

OHIO

SENATE

JOURNAL

TUESDAY, JANUARY 12, 2010

ONE HUNDRED THIRTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, January 12, 2010, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Paul Noble, St. Matthew's Church, Gahanna, 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 Goodman 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. Sub. H. B. No. 7-Representatives Harris, Pillich, et al.

To enact section 153.013 of the Revised Code to require a building or structure constructed using state capital budget moneys to adhere to certain energy efficiency and building standards and to encourage the use of Ohio-produced products.

To the Committee on Finance and Financial Institutions.

H. B. No. 46-Representative Ujvagi, et al.

To amend section 4141.29 of the Revised Code to permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.

To the Committee on Insurance, Commerce and Labor.

Sub. H. B. No. 60-Representative Pillich, et al.

To amend sections 3302.07, 3313.814, 3314.03, and 3326.11 and to enact section 3313.816 of the Revised Code to establish nutritional standards for food and beverages sold in vending machines or school stores in public schools.

To the Committee on Health, Human Services and Aging.

Sub. H. B. No. 62-Representative Pryor, et al.

To amend sections 3107.014 and 4757.41 and to enact section 5903.101 of the Revised Code to require relevant military experience to be considered by state licensing boards and agencies and by private state contractors, to permit state licensing entities to consider relevant military training if certain criteria are met, to provide a waiver of a licensure or certification fee if a veteran is within six months of separation from active military duty, and to eliminate certain exemptions to the licensure and certification requirements for counselors, social workers, and marriage and family therapists.

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

H. B. No. 75-Representatives Chandler, Moran, et al.

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.

Sub. H. B. No. 96-Representative Skindell, et al.

To enact section 2927.28 of the Revised Code to require the inclusion of a bittering agent in engine coolant and antifreeze.

To the Committee on Insurance, Commerce and Labor.

Am. Sub. H. B. No. 113-Representatives Foley, Blessing, et al.

To amend sections 133.06, 133.20, 3313.372, 3313.46, and 4928.62 and to enact section 3313.377 of the Revised Code to authorize school boards, for on-site renewable energy generation measures and in the same manner as for energy conservation measures, to enter into installment contracts subject to specified terms of payment, to provide that energy conservation installment contracts are subject to those same terms, and to establish a two-tiered, three-year renewable energy schools pilot program that creates a process for schools to obtain a supply of electricity generated from renewable energy resources.

To the Committee on Energy and Public Utilities.

Sub. H. B. No. 126-Representative Williams, S., et al.

To amend sections 169.01, 169.02, 169.03, 169.06, 169.08, 169.13, 169.14, and 169.16 of the Revised Code to require the director of commerce to provide the office of budget and management with the proper data file to withhold from an unclaimed funds payment for any legal amount in an agreement to compensate a registered finder and to pay that amount directly to the finder and to make other changes in the Unclaimed Funds Law.

To the Committee on Insurance, Commerce and Labor.

Sub. H. B. No. 313-Representatives Ujvagi, Winburn, et al.

To amend sections 1.62, 135.35, 323.78, 1724.02, 1724.03, 1724.04, 1724.05, and 5722.22 and to enact section 321.343 of the Revised Code to authorize a county with a population greater than 100,000, or a population between 78,000 and 81,000, to organize a county land reutilization corporation, to authorize a county treasurer of a county with such a corporation to utilize the alternative redemption period in actions to foreclose abandoned lands, to immunize a county land reutilization corporation from liability for breach of a common law duty in connection with a parcel of land, and to make other changes regarding county land reutilization corporations.

To the Committee on Ways and Means and Economic Development.

S. B. No. 221-Senators Morano, Wagoner, et al.

To amend section 5709.081 of the Revised Code to authorize property tax exemption for municipally owned facilities housing independent professional minor league baseball teams.

To the Committee on Ways and Means and Economic Development.

S. B. No. 222-Senator Husted, et al.

To amend sections 3517.01 and 3517.10 and to enact section 3517.1014 of the Revised Code to require vendors to disclose to campaign committees all expenditures made on their behalf and to require campaign committees to report all expenditures made by third parties on their behalf.

To the Committee on Government Oversight.

YES - 6: KEITH L. FABER, DAVID GOODMAN, TOM NIEHAUS, BILL HARRIS, SHIRLEY A. SMITH, 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 were considered a second time and referred to committee as recommended.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 181-Senator Stewart.

Cosponsors: Senators Goodman, Schaffer, Seitz, Niehaus.

To amend sections 1541.083 and 4928.01 and to enact section 1513.372 of the Revised Code to provide immunity from liability for eligible landowners who provide access to abandoned mine land for purposes of reclamation or acid mine drainage abatement and to provide immunity from liability for nonprofit organizations that provide funding or service for such reclamation or acid mine drainage abatement; to designate that methane gas emitted from an abandoned coal mine constitutes a renewable energy resource rather than an advanced energy resource for purposes of the law governing the promotion of renewable energy usage, electricity supplied from renewable energy sources, and renewable energy credits; and to authorize the Chief of the Division of Mineral Resources Management in the Department of Natural Resources to make leases to remove coal by underground mining methods at Burr Oak State Park pursuant to lease agreements and real estate transactions that have been entered into not later than January 1, 2011, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 181**, pass?"

Senator Stewart moved to amend as follows:

In line 23, delete "sections 1541.083 and" and insert "section"

Delete lines 111 through 131

In line 433, delete "sections 1541.083 and" and insert "section"

In line 434, delete "are" and insert "is"

In line 1 of the title, delete "sections 1541.083 and" and insert "section"

In line 9 of the title, delete the semicolon and insert ", and"

In line 15 of the title, delete "; and to"

Delete lines 16 through 21 of the title

In line 22 of the title, delete everything before the period

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 181**, pass?"

The yeas and nays were taken and resulted - yeas 33, 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	Jones	Kearney	Miller D
Miller R	Morano	Niehaus	Patton
Sawyer	Schaffer	Schiavoni	Schuring
Seitz	Smith	Stewart	Strahorn
Turner	Wagoner	Widener	Wilson
			Harris-33.

So the bill passed.

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

Senator Stewart moved to amend the title as follows:

Add the names: "Faber, Gibbs, Gillmor, Harris, Hughes, Patton, Wagoner, Wilson, Carey."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 223-Senator Stewart.

Cosponsors: Senators Widener, Schaffer, Sawyer, Seitz.

To amend sections 717.25, 1710.01, 1710.06, and 1710.07 of the Revised Code to expand special improvement district energy improvement projects and to expand the municipal solar energy revolving loan program law to include alternative energy.

OFFERING OF RESOLUTIONS

Senator Harris offered the following resolution:

S. R. No. 139-Senator Harris.

Authorizing Ohio Hi-Y Youth in Government to use the Ohio Senate Chambers to conduct its 2010 model legislature.

WHEREAS, The members of the Senate of the 128th General Assembly of Ohio have learned that Ohio Hi-Y Youth in Government has requested permission to use the Ohio Senate Chambers for its model legislature event, April 15-17, 2010; and

WHEREAS, A beneficial educational organization, Ohio Hi-Y Youth in Government provides students with the opportunity to better appreciate and understand government and its components. Indeed, the knowledge gained through this event will certainly be of value to all participants throughout their lifetime; and

WHEREAS, By utilizing the facilities that accommodate those involved in the state legislative process, Ohio Hi-Y Youth in Government will offer students an accurate depiction of state government and the manner in which legislation is created and processed; and

WHEREAS, Through participation in Ohio Hi-Y Youth in Government, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience the participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 128th General Assembly of Ohio, in adopting this Resolution, permit Ohio Hi-Y Youth in Government to use the Ohio Senate Chambers for its 2010 model legislature event, contingent upon the availability of those facilities, and salute its participants as conscientious young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to Ohio Hi-Y Youth in Government.

The question being, "Shall the resolution, **S. R. No. 139**, be adopted?"

The yeas and nays were taken and resulted - yeas 33, 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 | Jones | Kearney | Miller D |
| Miller R | Morano | Niehaus | Patton |
| Sawyer | Schaffer | Schiavoni | Schuring |
| Seitz | Smith | Stewart | Strahorn |
| Turner | Wagoner | Widener | Wilson |
| | | | Harris-33. |

So the resolution was adopted.

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

Senator Niehaus moved to amend the title as follows:

Add the names: "Buehrer, Cafaro, Faber, Gibbs, Niehaus, Patton, Sawyer, Schaffer, Stewart, Wilson, Kearney, Smith, Jones, Hughes, Morano, Schiavoni, Strahorn, Husted, Miller, D., Miller, R., Wagoner."

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

The motion was agreed to and the title so amended.

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

S. R. No. 140-Senator Harris.

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

Honoring Timothy A. Pond on his retirement from the Catholic Conference of Ohio.

S. R. No. 141-Senator Schiavoni.

Cosponsors: Senators Buehrer, Patton, Morano, Gibbs, Cafaro, Wilson, Hughes, Husted, Goodman, Cates, Coughlin, Jones, Seitz, Carey, Miller, R., Smith, Stewart.

Honoring Kelly Pavlik as the World Boxing Council, World Boxing Organization, and The Ring magazine middleweight champion.

S. R. No. 142-Senator Cates.

Honoring Jordan Hicks as the 2009 Butkus Award recipient.

S. R. No. 143-Senator Faber.

Honoring the Marion Local High School volleyball team on winning the 2009 Division IV State Championship.

S. R. No. 144-Senator Seitz.

Honoring the Winton Woods High School football team as the 2009 Division II State Champion.

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

So the resolutions were adopted.

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, Ron Bridges, Independent, from Columbus, Franklin County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 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 1st day of August in the year of our Lord, two thousand and nine.

[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, Richard Cornett, Independent, from Worthington, Franklin County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 18, 2009 and ending at the close of business July 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 August in the year of our Lord, two thousand and nine.

[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 G. Gabbe, MD, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 31, 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 1st day of August in the year of our Lord, two thousand and nine.

[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 D. Hayes, Independent, from Columbus, Franklin County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 31, 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 1st day of August in the year of our Lord, two thousand and nine.

[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, Oliver C. Henkel, Democrat, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 31, 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 1st day of August in the year of our Lord, two thousand and nine.

[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, Lawrence F. Hill, DDS, Democrat, from Wyoming, Hamilton County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning October 19, 2009 and ending at the close of business July 31, 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 19th day of October in the year of our Lord, two thousand and nine.

[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, Erin Hoeflinger, Independent, from Springboro, Warren County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning September 3, 2009 and ending at the close of business July 31, 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 3rd day of September in the year of our Lord, two thousand and nine.

[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, Aristotle Hutras, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 31, 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 1st day of August in the year of our Lord, two thousand and nine.

[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, Cathy J. Levine, Republican, from Bexley, Franklin County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 31, 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 1st day of August in the year of our Lord, two thousand and nine.

[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, Fredrick A. McGraw, Democrat, from Pickerington, Fairfield County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 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 1st day of August in the year of our Lord, two thousand and nine.

[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, Steve Millard, from Auburn Twp., Cuyahoga County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 31, 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 1st day of August in the year of our Lord, two thousand and nine.

[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, Margaret W. Namie, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 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 1st day of August in the year of our Lord, two thousand and nine.

[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, Holly Saelens, Republican, from New Albany, Franklin County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning September 3, 2009 and ending at the close of business July 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 3rd day of September in the year of our Lord, two thousand and nine.

[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, Richard Snow, from Worthington, Franklin County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 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 1st day of August in the year of our Lord, two thousand and nine.

[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, Richard A. Stoff, Independent, from Bexley, Franklin County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 7, 2009 and ending at the close of business July 31, 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 7th day of August in the year of our Lord, two thousand and nine.

[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, James C. Strafford, MD, Democrat, from Gallipolis, Gallia County, Ohio, as a Member of the Ohio Health Care Coverage and Quality Council for a term beginning August 1, 2009 and ending at the close of business July 31, 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 1st day of August in the year of our Lord, two thousand and nine.

[Seal]

Ted Strickland,
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Niehaus, the Senate adjourned until Wednesday, January 13, 2010 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.