer, Flowers, Hite, Hughes, Luckie, Newcomb, Oelslager, Setzer, Skindell, Stewart, D., Strahorn, Williams, S., Yuko.

To amend sections 321.261 and 323.47 of the Revised Code to authorize the

prosecutor and treasurer of a county with a population greater than 100,000 to utilize surplus delinquent tax collections to facilitate nuisance abatement of deteriorated residential buildings in foreclosure and to prosecute criminal and civil real estate transaction-related violations of the law, and to require all taxes, penalties, and assessments known to be a lien against foreclosed property when the deed is transferred to be discharged out of the proceeds of judicial and partition sales.

To the Committee on Ways and Means and Economic Development.

YES - 5: J. KIRK SCHURING, SHIRLEY A. SMITH, JEFF JACOBSON, RAY MILLER, 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 Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **Sub. H. B. No. 545**-Representative Widener, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Jacobson.

YES - 13: JOHN A. CAREY, STEVE STIVERS, TOM NIEHAUS, JEFF JACOBSON, MARK D. WAGONER, JOY PADGETT, KEITH L. FABER, STEPHEN C. AUSTRIA, GARY W. CATES, CAPRI S. CAFARO, THOMAS SAWYER, JASON H. WILSON, ERIC H. KEARNEY.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **S. B. No. 129**-Senator Schuler, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Goodman, Seitz, Buehrer, Schuring, Fedor.

YES - 8: DAVID GOODMAN, BILL SEITZ, STEPHEN BUEHRER, KEITH L. FABER, J. KIRK SCHURING, TERESA FEDOR, ERIC H. KEARNEY, LANCE T. MASON.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **S. B. No. 269**-Senators Schuler, Jacobson, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Goodman, Schuring, Mason, Fedor, Kearney.

YES - 8: DAVID GOODMAN, BILL SEITZ, STEPHEN BUEHRER, KEITH L. FABER, J. KIRK SCHURING, TERESA FEDOR, ERIC H. KEARNEY, LANCE T. MASON.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **S. B. No. 309**-Senator Seitz, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 8: DAVID GOODMAN, STEPHEN BUEHRER, KEITH L. FABER, BILL SEITZ, TERESA FEDOR, ERIC H. KEARNEY, LANCE T. MASON, J. KIRK SCHURING.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **Sub. H. B. No. 248**-Representative Blessing, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Seitz.

YES - 8: DAVID GOODMAN, BILL SEITZ, STEPHEN BUEHRER, KEITH L. FABER, J. KIRK SCHURING, TERESA FEDOR, ERIC H. KEARNEY, LANCE T. MASON.

NO - 0.

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

The report of the committee was accepted.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

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

Cosponsors: Senators Miller, D., Spada. Representatives Adams, Batchelder, Combs, DeBose, Evans, Gardner, Goodwin, Hagan, J., Hite, McGregor, J., Oelslager, Slesnick, Wachtmann, Yuko.

To amend sections 4725.01, 4730.11, 4762.02, 4762.03, 4762.031, 4762.04 to 4762.06, 4762.08 to 4762.11, 4762.13, 4762.131, 4762.132, 4762.15, 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 specify the conditions that optometrists must meet when prescribing certain anti-inflammatory drugs, and to provide that certain physician assistant students are not required to obtain a master's or higher degree as a condition of being eligible to practice in Ohio, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 245**?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell

Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-33.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 545-Representative Widener.

Cosponsors: Representatives Koziura, Batchelder, Budish, Stewart, D., Boyd, DeBose, Driehaus, Dyer, Foley, Garrison, Gerberry, Hagan, R., Letson, Luckie, Lundy, Newcomb, Peterson, Skindell, Stebelton, Sykes, Wagner, Widowfield, Yates. Senator Jacobson.

To amend sections 109.572, 135.63, 1181.05, 1181.21, 1181.25, 1315.99, 1321.02, 1321.15, 1321.21, 1321.99, 1345.01, 1349.71, 1349.72, 1733.25, and 2307.61, to enact sections 121.085, 135.68, 135.69, 135.70, 1321.35, 1321.36, 1321.37, 1321.38, 1321.39, 1321.40, 1321.41, 1321.42, 1321.421, 1321.422, 1321.43, 1321.44, 1321.45, 1321.46, 1321.461, 1321.47, and 1321.48, and to repeal sections 1315.35, 1315.36, 1315.37, 1315.38, 1315.39, 1315.40, 1315.41, 1315.42, 1315.43, and 1315.44 of the Revised Code to repeal the Check-Cashing Lender Law, to establish the Short-Term Lender Law, to create a short-term installment loan linked deposit program, to further restrict the making of multiple loans under the Small Loan Law, to expand the responsibilities of the Consumer Finance Education Board, and to make other related changes, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 545**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 4, as follows:

Those who voted in the affirmative were: Senators

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

Senators Buehrer, Mumper, Schuler, and Seitz voted in the negative-4.

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: "Cafaro, Roberts, Miller, D., Fedor, Miller, R.."

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

The motion was agreed to and the title so amended.

S. B. No. 31-Senator Kearney.

Cosponsors: Senators Clancy, Austria, Schuring.

To enact section 4503.513 of the Revised Code to create "Historically Black Fraternity-Sorority" license plates, was considered the third time.

The question being, "Shall the bill, **S. B. No. 31**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Mason	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wagoner	Wilson	Harris-32.

So the bill passed.

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

Senator Kearney moved to amend the title as follows:

Add the names: "Amstutz, Bocchieri, Cafaro, Carey, Fedor, Goodman, Harris, Mason, Miller, R., Miller, D., Morano, Mumper, Roberts, Sawyer, Schuler, Smith, Wagoner, Wilson, Spada, Buehrer, Schaffer, Stivers, Grendell, Padgett."

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

The motion was agreed to and the title so amended.

S. B. No. 276-Senator Stivers.

Cosponsors: Senators Miller, R., Mason, Goodman, Spada, Wagoner, Kearney, Seitz.

To enact section 133.52 of the Revised Code to authorize a county,

municipal corporation, or township to issue public obligations to provide, or assist in providing, grants, loans, loan guarantees, or contributions for conservation and revitalization purposes, was considered the third time.

The question being, "Shall the bill, **S. B. No. 276**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Mason	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wagoner	Wilson	Harris-32.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Amstutz, Austria, Boccieri, Cafaro, Faber, Harris, Miller, D., Morano, Mumper, Niehaus, Padgett, Sawyer, Schaffer, Schuring, Smith, Wilson, Fedor."

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

The motion was agreed to and the title so amended.

S. B. No. 327-Senator Coughlin.

Cosponsors: Senators Sawyer, Schaffer, Miller, D.

To enact sections 5533.633 and 5533.634 of the Revised Code to designate a portion of State Route 59 within Cuyahoga Falls in Summit County as the "Sergeant Bryan W. Large Memorial Highway" and to designate another portion of State Route 59 within Cuyahoga Falls as the "Sergeant Justin T. Walsh Memorial Highway, was considered the third time.

The question being, "Shall the bill, **S. B. No. 327**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Mason	Miller D	Miller R

Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wagoner	Wilson	Harris-32.

So the bill passed.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Austria, Bocchieri, Buehrer, Cafaro, Carey, Cates, Faber, Fedor, Goodman, Harris, Kearney, Mumper, Niehaus, Padgett, Seitz, Spada, Stivers, Wagoner, 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, May 11, 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. 338-Senator Bocchieri.

Cosponsors: Senators Miller, D., Smith, Kearney, Miller, R., Seitz.

To amend section 725.07 of the Revised Code to allow municipalities to use the money derived from the sale of urban renewal bonds for the demolition of buildings located on tax delinquent property that constitute a public nuisance due to blight.

OFFERING OF RESOLUTIONS

Senator Grendell offered the following joint resolution:

S. J. R. No. 8-Senator Grendell.

Cosponsors: Senators Harris, Wagoner, Niehaus, Spada, Jacobson, Seitz, Faber, Mumper, Padgett, Schuler, Cates, Carey, Schaffer, Amstutz, Austria, Cafaro.

Proposing to enact Section 19b of Article I of the Constitution of the State of Ohio to affirm certain property interests with respect to ground water and other water on or flowing through a property owner's land so as to maintain the stability of Ohio's economy.

The question being, "Shall the joint resolution, **S. J. R. No. 8**, be adopted?"

On the motion of Senator Niehaus, **S. J. R. No. 8**, was referred to the Committee on Reference.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

Sub. S. B. No. 3 -Senator Faber - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, May 15, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.