

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 24, 2010

ONE HUNDRED FIFTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 24, 2010, 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 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. 35-Representative Dyer, et al.

To amend sections 6115.04, 6115.05, 6115.06, 6115.08, 6115.16, 6115.21, 6115.22, 6115.33, 6115.40, 6115.43, 6115.45, 6115.46, 6115.47, and 6115.69 and to enact sections 6115.051, 6115.081, 6115.082, 6115.091, 6115.092, 6115.093, 6115.094, 6115.095, 6115.096, and 6115.321 of the Revised Code to revise the law governing sanitary districts that are organized wholly for the reduction of populations of biting arthropods.

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

H. B. No. 349-Representatives Weddington, Maag, et al.

To amend sections 5101.34, 5101.341, and 5101.342 of the Revised Code to revise the membership, staffing, and duties of the Ohio Commission on Fatherhood.

To the Committee on Health, Human Services and Aging.

S. B. No. 228-Senators Goodman, Hughes, et al.

To enact section 4909.181 of the Revised Code to limit recovery of rate-case expenses for certain water-works and sewage disposal system companies.

To the Committee on Energy and Public Utilities.

S. B. No. 229-Senator Patton.

To amend section 4507.13 of the Revised Code to allow a notation on a driver's license that the licensee has suffered a traumatic brain injury.

To the Committee on Highways and Transportation.

S. B. No. 230-Senator Patton, et al.

To amend section 4511.191 of the Revised Code to revise the drug abuse resistance education (D.A.R.E.) grant program funded by a portion of the license reinstatement fee charged to obtain a driver's license following an OVI-related license suspension.

To the Committee on Highways and Transportation.

S. B. No. 231-Senators Schaffer, Wilson, et al.

To amend sections 1517.11, 1531.26, 5101.98, and 5747.113 and to enact section 5502.23 of the Revised Code to allow taxpayers to make contributions to the American Red Cross Ohio Disaster Response Readiness and Preparedness Fund through their income tax returns.

To the Committee on Ways and Means and Economic Development.

YES - 5: SHIRLEY A. SMITH, KEITH L. FABER, TOM NIEHAUS, DAVID GOODMAN, 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 Buehrer submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Am. H. B. No. 300**-Representatives Dyer, Hottinger, et

al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Schaffer.

YES - 11: STEPHEN BUEHRER, KAREN GILLMOR, JIM HUGHES, SHANNON JONES, TIMOTHY O. SCHAFFER, BILL SEITZ, CHRIS WIDENER, NINA TURNER, FRED STRAHORN, ERIC H. KEARNEY, KEITH L. FABER.

NO - 0.

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

The report of the committee was accepted.

Senator Buehrer submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. C. R. No. 23**-Senators Cafaro, Schiavoni, et al., having had the same under consideration, reports back a substitute resolution and recommends its adoption.

Co-Sponsors: Schaffer, Kearney.

YES - 11: KEITH L. FABER, STEPHEN BUEHRER, KAREN GILLMOR, JIM HUGHES, BILL SEITZ, TIMOTHY O. SCHAFFER, SHANNON JONES, CHRIS WIDENER, FRED STRAHORN, NINA TURNER, ERIC H. KEARNEY.

NO - 0.

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

The report of the committee was accepted.

Senator Harris submitted the following report:

Pursuant to Senate Rule No. 37, the standing committee on Rules recommends that **Sub. H. B. No. 10**-Representative Brown, et. al., having been referred to the standing committee on Judiciary - Civil Justice, be recommitted to the standing committee on Judiciary - Civil Justice.

YES - 10: BILL HARRIS, TOM NIEHAUS, STEPHEN BUEHRER, JOHN A. CAREY, KEVIN J. COUGHLIN, KEITH L. FABER, JON A. HUSTED, RAY MILLER, SHIRLEY A.

SMITH, JASON H. WILSON.

NO - 0.

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

The report of the committee was accepted.

Senator Husted submitted the following report:

The standing committee on Government Oversight, to which was referred **S. B. No. 219**-Senator Grendell, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Wagoner.

YES - 10: MARK D. WAGONER, BILL SEITZ, SHANNON JONES, TIMOTHY J. GRENDALL, KEITH L. FABER, JON A. HUSTED, TOM NIEHAUS, SHIRLEY A. SMITH, ERIC H. KEARNEY, TERESA FEDOR.

NO - 0.

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

The report of the committee was accepted.

Senator Harris submitted the following report:

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

Angelita Cruz Bridges, Democrat, from Toledo, Lucas County, Ohio, as a Member of the Ethics Commission for a term beginning December 14, 2009 and ending at the close of business January 1, 2013, replacing Steven Dettelbach, who resigned.

David L. Caldwell, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Steel Industry Advisory Council for a new term beginning October 14, 2009 and ending at the close of business September 16, 2012.

Paul S. Denton, from Orient, Pickaway County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning October 8, 2009 and ending at the close of business September 19, 2012.

Terry G. Fedor, Republican, from Chagrin Falls, Geauga County, Ohio, as a Member of the Ohio Steel Industry Advisory Council for a new term beginning October 14, 2009 and ending at the close of business September 16, 2012.

Rosemary Herpel, Democrat, from Solon, Cuyahoga County, Ohio, as a Member of the E-Tech Ohio Commission for a term beginning September 3, 2008 and ending at the close of business July 1, 2012, replacing Daniel Vermeire, whose term expired.

Roger Lindgren, from Poland, Mahoning County, Ohio, as a Member of the Ohio Steel Industry Advisory Council for a new term beginning October 14, 2009 and ending at the close of business September 16, 2012.

Kathy Leavenworth, Democrat, from Chagrin Falls, Geauga County, Ohio, as a Member of the State Board of Education for a term beginning December 7, 2009 and ending at the close of business December 30, 2010, replacing Carl Wick, who resigned.

Thomas G. Maurer, Republican, from Wooster, Wayne County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning October 19, 2009 and ending at the close of business September 19, 2012.

Alan H. McCoy, Independent, from Cincinnati, Butler County, Ohio, as a Member of the Ohio Steel Industry Advisory Council for a new term beginning October 14, 2009 and ending at the close of business September 16, 2012.

Jay E. McDonald, Democrat, from Marion, Marion County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning April 4, 2007, and ending at the close of business December 31, 2011.

Salvatore J. Miraglia, Jr., Republican, from Canton, Stark County, Ohio, as a Member of the Ohio Steel Industry Advisory Council for a new term beginning October 14, 2009 and ending at the close of business September 16, 2012.

Jan L. Osborn, Ph.D., Republican, from Pandora, Putnam County, Ohio, as a Member of the E-Tech Ohio Commission for a term beginning November 9, 2009 and ending at the close of business June 30, 2013, replacing William S. Hood, whose term expired.

Michael Angelo Peterson, Republican, from Massillon, Stark County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning December 1, 2008 and ending at the close of business December 31, 2010, replacing Ronald Burford, who resigned.

Juanita Sanchez, Democrat, from Fremont, Sandusky County, Ohio, as a Member of the State Board of Education for a term beginning October 29, 2009 and ending at the close of business December 30, 2010, replacing Jennifer Sheets, who resigned.

Concepcion Skaggs, Independent, from Columbus, Franklin County, Ohio, as a Member of the Baber Board for a new term beginning September 26, 2009 and ending at the close of business September 25, 2012.

Larry G. Taylor, Republican, from Amherst, Lorain County, Ohio, as a Member of the Ohio Steel Industry Advisory Council for a term beginning October 15, 2009 and ending at the close of business September 16, 2012.

Dennis Wist, Republican, from Warren, Trumbull County, Ohio, as a Member of the Ohio Steel Industry Advisory Council for a new term beginning October 14, 2009 and ending at the close of business September 16, 2012.

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, JOHN A. CAREY, KEVIN J. COUGHLIN, JASON H. WILSON, RAY MILLER, SHIRLEY A. SMITH.

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 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 Senate advised and consented to said appointments.

RESOLUTIONS REPORTED BY COMMITTEE

Sub. S. C. R. No. 23-Senators Cafaro, Schiavoni.

Cosponsors: Senators Miller, D., Morano, Strahorn, Wilson, Turner, Sawyer, Carey, Grendell, Schaffer, Kearney.

To urge the President of the United States, the Secretary of the Treasury, the head of the President's Auto Task Force, and the members of the United States Congress to treat all of the General Motors-Delphi retirees fairly and equitably and provide for the full earned pensions and other post employment benefits in the same manner for all groups regardless of their representation and to charge any obligations that arise from providing the pensions and benefits to the

general debt obligation of General Motors.

WHEREAS, In the General Motors-Delphi Corporation bankruptcy proceedings, which were guided by the United States Treasury and the President's Auto Task Force, all Delphi Corporation employee pension funds were transferred to the Federal Pension Benefit Guarantee Corporation; and

WHEREAS, The earned pensions of all Delphi retirees are part of their promised compensation; and

WHEREAS, General Motors has agreed to fulfill the pension plans of the Delphi hourly employees represented by the United Auto Workers (UAW), the International Union of Electronic, Electrical, Salaried, Machine, and Furniture Workers-Communication Workers of America (IUE-CWA), and the United Steel Workers (USW); and

WHEREAS, General Motors has not agreed to fulfill the pension plans of the Delphi salaried retirees and the Delphi hourly retirees represented by the International Brotherhood of Electrical Workers (IBEW), the International Association of Machinists and Aerospace Workers (IAMAW), and the International Union of Operating Engineers (IUOE); and

WHEREAS, Funds for the health care insurance promised as a retirement benefit have been provided for the UAW, totally eliminated for the Delphi salaried retirees, and greatly reduced for the IUE-CWA, the USW, the IBEW, the IAMAW, and the IUOE; and

WHEREAS, This is unfair and inequitable treatment of the different working groups and will lead to thousands of job losses in the State of Ohio; and

WHEREAS, The Delphi retirees worked loyally, faithfully, and beneficially for General Motors and the Delphi Corporation; and

WHEREAS, All of the Delphi retirees deserve equal treatment from their federal government; now therefore be it

RESOLVED, That we, the members of the 128th General Assembly of the State of Ohio, hereby urge the President of the United States, the Secretary of the Treasury, the head of the President's Auto Task Force, and the United States Congress to treat all of the General Motors-Delphi retirees fairly and equitably and provide for the full earned pensions and other post employment benefits in the same manner for all groups regardless of their representation; and be it further

RESOLVED, That we, the members of the 128th General Assembly of the State of Ohio, hereby urge the President of the United States, the Secretary of the Treasury, the head of the President's Auto Task Force, and the United States Congress to charge any monetary advances made to General Motors for the purpose of complying with the recommendations of this resolution to the general debt obligation of General Motors and to require General Motors to repay such

monetary advances under the terms of the debt obligation General Motors has already incurred; and be it further

RESOLVED, That we, the members of the 128th General Assembly of the State of Ohio, urge General Motors to affirm any obligations that arise out of complying with the recommendations of this resolution; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of the Treasury, the head of the President's Auto Task Force, the Speaker and the Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, the members of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **Sub. S. C. R. No. 23**, 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 concurrent resolution was adopted.

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

Senator Cafaro moved to amend the title as follows:

Add the names: "Buehrer, Fedor, Harris, Hughes, Husted, Miller, R., Niehaus, Patton, Smith, Wagoner, Widener, Jones."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 300-Representatives Dyer, Hottinger.

Cosponsors: Representatives Heard, Combs, Luckie, Murray, Williams, B., Okey, Fende, Brown, Batchelder, Boyd, Carney, Chandler, DeBose, Dodd, Domenick, Evans, Garland, Hackett, Harris, Harwood, Letson, Mecklenborg, Sayre, Snitchler, Stewart, Yates. Senator Schaffer.

To amend sections 1751.33, 1753.33, 3901.021, 3903.81, 3903.83, 3905.04,

3905.041, 3905.05, 3905.06, 3905.061, 3905.07, 3905.071, 3905.12, 3905.14, 3905.16, 3905.20, 3905.30, 3905.35, 3905.36, 3905.40, 3905.41, 3905.481, 3905.483, 3905.484, 3905.841, 3905.85, 3905.86, 3905.862, 3905.87, 3905.88, 3905.89, 3905.932, 3924.01, 3924.09, 3924.10, 3929.30, 3956.04, 3960.03, and 5725.18, to enact section 3905.051, and to repeal sections 3905.10, 3905.482, and 3929.301 of the Revised Code to make changes to the law governing the licensure and regulation of insurance agents, certain insurance-related taxes, the Ohio Life and Health Insurance Guaranty Association, Ohio health care plans, risk-based capital reports, reporting requirements for insurers, and notice requirements for health insuring corporations, to temporarily extend the time after employment during which a person can keep the person's health insurance coverage, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 11, setting forth the emergency features of the bill, stand as a part of the bill?"

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 section, Section 11, 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 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 having received the required constitutional majority passed as an emergency measure.

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

Senator Buehrer moved to amend the title as follows:

Add the names: "Buehrer, Faber, Gillmor, Harris, Hughes, Husted, Miller, D., Turner, Wagoner, Schiavoni."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 219-Senator Grendell.

Cosponsors: Senators Schaffer, Wagoner.

To amend sections 145.27, 145.56, 145.561, 145.82, 145.95, 742.41, 742.46, 742.47, 742.64, 2329.66, 2929.192, 3305.07, 3305.08, 3305.20, 3305.22, 3307.20, 3307.41, 3307.42, 3309.22, 3309.66, 3309.661, 3309.82, 3309.95, 5505.04, 5505.22, and 5505.34 and to enact sections 145.573, 742.464, 2929.193, 3305.12, 3307.373, 3309.673, and 5505.263 of the Revised Code regarding termination of the disability benefit of a state retirement system member convicted of certain felonies committed while serving in a position of honor, trust, or profit, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 219**, 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 Grendell moved to amend the title as follows:

Add the names: "Buehrer, Cafaro, Cates, Faber, Fedor, Gibbs, Harris, Hughes, Husted, Miller, D., Miller, R., Morano, Niehaus, Turner, Wilson."

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, February 21, 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 bills were introduced and considered the first time:

S. B. No. 232-Senator Widener.

Cosponsors: Senators Goodman, Jones, Wagoner.

To amend sections 3706.01 and 3706.041 of the Revised Code to exempt from property taxation renewable energy facilities that are not financed through the Ohio Air Quality Development Authority and to require a payment in lieu of taxes on the basis of each megawatt of production capacity of such facilities.

S. B. No. 233-Senator Gibbs.

Cosponsor: Senator Faber.

To amend section 102.02 and to enact sections 904.01 to 904.08 of the Revised Code and to amend Section 211.10 of Am. Sub. H.B. 1 of the 128th General Assembly and Section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly, as subsequently amended, to establish requirements and responsibilities of the Ohio Livestock Care Standards Board and the Director of Agriculture in administering and enforcing the rules adopted by the Board that govern the care and well-being of livestock in this state, and to make an appropriation.

S. B. No. 234-Senator Stewart.

To enact section 5.083 of the Revised Code to designate the Brickstreet BBQ Contest held in Marietta as the state barbeque championship.

OFFERING OF RESOLUTIONS

Senator Grendell offered the following resolution:

S. R. No. 168-Senator Grendell.

To address the appointment of members to the Competitive Workers'

Compensation Task Force and to change the date upon which the findings of the Task Force must be reported.

WHEREAS, The Senate created the Competitive Workers' Compensation Task Force by adopting Amended Senate Resolution 118 of the 128th General Assembly; and

RESOLVED, The deadline for the Competetive Workers' Compensation Task Force to report its findings to the Governor, the Speaker of the House of Representatives, and the President of the Senate shall be extended to December 15, 2010; and be it further

RESOLVED, That the President of the Senate shall have the discretion to appoint additional members to the Competitive Workers' Compensation Task Force as needed; and be it further

RESOLVED, That the Clerk of the Senate will transmit duly authenticated copies of this resolution to the Co-Chairs of the Competitive Workers' Compensation Task Force.

The question being, "Shall the resolution, **S. R. No. 168**, be adopted?"

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Coughlin
Faber	Gibbs	Gillmor	Goodman
Grendell	Hughes	Husted	Jones
Niehaus	Patton	Schaffer	Schuring
Seitz	Stewart	Wagoner	Widener
			Harris-21.

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Sawyer	Schiavoni
Smith	Strahorn	Turner	Wilson-12.

So the resolution was adopted.

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

The title was agreed to.

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. 131 -Senators Gillmor, Cafaro - et al.

Attest:

Tom Sherman,
Clerk.

The President signed said bill.

On the motion of Senator Niehaus, the Senate adjourned until Thursday,
February 25, 2010 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.