

OHIO

SENATE

JOURNAL

WEDNESDAY, MARCH 18, 2009

TWENTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 18, 2009, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Doyle Jackson, The Church Next Door, Hilliard, 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 Schuler reports for the Standing Committee on Reference, recommending that the following bill and concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 81-Senators Grendell, Hughes, et al.

To enact sections 5.033 and 5.034 of the Revised Code to adopt the spotted salamander as the state amphibian and the bullfrog as the state frog.

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

S. C. R. No. 8-Senators Grendell, Gibbs, et al.

To memorialize the Administrator of the United States Environmental Protection Agency to refrain from adopting any new regulations governing greenhouse gas emissions from livestock that would impose permit fees on livestock producers, and to memorialize the Congress of the United States to enact legislation introduced by United States Senators John Thune and Charles Schumer that proposes to amend Title V of the Clean Air Act to establish appropriate exemptions for livestock producers.

To the Committee on Environment and Natural Resources.

YES - 5: ROBERT L. SCHULER, SHIRLEY A. SMITH, TOM
 NIEHAUS, CAPRI S. CAFARO, MARK D. WAGONER.

NO - 0.

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

The report of the committee was accepted.

Said bill and concurrent resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Patton submitted the following report:

The standing committee on Highways and Transportation, to which was referred **Am. Sub. H. B. No. 2**-Representative Ujvagi, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: TOM PATTON, STEPHEN BUEHRER, GARY W. CATES, DAVID GOODMAN, BOB GIBBS, TIMOTHY O. SCHAFFER.

NO - 3: NINA TURNER, TERESA FEDOR, JASON H. WILSON.

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

On the motion of Senator Faber, the Senate recessed until 2:40 p.m.

The Senate met pursuant to the recess.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 2-Representative Ujvagi.

Cosponsors: Representatives Bolon, Boyd, Brown, Carney, Chandler, DeBose, Domenick, Dyer, Fende, Foley, Garrison, Hagan, Harris, Heard, Koziura, Letson, Luckie, Mallory, Otterman, Patten, Pillich, Pryor, Stewart, Sykes, Szollosi, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko.

To amend sections 121.51, 133.52, 151.01, 151.09, 151.40, 955.201, 1345.52, 1547.11, 1548.10, 1751.53, 2911.21, 2949.094, 3781.01, 3781.10, 3781.12, 3781.19, 3905.423, 3923.38, 4501.01, 4501.03, 4501.21, 4503.03, 4503.10, 4503.103, 4503.191, 4505.032, 4505.09, 4506.07, 4506.11, 4506.17, 4507.06, 4507.13, 4507.51, 4507.52, 4511.01, 4511.181, 4511.19, 4511.191, 4511.21, 4511.213, 4513.263, 4513.34, 4517.021, 4519.02, 4519.03, 4519.04, 4519.08, 4519.09, 4519.10, 4519.44, 4519.47, 4519.59, 4561.17, 4561.18, 4561.21, 4740.14, 4765.37, 4765.38, 4765.39, 4928.64, 4928.65, 5501.03, 5501.311, 5501.51, 5502.67, 5502.68, 5515.01, 5515.07, 5517.011, 5525.15, 5531.09, 5537.07, 5537.99, 5541.05, 5571.20, and 5577.042; to enact sections 5.24, 121.53, 122.077, 123.153, 167.081, 3905.425, 3905.426, 4501.026, 4511.108, 5501.60, 5533.93, and 5537.30; and to repeal sections 955.202 and

5902.09 of the Revised Code and to amend Section 229.10 of Am. Sub. H.B. 67 of the 127th General Assembly, as subsequently amended; and to amend Sections 217.10, 217.11, 239.10, 241.10, 243.10, 243.11, and 503.40 of Am. Sub. H.B. 562 of the 127th General Assembly to make appropriations for programs related to transportation for the biennium beginning July 1, 2009, and ending June 30, 2011, to provide authorization and conditions for the operation of those and other programs, to appropriate federal stimulus moneys received under the American Recovery and Reinvestment Act of 2009, to make changes to the Residential Construction Advisory Committee and to require the Board of Building Standards to adopt residential building code rules only after receiving recommendations from the Residential Construction Advisory Committee, to repeal section 121.53 of the Revised Code on September 30, 2013, to further amend sections 1751.53 and 3923.38 of the Revised Code, effective January 1, 2010, to revive the law as it existed prior to this act, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 901.11, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Patton moved to amend as follows:

In line 53, delete "5501.03,"

Delete lines 8791 through 8851

In line 8644, after "energy" insert " resource"

In line 8756, after "energy" insert " resource"

In line 8782, after "energy" insert " resource"

In line 9702, delete "5501.03,"

In line 10001, correct the spelling of "Infrastructure"

In line 11549, delete "is" and insert "and the enactment of Section 756.40 of this act are"

In line 13 of the title, delete "5501.03,"

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

The motion to amend was agreed to.

The question recurred, "Shall the section, Section 901.11, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Seitz moved to amend as follows:

In line 976, delete the first " the" and insert " a"; after " county" insert " in

this state"; after " council" insert " has mebers"

In line 977, delete " maintains its principal place of business"

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

The motion to amend was agreed to.

The question recurred, "Shall the section, Section 901.11, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Buehrer moved to amend as follows:

In line 50, delete "4513.263,"

Delete lines 7487 through 7643

In line 9699, delete "4513.263,"

Delete lines 11514 through 11518

In line 9 of the title, delete "4513.263,"

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

The motion to amend was agreed to.

The question recurred, "Shall the section, Section 901.11, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 22, nays 9, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Coughlin
Faber	Gibbs	Gillmor	Goodman
Grendell	Hughes	Husted	Miller R
Niehaus	Patton	Schaffer	Schuler
Schuring	Seitz	Stewart	Wagoner
Widener			Wilson-22.

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Morano	Sawyer	Schiavoni	Smith
			Turner-9.

So the section, Section 901.11, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill, as amended, pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 22, nays 9, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Coughlin
Faber	Gibbs	Gillmor	Goodman
Grendell	Hughes	Husted	Miller R
Niehaus	Patton	Schaffer	Schuler
Schuring	Seitz	Stewart	Wagoner
Widener			Wilson-22.

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Morano	Sawyer	Schiavoni	Smith
			Turner-9.

So the bill having received the required constitutional majority passed as an emergency measure.

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

The title was agreed to.

MOTIONS

Senator Wagoner moved that Senators absent the week of Sunday, March 15, 2009, 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.

OFFERING OF RESOLUTIONS

Senator Harris offered the following resolution:

S. R. No. 20-Senator Harris.

Permitting the use of the Ohio Senate Chambers by the National Forensic League on March 28, 2009.

WHEREAS, The members of the Senate of the 128th General Assembly of Ohio are pleased to grant permission for the Ohio Senate Chambers to be used by the National Forensic League for its Student Congress competition on March 28, 2009; and

WHEREAS, As part of its annual Student Congress competition, the National Forensic League will use the Ohio Senate Chambers on March 28, 2009, for a mock legislative debate. This activity will provide a unique opportunity for participants to experience firsthand rules and procedures similar to those of the state legislature and will help them to better understand the democratic process that is the cornerstone of our nation; and

WHEREAS, The knowledge that participants will gain through their involvement with the National Forensic League's Student Congress competition will not only enrich their total educational experience but will also prepare them to take a more active role in fulfilling their responsibilities as citizens of this great state and nation; and

WHEREAS, The Senate Chambers are an appropriate location for the National Forensic League's Student Congress activities. Following a true legislative format and held within the setting in which the lawmaking process normally takes place, the mock debates will provide the group's members with an excellent opportunity to engage in a simulation of government in action; therefore be it

RESOLVED, That we, the members of the Senate of the 128th General Assembly of Ohio, in adopting this Resolution, authorize the use of the Ohio Senate Chambers on March 28, 2009, by the National Forensic League for its Student Congress competition, contingent upon the availability of those facilities, and commend all those involved with this event on their civic responsibility; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the National Forensic League.

The question being, "Shall the resolution, **S. R. No. 20**, be adopted?"

The yeas and nays were taken and resulted - yeas 31, 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	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuler	Schuring
Seitz	Smith	Stewart	Turner
Wagoner	Widener		Wilson-31.

So the resolution was adopted.

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

Senator Faber moved to amend the title as follows:

Add the names: "Faber, Patton, Wilson, Niehaus, Schaffer."

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

The motion was agreed to and the title so amended.

Senators Morano and Schiavoni offered the following resolution:

S. R. No. 21-Senators Morano, Schiavoni.

Cosponsors: Senators Cafaro, Wilson, Miller, D., Miller, R., Sawyer, Turner, Smith, Fedor, Patton, Grendell.

To encourage the use of federal economic recovery funds to promote goods and services made or performed by American citizens and companies.

The question being, "Shall the resolution, **S. R. No. 21**, be adopted?"

On the motion of Senator Faber, **S. R. No. 21**, was referred to the Committee on Reference.

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

S. R. No. 22-Senator Gillmor.

Cosponsors: Senators Buehrer, Coughlin, Faber, Gibbs, Grendell, Goodman, Harris, Niehaus, Schaffer, Schuler, Stewart, Wagoner, Miller, R., Miller, D., Morano, Wilson, Patton.

Honoring the State Employment Relations Board on its Twenty-fifth Anniversary.

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

So the resolution was 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, Caprice H. Bragg, Democrat, from North Olmsted, Cuyahoga County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a term beginning January 28, 2009 and ending at the close of business December 31, 2011, replacing Harry Lehman, 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 28th day of January 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, Kathy R. Brantley, from Zanesville, Muskingum County, Ohio, as a Member of the Zane State College Board of Trustees for a term beginning January 23, 2009 and ending at the close of business July 31, 2010, replacing Patrick Hennessey, 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 23rd day of January 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, Judith Ann Church, Democrat, from Miamisburg, Montgomery County, Ohio, as a Member of the Board of Nursing for a term beginning January 16, 2009 and ending at the close of business December 31, 2012, replacing Debra Broadnax, 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 16th day of January 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, C. Joan Dearth, Democrat, from Marietta, Washington County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a new term beginning January 7, 2009 and ending at the close of business December 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 7th day of January 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, Noah Daniel Greene, Democrat, from Gallipolis, Gallia County, Ohio, as a Member of the State Board of Education for a term beginning January 7, 2009 and ending at the close of business December 31, 2012, replacing Sue Westendorf, 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 7th day of January 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, Susan Hiatt, from Mentor, Lake County, Ohio, as a Member of the Radiation Advisory Council for a term beginning October 29, 2009 and ending at the close of business September 8, 2013.

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 29th day of October 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, Gerald O. Holland, Democrat, from Cuyahoga Falls, Cuyahoga County, Ohio, as a Member of the Board of Building Standards for a new term beginning January 29, 2009 and ending at the close of business October 13, 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 29th day of January 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, Michael J. Johrendt, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Board of Tax Appeals for a term beginning February 9, 2009 and ending at the close of business February 8, 2015, replacing Robert Eberhart, 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 9th day of February 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, Bertha M. Lovelace, Democrat, from Shaker Heights, Cuyahoga County, Ohio, as a Member of the Board of Nursing for a term beginning January 16, 2009 and ending at the close of business December 31, 2012, replacing Kathleen

O'Dell, 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 16th day of January 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, Craig A. Marshall, Republican, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a term beginning January 28, 2009 and ending at the close of business December 31, 2009, replacing Cynthia Thompson, 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 28th day of January 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, Barbara S. Robinson, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a new term beginning January 28, 2009 and ending at the close of business December 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 28th day of January 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, Stephen J. Sargent, Democrat, from Circleville, Pickaway County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a new term beginning November 19, 2008 and ending at the close of business November 18, 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 4th day of November 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, Robin D. Thomas, Democrat, from Bedford, Cuyahoga County, Ohio, as a Member of the Credit Union Council for a new term beginning December 8, 2008 and ending at the close of business September 22, 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 8th day of December 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 R. Wright, Republican, from Wooster, Wayne County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning December 22, 2008 and ending at the close of business March 17, 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 22nd day of December 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, Theodore P. Ziegler, Democrat, from Akron, Summit County, Ohio, as a Member of the Council on Alcohol and Drug Addiction Services for a term beginning January 13, 2009 and ending at the close of business July 31, 2010, replacing Russ Kaye, 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 13th day of January in the year of our Lord, two thousand and nine.

[Seal]

Ted Strickland,
Governor.

Said appointments were referred to the Committee on Rules.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3702.81 (C) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Physician Loan Repayment Advisory Board:

Senator Carey
Senator Smith

On the motion of Senator Faber, the Senate adjourned until Thursday, March 19, 2009 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.