

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, MARCH 3, 2010**

ONE HUNDRED FIFTY-NINTH DAY  
Senate Chamber, Columbus, Ohio  
Wednesday, March 3, 2010, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Grace Baptist Church, Cedarville, 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. 70**-Representatives Gerberry, Hagan, et al.

To amend sections 959.131 and 959.99 of the Revised Code to specifically prohibit an owner of a kennel of dogs from committing cruel treatment of a companion animal by the animal's custodian or caretaker and to give a prosecutor who prosecutes an owner of a kennel of dogs who commits cruel treatment of a companion animal discretion in prosecuting the owner for the offense.

To the Committee on Judiciary - Criminal Justice.

**Am. Sub. H. B. No. 186**-Representatives Foley, Patten, et al.

To amend sections 1901.18, 1909.11, 1923.01, 1923.02, 1923.061, 1923.15, 2305.01, 3701.83, 3709.085, 3709.09, 3709.092, 3729.01, 3733.02, 3733.021, 3733.022, 3733.024, 3733.025, 3733.03, 3733.04, 3733.05, 3733.06, 3733.08, 3733.09, 3733.091, 3733.10, 3733.101, 3733.11, 3733.12, 3733.121, 3733.122, 3733.123, 3733.13, 3733.14, 3733.15, 3733.17, 3733.18, 3733.19, 3733.20, 3733.41, 3733.99, 3781.06, 4503.061, 4503.062, 4517.01, 4517.04, 4517.09, 4517.10, 4517.12, 4517.13, 4517.14, 4517.23, 4517.24, 4517.44, 4743.05, 4781.01, 4781.02, 4781.04, 4781.07, 4781.10, 4781.14, 4781.15, 4781.99, 4905.90, and 6111.46; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3733.02 (4781.26), 3733.021 (4781.31), 3733.022 (4781.32), 3733.024 (4781.33), 3733.025 (4781.34), 3733.03 (4781.27), 3733.04 (4781.28), 3733.05 (4781.29), 3733.06 (4781.30), 3733.08 (4781.35), 3733.09 (4781.36), 3733.091 (4781.37), 3733.10 (4781.38), 3733.101 (4781.39), 3733.12 (4781.41), 3733.121 (4781.42), 3733.122 (4781.43), 3733.123 (4781.44), 3733.13 (4781.45), 3733.14 (4781.46), 3733.15 (4781.47), 3733.16 (4781.48), 3733.17 (4781.49),

3733.18 (4781.50), 3733.19 (4781.51), and 3733.20 (4781.52); to enact sections 2323.05, 3733.111, 4781.121, 4781.54, and 4781.60; and to repeal sections 3733.01, 3733.031, 3733.07, and 4517.49 of the Revised Code; and to amend Section 745.20 of Am. Sub. H.B. 1 of the 128th General Assembly to transfer various responsibilities with respect to the licensing and inspection of manufactured home parks from the Department of Health to the Manufactured Homes Commission, to make other changes in the manufactured home park law, and to amend the motor vehicle dealer's licensing law; and to amend sections 3733.11 and 4781.10 and to amend, for the purpose of adopting new section numbers as indicated in parenthesis, sections 3733.11 (4781.40) and 3733.111 (4781.53) of the Revised Code on July 1, 2011, to conform with other provisions of this act taking effect on that date.

To the Committee on Judiciary - Civil Justice.

**H. B. No. 188**-Representatives Stautberg, Ujvagi, et al.

To amend section 5747.01 of the Revised Code to exempt retirement pay related to service in the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Commissioned Corps of the Public Health Service.

To the Committee on Ways and Means and Economic Development.

**Sub. H. B. No. 379**-Representatives Carney, Mecklenborg, et al.

To amend sections 1701.13, 1701.59, 1701.66, 1701.74, 1701.76, 1701.84, 1701.85, 1701.86, 1701.87, 1701.88, 1701.89, 1701.90, 1701.91, 1701.911, 1702.12, 1702.30, and 1705.61 and to enact sections 1701.881, 1701.882, and 1701.883 of the Revised Code to make changes to the law governing corporations including dissenting shareholders, the dissolution of a corporation, rights to indemnification or advancement of expenses, directors' fiduciary duties, and recording of corporate mortgages.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 232**-Senator Widener, et al.

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.

To the Committee on Energy and Public Utilities.

**S. B. No. 233**-Senator Gibbs, et al.

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.

To the Committee on Agriculture.

**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.

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

**S. B. No. 235**-Senators Fedor, Grendell, et al.

To enact sections 2905.31 and 2905.32 of the Revised Code to create the offense of trafficking in persons.

To the Committee on Judiciary - Criminal Justice.

YES - 5: DAVID GOODMAN, CAPRI S. CAFARO, BILL HARRIS, KEITH L. FABER, TOM NIEHAUS.

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 Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 211**-Senator Hughes, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7:      TIMOTHY J. GRENDALL, JIM HUGHES, DAVID  
GOODMAN, BILL SEITZ, NINA TURNER, JOSEPH  
SCHIAVONI, SHIRLEY A. SMITH.

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:

**Tim Bowers**, Republican, from Hilliard, Franklin County, Ohio, as a Member of the Advisory Board on Amusement Ride Safety for a term beginning December 30, 2009 and ending at the close of business January 1, 2015, replacing Robert D'Anniballe, whose term expired.

**Thomas J. Caldwell**, from Galena, Delaware County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning September 19, 2008 and ending at the close of business August 27, 2011.

**David J. Cattley**, Republican, from Columbus, Franklin County, Ohio, as a Member of the Industrial Technology and Enterprise Advisory board for a term beginning December 5, 2007 and ending at the close of business December 31, 2011, replacing Ora E. Smith, who resigned.

**R. Kevin Greenfield**, from Perrysburg, Wood County, Ohio, as a Member of the Ohio Standardbred Development Commission for a term beginning August 27, 2009 and ending at the close of business June 29, 2011, replacing Tom Fries, who resigned.

**Stephen Montemarano**, Democrat, from Sunbury, Delaware County, Ohio, as a Member of the Ohio Thoroughbred Racing Advisory Committee for a term beginning November 2, 2009 and ending at the close of business January 31, 2012, replacing George Smith, whose term expired.

**Charles J. White**, Democrat, from Worthington, Franklin County, Ohio, as a Member of the Ohio Community Services Council for a new term beginning June 19, 2009 and ending at the close of business April 20, 2012.

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

YES - 9: BILL HARRIS, TOM NIEHAUS, STEPHEN BUEHRER, JON A. HUSTED, JOHN A. CAREY, KEVIN J. COUGHLIN, JASON H. WILSON, RAY MILLER, CAPRI S. CAFARO.

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.

**BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 211**-Senator Hughes.

Cosponsors: Senators Carey, Miller, D., Seitz.

To amend sections 4510.31 and 4510.311 of the Revised Code to permit a judge to elect to order the Registrar of Motor Vehicles not to suspend the probationary driver's license, restricted license, or temporary instruction permit of certain juvenile repeat traffic violators, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 211**, 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 Hughes moved to amend the title as follows:

Add the names: "Cates, Faber, Fedor, Gillmor, Grendell, Harris, Jones, Kearney, Miller, R., Morano, Niehaus, Sawyer, Schiavoni, Smith, Turner, Wilson, Patton, Buehrer, Widener, Strahorn, Wagoner."

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 28, 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. 236**-Senators Grendell, Patton.

Cosponsor: Senator Cafaro.

To enact section 4933.29 of the Revised Code to restore discounts for customers with all-electric homes, to restore electric, load-management programs, and to declare an emergency.

### OFFERING OF RESOLUTIONS

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

**S. R. No. 171**-Senator Kearney.

Cosponsors: Senators Cates, Jones, Niehaus, Seitz.

Honoring the University of Cincinnati football team as the 2009 Big East Conference Champion.

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

So the resolution was adopted.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Section 126.46 (A) (1) of the Ohio Revised Code, the President of the Senate reappoints the following public members to serve on the State Audit Committee:

William D. Keip  
192 Woodland Drive  
Powell, Ohio 43065  
(representing the public – term beginning March 14, 2010 and ending March 14, 2012)

Richard A. Mueller  
1 Riverside Plaza  
Columbus, Ohio 43215  
(active certified public accountant – term beginning March 14, 2010 and ending March 14, 2012)

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

Attest:

VINCENT L. KEERAN,  
Clerk.