

OHIO

SENATE

JOURNAL

THURSDAY, OCTOBER 30, 2008

TWO HUNDRED TWENTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Thursday, October 30, 2008, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

The journal of the last legislative day was read and approved.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 368-Senator Schaffer.

To amend section 2333.01 and to enact section 5747.124 of the Revised Code to enable a judgment creditor landlord to obtain a court order directing the Tax Commissioner to pay the judgment debtor tenant's income tax refund to the landlord.

S. B. No. 369-Senator Schaffer.

To enact section 9.601 of the Revised Code to require a person who enters a street or highway that is clearly marked as closed due to flooding to reimburse the person's rescuer for up to \$2,000 of the cost of the person's rescue.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 15th day of May in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,

Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Yvette McGee Brown, Democrat, from Gahanna, Franklin County, Ohio, as a Member of the Ohio Elections Commissions for a term beginning June 25, 2008 and ending at the close of business December 31, 2012, replacing William L. Mallory, Sr., whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 25th day of June in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 1st day of July in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Thomas J. Denbow, Democrat, from Cleveland, Cuyahoga County, Ohio, as a

Member of the Ohio Water Advisory Council for a new term beginning May 14, 2008 and ending at the close of business February 1, 2010.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 14th day of May in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 8th day of August in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 12th day of August in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 18th day of June in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 22nd day of July in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 31st day of July in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 18th day of June in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Barton G. Kaderly, Democrat, from West Jefferson, Madison County, Ohio, as a Member of the State Board of Pharmacy for a term beginning July 1, 2008 and ending at the close of business June 30, 2012, replacing Dorothy Teater, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 24th day of June in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Thomas L. Kovacik, Independent, from Toledo, Lucas 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of June in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 31st day of July in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 1st day of July in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Pamela Lee Mattson, Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the State Board of Psychology for a term beginning May 13, 2008 and ending at the close of business October 5, 2012.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 13th day of May in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Michael E. Noel, Democrat, from Portsmouth, Scioto County, Ohio, as a Member of the Ohio Expositions Commission for a term beginning June 16, 2008 and ending at the close of business December 1, 2008, replacing Joseph Robertson, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 16th day of June in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of June in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 22nd day of July in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Marchelle Suppan, Democrat, from Orville, Wayne County, Ohio, as a Member of the State Medical Board for a term beginning March 4, 2008 and ending at the close of business December 27, 2012, replacing David S. Buchan, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused

the Great Seal of the State of Ohio to be affixed, at Columbus, this 4th day of March in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 24th day of June in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 23rd day of April in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 1st day of July in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,
Governor.

Said appointments were referred to the Committee on Rules.

MESSAGE FROM THE PRESIDENT

October 30, 2008

The Honorable Bill Harris
Ohio Senate President
The Statehouse, Rm. 201
Columbus, OH 43215

Dear President Harris,

I hereby tender my resignation from the Ohio Senate, effective close of business on October 31, 2008.

For the past sixteen years, it has been my honor and privilege to serve the people of Montgomery County in the Ohio General Assembly, first in the House and now in the Senate.

I certainly am proud of the many accomplishments that we have made during my tenure in the legislature. Mostly, though, at this moment I am filled with deep gratitude: for the unwavering support given me by my constituents over the years; for the friendships, hard work, and dedication of my colleagues and our staffs, past and present; and, finally, for your courage, integrity, and selfless leadership.

My wife Susan joins me in wishing you and the Senate family all the best in the future.

Very Truly Yours,
/s/ **JEFF JACOBSON**

Jeff Jacobson
President Pro Tempore
6th Senate District

MESSAGE FROM THE PRESIDENT

October 30, 2008

Senator Jeff Jacobson
Senate Building
Columbus, Ohio 43215

Dear Senator Jacobson:

In accordance with Section 101.25 of the Ohio Revised Code, I hereby acknowledge receipt of your letter of resignation from the Ohio Senate effective close of business on Friday, October 31, 2008.

It has certainly been a pleasure working with you during your time with the Senate. I look forward to working with you in your new capacity in the future.

Good luck!

Sincerely,
/s/ **BILL HARRIS**

Bill Harris
Senate President
Ohio Senate

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule No. 19, the President of the Senate makes the following appointment to the following Standing Committee:

APPOINTS Senator Dale Miller as a member of the Standing Committee on Rules

On the motion of Senator Spada, the Senate adjourned until Tuesday, November 4, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.