

OHIO

SENATE

JOURNAL

CORRECTED VERSION
TUESDAY, MARCH 31, 2009

THIRTY-SECOND DAY
Senate Chamber, Columbus, Ohio
Tuesday, March 31, 2009, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Mark Fuller, Grove City Church of the Nazarene, Grove City, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

On the motion of Senator Niehaus the Senate advanced to the Ninth Order of Business, Offering of Resolutions.

OFFERING OF RESOLUTIONS

Senator Cafaro offered the following resolution:

S. R. No. 26-Senator Cafaro.

Relative to the appointment of Fred Strahorn to fill the vacancy in the membership of the Senate created by the resignation of Tom Roberts of the 5th Senatorial District.

WHEREAS, Section 11 of Article II, Ohio Constitution, provides for the filling of a vacancy in the Senate by appointment by the members of the Senate who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Tom Roberts of the 5th Senatorial District has resigned as a member of the Senate effective February 28, 2009, thus creating a vacancy in the Senate; now therefore be it

RESOLVED, By the members of the Senate who are affiliated with the Democrat party, that Fred Strahorn (Democrat), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the Senate from the 5th Senatorial District is hereby appointed, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the Senate from the 5th Senatorial District, to fill the vacancy created by Tom Roberts; and be it further

RESOLVED, That a copy of this Resolution be spread upon the journal of the Senate together with the yeas and nays of the members of the Senate affiliated with the Democrat party voting on the Resolution, and that the Clerk of the Senate shall certify the Resolution and the vote on its adoption to the Secretary of State.

The question being, "Shall the resolution, **S. R. No. 26**, be adopted?"

The yeas and nays were taken and resulted - yeas 11, nays 0, as follows:

Those who voted in the affirmative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Sawyer	Schiavoni
Smith	Turner		Wilson-11.

So the resolution was adopted.

Senator Strahorn appeared at the bar of the Senate and was administered the oath of office by the Honorable Capri Cafaro, Senate Minority Leader.

Senator Niehaus offered the following resolution:

S. R. No. 27-Senator Niehaus.

Relative to mileage reimbursement.

RESOLVED, Pursuant to section 101.27 of the Revised Code and Am. S.R. No. 3--Senator Niehaus, Relative to mileage reimbursement, adopted January 5, 2009, the Clerk of the Senate is authorized to add the mileage for Fred Strahorn of 165 miles round trip.

The question being, "Shall the resolution, **S. R. No. 27**, be adopted?"

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	Grendell	Hughes
Husted	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuler	Schuring
Seitz	Smith	Stewart	Turner
Wagoner	Widener	Wilson	Harris-32.

So the resolution was adopted.

On the motion of Senator Niehaus the Senate reverted to the First Order of Business, Reports of Reference and Bills for Second Consideration.

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Schuler reports for the Standing Committee on Reference, recommending that the following bills and concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

Am. Sub. H. B. No. 15-Representative Sykes, et al.

To amend sections 121.52, 4121.12, 4121.125, 4121.62, 4121.70, and 4123.34 of the Revised Code to create the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund; to make other changes to the Workers' Compensation Law; to make appropriations for the Bureau of Workers' Compensation and for the Workers' Compensation Council for the biennium beginning July 1, 2009, and ending June 30, 2011; and to provide authorization and conditions for the operation of the Bureau's and the Council's programs.

To the Committee on Insurance, Commerce and Labor.

H. B. No. 16-Representative Sykes, et al.

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of Commission programs.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 86-Senator Buehrer, et al.

To enact section 2305.2310 of the Revised Code to grant qualified civil immunity to a physician who provides emergency medical services, first-aid treatment, or other emergency professional care in compliance with the federal Emergency Medical Treatment and Active Labor Act or as a result of a disaster.

To the Committee on Judiciary - Civil Justice.

S. C. R. No. 9-Senator Hughes.

Designating Ohio Free Clinics Day, April 22, 2009.

To the Committee on Health, Human Services and Aging.

YES - 5: CAPRI S. CAFARO, SHIRLEY A. SMITH, TOM NIEHAUS, BILL HARRIS, ROBERT L. SCHULER.

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Schuler submitted the following report:

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

Lisa A. Aurilio, RN, Democrat, from Twinsburg, Summit County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning November 1, 2008 and ending at the close of business October 31, 2011.

Timothy H. Brady, Democrat, from Peebles, Adams County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning November 20, 2008 and ending at the close of business October 10, 2011.

Erskine E. Cade, from Cleveland, Cuyahoga County, Ohio, as a Member of the State Lottery Commission for a new term beginning October 6, 2008 and ending at the close of business August 1, 2011.

Laurine A. Cetovich, Democrat, from Powell, Delaware County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning November 1, 2008 and ending at the close of business October 31, 2011.

Marie A. Cobb, Democrat, from Norton, Summit County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning November 1, 2008 and ending at the close of business October 31, 2011.

Julie Marie Dunlea, from Canal Winchester, Fairfield County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning November 1, 2008 and ending at the close of business October 31, 2012.

Susan Jane Fairless, Republican, from Perrysville, Ashland 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.

Marjorie Greenfield, MD, Democrat, from Pepper Pike, Cuyahoga

County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning November 1, 2008 and ending at the close of business October 31, 2012.

Terry Hankner, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Real Estate Commission for a term beginning December 1, 2008 and ending at the close of business June 30, 2012, replacing Stephen Madru, who resigned.

Ruby Crawford-Hemphill, Democrat, from Mason, Warren County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning November 1, 2008 and ending at the close of business October 31, 2011.

Melissa A. Higgs-Horwell, Democrat, from Chillicothe, Ross County, Ohio, as a Member of the Shawnee State University Board of Trustees for a term beginning September 19, 2008 and ending at the close of business June 30, 2017, replacing Klara Boynton Reynolds, whose term expired.

Brian Hartz, from Pataskala, Licking County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning November 24, 2008 and ending at the close of business August 27, 2011, replacing Jody B. Benda, whose term expired.

Sandra G. Jensen, Republican, from Waterville, Lucas County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning November 1, 2008 and ending at the close of business October 31, 2011.

Linda Kass, from Bexley, Franklin County, Ohio, as a Member of The Ohio State University Board of Trustees for a term beginning August 1, 2008 and ending at the close of business May 13, 2017, replacing Karen Lafferty Hendricks, whose term expired.

Kleia R. Luckner, Democrat, from Toledo, Lucas County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning November 1, 2008 and ending at the close of business October 31, 2012.

Charles A. McWeeny, Democrat, from Athens, Athens County, Ohio, as a Member of the Ohio Arts Council for a term beginning September 19, 2008 and ending at the close of business July 1, 2012, replacing Lois Rosenthal, who resigned.

Philip Messer, Independent, from Mansfield, Richland County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a term beginning November 24, 2008 and ending at the close of business September 3, 2009, replacing Patricia Lane, whose term expired.

Jay Mulligan, Democrat, from Cortland, Trumbull County, Ohio, as a Member of the Board of Building Appeals for a new term beginning October 27, 2008 and ending at the close of business October 13, 2012.

Angela R. Newland, from Hebron, Licking County, Ohio, as a Member of the State Board of Registration for Professional Engineers and Surveyors for a term beginning December 8, 2008 and ending at the close of business September 24, 2013, replacing Alan Olson, whose term expired.

George P. Pettit, MD, Democrat, from Portsmouth, Scioto County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning November 1, 2008 and ending at the close of business October 31, 2012.

Susan Sanford, Republican, from Castalia, Erie County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning November 1, 2008 and ending at the close of business October 31, 2012.

Kathryn R. Shroder, Independent, from Warren, Trumbull County, Ohio as a Member of the State Board of Psychology for a new term beginning October 27, 2008 and ending at the close of business October 5, 2013.

Diana H. Talmage, Republican, from Toledo, Lucas County, Ohio, as a Member of the Owens State Community College Board of Trustees for a term beginning September 23, 2008 and ending at the close of business September 22, 2014.

Richard S. Williams, Democrat, from Oberlin, Lorain 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.

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

YES - 11: BILL HARRIS, TOM NIEHAUS, KEITH L. FABER, MARK D. WAGONER, JON A. HUSTED, JOHN A. CAREY, ROBERT L. SCHULER, JASON H. WILSON, RAY MILLER, SHIRLEY A. SMITH, CAPRI S. CAFARO.

NO - 0.

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

Senator Schaffer moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "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	Grendell	Hughes
Husted	Kearney	Miller D	Miller R

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

So the Senate advised and consented to said appointments.

OFFERING OF RESOLUTIONS

Senator Husted offered the following joint resolution:

S. J. R. No. 5-Senator Husted.

Cosponsors: Senators Patton, Niehaus, Wagoner, Goodman, Widener, Schuring, Stewart, Schaffer, Seitz, Grendell.

Proposing to amend Sections 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, and 15 of Article XI, to amend, for the purpose of adopting new Section numbers as indicated in parentheses, Sections 5 (4), 6 (5), 7 (6), 8 (7), 10 (8), 11 (9), 12 (11), 13 (12), and 15 (13) of Article XI, to enact new Section 10 of Article XI, and to repeal Sections 4, 9, and 14 of Article XI of the Constitution of Ohio to revise the redistricting process for General Assembly and Congressional districts.

The question being, "Shall the joint resolution, **S. J. R. No. 5**, be adopted?"

On the motion of Senator Niehaus, **S. J. R. No. 5**, was referred to the Committee on Reference.

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

S. R. No. 28-Senator Wagoner.

Honoring Louis Orr as the 2009 Mid-American Conference Coach of the Year in basketball.

S. R. No. 29-Senators Schuring, Fedor, Turner.

Recognizing April 2009 as Child Abuse and Neglect Prevention Month in Ohio.

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

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5540.02 (C) (2) (c) of the Ohio Revised Code, the President of the Senate appoints Senator Wilson to serve as a non-voting member on the Belmont County Transportation Improvement District.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4981.02 (A) of the Ohio Revised Code, the President of the Senate appoints Senator Wilson to replace Senator Cafaro as a non-voting member on the Ohio Rail Development Commission.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 122.72 (B) of the Ohio Revised Code, the President of the Senate appoints Senator Widener to serve on the Minority Development Financing Advisory Board.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule No. 19, the Senate President makes the following appointment change to the following Standing Committee:

Removes Senator Mark Wagoner from the Standing Committee on Reference
Appoints Senator Bill Harris to the Standing Committee on Reference

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule No. 19 and 20, the Senate President makes the following appointment changes to the following Standing Committees:

Removes Senator Capri Cafaro from the Standing Committee on Government Oversight

Appoints Senator Teresa Fedor to the Standing Committee on Government Oversight

Appoints Senator Nina Turner to the Standing Committee on Judiciary-Criminal Justice

Removes Senator Joseph Schiavoni as Ranking Minority Member on the Standing Committee on Judiciary-Criminal Justice

Appoints Senator Nina Turner as Ranking Minority Member on the Standing Committee on Judiciary-Criminal Justice

Appoints Senator Fred Strahorn to the Standing Committee on Ways and Means and Economic Development

Removes Senator Eric Kearney as Ranking Minority Member of the Standing Committee on Ways and Means and Economic Development

Appoints Senator Fred Strahorn as Ranking Minority Member of the Standing Committee on Ways and Means and Economic Development

Appoints Senator Fred Strahorn to the Standing Committee on Insurance, Commerce and Labor

Removes Senator Nina Turner from the Standing Committee on Environment and Natural Resources

Appoints Senator Fred Strahorn to the Standing Committee on Environment and Natural Resources

Appoints Senator Fred Strahorn to the Standing Committee on Agriculture

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3318.30 (B) of the Ohio Revised Code, the President of the Senate appoints Senator Teresa Fedor to serve as a non-voting member on the Ohio School Facilities Commission.

MESSAGE FROM THE PRESIDENT

Pursuant to Ohio Revised Code Section 4981.361, the President of the Senate appoints Senator Patton to serve on the Midwest Interstate Passenger Rail Compact.

On the motion of Senator Niehaus, the Senate adjourned until Wednesday, April 1, 2009 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.