

**OHIO**

**SENATE**

**JOURNAL**

**TUESDAY, MARCH 23, 2010**

ONE HUNDRED SIXTY-SIXTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, March 23, 2010, 1:30 p.m.**

The Senate met pursuant to adjournment.

The journal of the last legislative day was read and approved.

**HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS**

The amendments of the House of Representatives to:

**Sub. S. B. No. 77**-Senator Goodman. Cosponsors: Senators Seitz, Miller, R., Stewart, Schuring, Miller, D., Kearney, Cates, Coughlin, Fedor, Gibbs, Gillmor, Harris, Husted, Niehaus, Patton, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner, Wilson, Morano. Representatives Amstutz, Bacon, Balderson, Batchelder, Beck, Belcher, Bolon, Boyd, Carney, Coley, Combs, Daniels, Derickson, Domenick, Driehaus, Dyer, Evans, Fende, Gardner, Garland, Garrison, Gerberry, Grossman, Hackett, Hagan, Hall, Harris, Heard, Hite, Hottinger, Koziura, Lehner, Letson, Maag, Martin, McClain, McGregor, Mecklenborg, Oelslager, Okey, Pillich, Ruhl, Sears, Snitchler, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington.

To amend sections 109.573, 2901.07, 2953.21, 2953.23, 2953.31, 2953.32, 2953.321, 2953.35, 2953.51, 2953.54, 2953.55, 2953.71, 2953.72, 2953.73, 2953.74, 2953.75, 2953.76, 2953.77, 2953.78, 2953.79, 2953.81, 2953.83, and 2953.84, to enact sections 109.561, 2933.81, 2933.82, 2933.83, 2953.56, 2953.57, 2953.58, 2953.59, and 2953.60, and to repeal section 2953.82 of the Revised Code relative to the expansion of DNA testing for certain convicted felons, the elimination of the DNA testing mechanism for felons who pleaded guilty or no contest to the offense, the collection of DNA specimens from all persons eighteen years of age or older who are arrested for a felony offense, the sealing of the official records of persons who have their convictions vacated and set aside due to DNA testing, the preservation and accessibility of biological evidence in a criminal or delinquency investigation or proceeding, the improvement of eyewitness identification procedures, the electronic recording of custodial interrogations, and to provide that DNA records collected in the DNA database and fingerprints filed for record cannot be sealed unless certain circumstances apply, having been informally passed, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 77**?"

Senator Niehaus moved that the House amendments to **Sub. S. B. No. 77**, be informally passed and that it retains its place on the calendar.

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

The motion was agreed to.

**OFFERING OF RESOLUTIONS**

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

**S. R. No. 184**-Senator Fedor.

Honoring the Dental Center of Northwest Ohio on its One Hundredth Anniversary.

**S. R. No. 185**-Senator Gillmor.

Honoring Margo Geer as one of the Top 50 Ohio High School Athletes of the Decade.

**S. R. No. 186**-Senator Patton.

Honoring Leslie McKimmie as the recipient of a 2009 Ray Kroc Award.

**S. R. No. 187**-Senator Wagoner.

Honoring MacKenzie Stewart as a 2010 Division II State Swimming Champion.

**S. R. No. 188**-Senator Coughlin.

In memory of Gunnery Sergeant Robert Gilbert.

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, Rhonda L. Border-Boose, from Canal Winchester, Franklin County, Ohio, as a Member of the Clean Ohio Council for a new term beginning January 4, 2010 and ending at the close of business November 23, 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 January in the year of our Lord, two thousand and ten.

[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, A. Lynne Bowman, Democrat, from Blacklick, Franklin County, Ohio, as a Member of the Columbus State Community College Board of Trustees for a term beginning January 27, 2010 and ending at the close of business August 31, 2015, replacing Priscilla Mead, 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 27th day of January in the year of our Lord, two thousand and ten.

[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, L. Craig Comedy, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning January 4, 2010 and ending at the close of business December 23, 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 4th day of January in the year of our Lord, two thousand and ten.

[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, Dianne Fidelibus, Republican, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning January 4, 2010 and ending at the close of business December 23, 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 4th day of January in the year of our Lord, two thousand and ten.

[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 Gellman-Danley, Ph.D, Democrat, from Centerville, Montgomery County, Ohio, as a Member of the Ohio Tuition Trust Authority Board for a term beginning January 20, 2010 and ending at the close of business January 30, 2011, replacing Jonathan Ivec, 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 20th day of January in the year of our Lord, two thousand and ten.

[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, Scott C. Green, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Savings and Loan Associations and Savings Banks Board for a new term beginning February 1, 2010 and ending at the close of business January 31,

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 27th day of January in the year of our Lord, two thousand and ten.

[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, Thomas L. Kovacik, Independent, from Toledo, Lucas County, Ohio, as a Member of the Clean Ohio Council for a new term beginning January 4, 2010 and ending at the close of business November 23, 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 January in the year of our Lord, two thousand and ten.

[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, Jason W. Marion, from Batavia, Clermont County, Ohio, as a Student Member of the The Ohio State University Board of Trustees for a term beginning June 4, 2008 and ending at the close of business May 3, 2010, replacing Christopher Alvarez-Breckenridge, 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 4th day of June 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, Rhonda L. Mears, Democrat, from Marietta, Washington County, Ohio, as a Member of the Banking Commission for a new term beginning February 1, 2010 and ending at the close of business January 31, 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 1st day of February in the year of our Lord, two thousand and ten.

[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, Stephanie M. Mercado, Independent, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Civil Rights Commission for a term beginning January 19, 2010 and ending at the close of business July 28, 2014, replacing Altagracia Ramos, 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 19th day of January in the year of our Lord, two thousand and ten.

[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, Diana L. Cook Swoope, Democrat, from Copley, Summit County, Ohio, as a Member of the Ethics Commission for a term beginning January 6, 2010 and ending at the close of business January 1, 2016, replacing Ann Marie Tracey,

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 6th day of January in the year of our Lord, two thousand and ten.

[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, Robert E. True, Republican, from Warren, Trumbull County, Ohio, as a Member of the Savings and Loan Associations and Savings Banks Board for a new term beginning February 1, 2010 and ending at the close of business January 31, 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 27th day of January in the year of our Lord, two thousand and ten.

[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, Benedict Weissenrieder, from Athens, Athens County, Ohio, as a Member of the Banking Commission for a new term beginning February 1, 2010 and ending at the close of business January 31, 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 1st day of February in the year of our Lord, two thousand and ten.

[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, John R. Wells, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Higher Educational Facility Commission for a new term beginning January 1, 2010 and ending at the close of business January 1, 2018.

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 January in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,  
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Niehaus, the Senate adjourned until Wednesday, March 24, 2010 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.