

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 3, 2010

ONE HUNDRED FORTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 3, 2010, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Gribble, St. Joseph's Cathedral, 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 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:

Sub. H. B. No. 166-Representatives Carney, McGregor, et al.

To amend sections 4511.21, 5501.03, 5501.311, 5531.09, and 5531.18 and to enact sections 5539.01, 5539.02, 5539.03, 5539.031, 5539.04, 5539.05, 5539.06, 5539.07, 5539.08, 5539.09, 5539.10, 5539.11, and 5539.12 of the Revised Code to authorize the creation of transportation innovation authorities by specified governmental entities, to establish the powers and duties of such authorities, to establish a speed limit for a specific portion of U.S. Route 6 within Cleveland, and to make an appropriation.

To the Committee on Highways and Transportation.

H. B. No. 330-Representative Patten, et al.

To amend section 5513.01 of the Revised Code to authorize the director of transportation to include school districts in purchase contracts for machinery, materials, supplies, and other articles.

To the Committee on Highways and Transportation.

YES - 6: DAVID GOODMAN, TOM NIEHAUS, KEITH L.
FABER, BILL HARRIS, CAPRI S. CAFARO, SHIRLEY
A. SMITH.

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 Harris submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

Edward J. Aube, Democrat, from Broadview Hts., Cuyahoga County, Ohio, as a Member of the Labor-Management Government Advisory Council for a term beginning November 24, 2009 and ending at the close of business October 20, 2015.

Rosalind J. Batley, Democrat, from Canal Winchester, Franklin County, Ohio, as a Member of the State Board of Orthotics, Prosthetics and Pedorthics for a new term beginning December 7, 2009 and ending at the close of business December 6, 2012.

Elizabeth A. Bernard, Democrat, from Canfield, Mahoning County, Ohio, as a Member of the Youngstown State University Board of Trustees for a term beginning October 27, 2009 and ending at the close of business April 30, 2018, replacing Hai-Shuh Wang, whose term expired.

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.

William T. Briggs, Jr., Democrat, from Westerville, Delaware County, Ohio, as a Member of the Ohio Fair Plan Underwriting Association Board of Governors for a new term beginning November 17, 2009 and ending at the close of business September 18, 2011.

Jerome R. Brockway, Ph.D., Democrat, from Jefferson, Ashtabula County, Ohio, as a Member of the State Board of Career Colleges and Schools for a new term beginning November 24, 2009 and ending at the close of business November 20, 2014.

Gary W. Cain, Democrat, from East Springfield, Jefferson County, Ohio, as a Member of the State Auctioneers Commission for a new term beginning November 13, 2009 and ending at the close of business October 9, 2012.

James Carroll, from Cincinnati, Hamilton County, Ohio, as a Member of the Accountancy Board for a term beginning November 4, 2009 and ending at the close of business October 20, 2016, replacing Robert Shenton, whose term expired.

Michael S. Comer, from Terrace Park, Hamilton County, Ohio, as a Member

of the Accountancy Board for a new term beginning November 4, 2009 and ending at the close of business October 20, 2016.

Donna J. Conley, from Columbus, Franklin County, Ohio, as a Member of the Council on Alcohol and Drug Addiction Services for a new term beginning November 2, 2009 and ending at the close of business July 31, 2011.

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.

David M. DeLuccia, Independent, from Columbus, Franklin County, Ohio, as a Member of the State Board of Orthotics, Prosthetics and Pedorthics for a new term beginning December 7, 2009 and ending at the close of business December 6, 2012.

Marjorie R. Eilerman, Independent, from Fort Laramie, Shelby 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.

Elsa J. Fritts, Independent, from Akron, Summit County, Ohio, as a Member of the State Board of Orthotics, Prosthetics and Pedorthics for a new term beginning December 7, 2009 and ending at the close of business December 6, 2012.

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.

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.

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.

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.

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.

Karen M. Holtgreffe, Democrat, from Cincinnati, Montgomery County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning November 9, 2009 and ending at

the close of business August 27, 2012, replacing Donna F. Baker, whose term expired.

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.

Jeffrey M. Jacobson, Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Air Quality Development Authority for a term beginning July 24, 2009 and ending at the close of business June 30, 2017, replacing James B. Folger, whose term expired.

James P. Joyce, Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Water Development Authority for a term beginning September 8, 2009 and ending at the close of business July 1, 2017, replacing John D. McClure, whose term expired.

Lori A. Kiko, Republican, from Hartville, Stark County, Ohio, as a Member of the State Auctioneers Commission for a term beginning November 13, 2009 and ending at the close of business October 9, 2012, replacing Michael D. Baker, whose term expired.

Charles Kramer, Democrat, from North Olmstead, Cuyahoga County, Ohio, as a Member of the State Board of Career Colleges and Schools for a new term beginning November 24, 2009 and ending at the close of business November 20, 2014.

James T. Lee, DPT, Democrat, from Wadsworth, Medina County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning November 9, 2009 and ending at the close of business August 27, 2012, replacing Robert Frampton, whose term expired.

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.

Linda N. Mansour, from Toledo, Lucas County, Ohio, as a Member of the University of Toledo Board of Trustees for a term beginning November 16, 2009 and ending at the close of business June 30, 2014, replacing Thomas Brady, who resigned.

Frederick 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.

Paul D. McWilliams, Republican, from Wellston, Jackson County, Ohio, as a Member of the Financial Planning & Supervision Commission for the City of Wellston for a term beginning October 29, 2009 and continuing as provided in Section 118.05 (B)(2) of the Ohio Revised Code.

David S. Meeks, Democrat, from Dublin, Franklin County, Ohio, as a

Member of the Development Financing Advisory Council for a term beginning November 16, 2009 and ending at the close of business December 31, 2009.

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.

Brian D. Morley, Republican, from Louisville, Stark County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning July 2, 2009 and ending at the close of business January 29, 2012, replacing Charlie Pierce, whose term expired.

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.

Mark N. Resanovich, Independent, from Uniontown, Stark County, Ohio, as a Member of the State Board of Emergency Medical Services for a new term beginning November 13, 2009 and ending at the close of business November 12, 2012.

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.

Robert Schwartz, DVM, Republican, from Washington C.H., Fayette County, Ohio, as a Member of the Ohio Standardbred Development Commission for a new term beginning August 27, 2009 and ending at the close of business June 30, 2013.

Peggy L. Shumate, Republican, from Wellston, Jackson County, Ohio, as a Member of the Financial Planning & Supervision Commission for the City of Wellston for a term beginning October 29, 2009 and continuing as provided in Section 118.05 (B)(2) of the Ohio Revised Code.

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.

Margo A. Spence, Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the Council on Alcohol and Drug Addiction Services for a new term beginning November 2, 2009 and ending at the close of business July 31, 2011.

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.

J. Craig Strafford, MD, Democrat, from Gallipolis, Gallia County, Ohio, as a Member of the State Medical Board for a term beginning November 17,

2009 and ending at the close of business March 18, 2014, replacing Dr. Carol Egner, whose term expired.

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.

Amy K. Thorpe, Republican, from Maumee, Lucas County, Ohio, as a Member of the Ohio Board of Speech Language Pathology and Audiology for a term beginning November 4, 2009 and ending at the close of business September 26, 2012, replacing Patricia Zurlinden, whose term expired.

Baldemar Velasquez, Democrat, from Toledo, Lucas County, Ohio, as a Member of the University of Toledo Board of Trustees for a term beginning November 16, 2009 and ending at the close of business June 30, 2011, replacing Marvin Himmelein, who resigned.

Mary J. Venrick, Republican, from Springfield, Clark County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning November 2, 2009 and ending at the close of business October 10, 2012, replacing Jan White, whose term expired.

Stanley Warn, OD, Democrat, from Beachwood, Cuyahoga County, Ohio, as a Member of the State Board of Optometry for a term beginning November 19, 2009 and ending at the close of business September 24, 2014, replacing Beth Workman, whose term expired.

Denise S.A. Zeman, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the NEOUCOM Board of Trustees for a term beginning July 29, 2009 and ending at the close of business September 21, 2017.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 10: BILL HARRIS, TOM NIEHAUS, KEITH L. FABER, STEPHEN BUEHRER, JON A. HUSTED, SHIRLEY A. SMITH, CAPRI S. CAFARO, KEVIN J. COUGHLIN, JOHN A. CAREY, JASON H. WILSON.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Coughlin	Faber	Fedor	Gibbs
Gillmor	Goodman	Hughes	Husted
Jones	Kearney	Miller D	Miller R

Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

So the Senate advised and consented to said appointments.

REPORTS OF CONFERENCE COMMITTEES

Senator Carey submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on H.J.R. No. 12, Representatives Williams, S., Goyal - et al., having had the same under consideration, recommends to the respective houses as follows:

The resolution as adopted by the House of Representatives with the following amendments:

In line 64, delete " four" and insert " two"; delete " fifty"

In line 67, delete " five" and insert " four"; after "hundred" insert " fifty"

In line 69, after " 2011" insert " . not more than two hundred twenty-five million dollars principal amount of those obligations may be issued in the next fiscal year of issuance"

In line 70, delete " ninety" and insert " seventy-five"

In line 71, reinsert "other"

In line 72, delete everything before the comma

In line 203, after the underlined period insert " Prior to the utilization of an independent reviewer, the state agency proposing to award the support for a project shall provide the name and other descriptive information regarding the independent reviewer to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives. If the recommendations of an independent reviewer with respect to a proposed project are not adopted by the state agency proposing to award the support for the project, the agency shall notify the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives of that fact and explain the reasons for not adopting the recommendations."

In line 205, delete " five" and insert " four"; after " hundred" insert " fifty"

In line 206, after " awarded" insert " . promised."

In line 207, after the underlined comma insert " not more than two hundred twenty-five million dollars may be awarded, promised, or otherwise committed for research and development purposes in fiscal year 2012."

In line 208, delete " ninety" and insert " seventy-five"; after " awarded" insert " , promised."

In line 210, delete " 2012" and insert " 2013"

Managers on the Part of the
House of Representatives

Managers on the Part of the
Senate

/s/ SANDRA WILLIAMS
SANDRA WILLIAMS

/s/ JOHN A. CAREY, JR.
JOHN A. CAREY, JR.

/s/ JAY P. GOYAL
JAY P. GOYAL

/s/ TOM NIEHAUS
TOM NIEHAUS

/s/ RON AMSTUTZ
RON AMSTUTZ

/s/ DALE MILLER
DALE MILLER

Senator Niehaus moved that Senate Rule No. 44 be suspended and that the report of the Committee of Conference be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the report of the Committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Coughlin	Fedor	Gibbs	Gillmor
Goodman	Hughes	Husted	Jones
Kearney	Miller D	Miller R	Morano
Niehaus	Patton	Sawyer	Schaffer
Schiavoni	Schuring	Smith	Stewart
Strahorn	Turner	Wagoner	Widener
Wilson			Harris-30.

Senators Faber and Seitz voted in the negative-2.

So the report of Committee of Conference was agreed to.

At the request of Senator Seitz, his name was removed from the title.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 27-Representative Gerberry.

Cosponsors: Representatives Hagan, Okey, Bolon, Carney, Domenick, Foley, Yuko, Combs, Balderson, McClain, Ruhl, Zehringer, Adams, R., Amstutz,

Baker, Batchelder, Beck, Belcher, Blair, Blessing, Book, Boose, Bubp, Burke, Chandler, Coley, Daniels, DeBose, DeGeeter, Derickson, Dodd, Dolan, Driehaus, Dyer, Fende, Gardner, Garland, Garrison, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Heard, Hite, Hottinger, Huffman, Jordan, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Oelslager, Phillips, Pillich, Pryor, Sayre, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stewart, Szollosi, Uecker, Ujvagi, Wachtmann, Weddington, Williams, B., Williams, S., Yates. Senators Patton, Schaffer, Gibbs, Turner, Fedor, Wilson.

To amend sections 4501.21, 4503.571, and 5533.52 and to enact sections 4501.14, 4503.498, 4503.499, 4503.505, 4503.701, 4503.89, 4503.94, 5533.093, 5533.333, 5533.334, 5533.372, 5533.606, 5533.607, 5533.621, 5533.644, 5533.685, 5533.785, 5533.872, 5533.881, 5533.93, 5533.931, 5533.95, and 5533.96 of the Revised Code to create certain special license plates and to designate certain memorial highways and a memorial bridge, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 27**, pass?"

Senator Patton moved to amend as follows:

In line 12, after "5533.334," insert "5533.335,"

Between lines 604 and 605, insert:

" **Sec. 5533.335.** That portion of the road known as state route two, commencing at the intersection of that road and state route forty-four and extending in a northeasterly direction to the exit from state route two for the municipal corporation of Painesville, shall be known as the "Lance Corporal David Raymond Baker Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name."

In line 4 of the title, after "5533.334," insert "5533.335,"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 27**, pass?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Coughlin	Faber	Fedor	Gibbs
Gillmor	Goodman	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer

Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

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: "Buehrer, Cafaro, Faber, Grendell, Harris, Hughes, Miller, D., Schiavoni, Strahorn, Widener, Schuring, Gillmor, Kearney, Miller, R., Smith, Stewart, Sawyer, Cates."

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

The motion was agreed to and the title so amended.

S. B. No. 153-Senator Patton.

Cosponsor: Senator Kearney.

To amend sections 2915.01 and 2915.091 of the Revised Code to change the definition of "instant bingo ticket dispenser" and to authorize a charitable organization to purchase, lease, and use instant bingo ticket dispensers, was considered the third time.

The question being, "Shall the bill, **S. B. No. 153**, pass?"

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

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Coughlin	Faber	Fedor	Gibbs
Gillmor	Goodman	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

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: "Cafaro, Miller, D., Morano, Schaffer, Seitz, Gillmor, Goodman, Schiavoni, Wilson, Faber."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Buehrer moved that Senators absent the week of Sunday, January 31, 2010, 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. 227-Senator Turner.

To permit, for a limited time, the abatement of unpaid property taxes, penalties, and interest owed on property owned by a municipal corporation that would have been tax exempt except for a failure to comply with certain tax-exemption procedures.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 156-Senator Schuring.

In memory of William Powell.

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

So the resolution was adopted.

On the motion of Senator Niehaus, the Senate recessed until 3:25 p.m.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Am. Sub. H. J. R. No. 12 -Representatives Williams, S., Goyal - et al.

Attest: Tom Sherman,
Clerk.

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 joint resolution:

Am. S. J. R. No. 8 -Senators Goodman, Hughes - et al.

Attest: Tom Sherman,
Clerk.

The President signed said joint resolution.

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 joint resolution:

Am. Sub. H. J. R. No. 12 -Representatives Williams, S., Goyal - et al.

Attest: Tom Sherman,
Clerk.

The President signed said joint resolution.

On the motion of Senator Harris, the Senate adjourned until Thursday, February 4, 2010 at 11:00 o'clock a.m.

Attest: VINCENT L. KEERAN,
Clerk.