

OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 22, 2009

FORTIETH DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 22, 2009, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Cedarville 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 Schuler reports for the Standing Committee on Reference, recommending that the following bill, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 112-Senator Kearney.

To amend section 2927.12 of the Revised Code to include in the offense of ethnic intimidation the commission of specified offenses by reason of disability of the victim.

To the Committee on Judiciary - Criminal Justice.

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

NO - 0.

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

The report of the committee was accepted.

Said bill was 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:

Deborah Phillips-Bower, Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio University College of Osteopathic Medicine Advisory Board for a new term beginning February 10, 2009 and ending at the

close of business November 17, 2013.

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.

John J. Cranley, IV, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning December 22, 2008 and ending at the close of business October 10, 2011, replacing Mary Anne Sharkey, whose term expired.

Rhonda Allen-Garry, Democrat, from Dayton, Montgomery 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.

Andres E. Gonzales, from Cleveland, Cuyahoga County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a term beginning January 23, 2009 and ending at the close of business October 7, 2011, replacing Simon Rodriguez, whose term expired.

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.

Larry W. Hall, Republican, from Georgetown, Brown County, Ohio, as a Member of the Southern Ohio Agricultural and Community Development Foundation for a new term beginning January 7, 2009 and ending at the close of business June 3, 2012.

Victoria E. White Kress, from North Royalton, Cuyahoga County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a new term beginning November 20, 2008 and ending at the close of business October 10, 2011.

Jane Kukula, Democrat, from Euclid, Cuyahoga County, Ohio as a Member of the Board of Speech-Language Pathology and Audiology for a term beginning October 27, 2008 and ending at the close of business September 26, 2011, replacing Dawn Gleason, whose term expired.

Kevin B. Lake, from Westerville, Franklin County, Ohio, as a Member of the Ohio University College of Osteopathic Medicine Advisory Board for a term beginning December 22, 2008 and ending at the close of business November 17, 2014, replacing Terry White, whose term expired.

Jennifer Lynn Riesbeck-Lee, Democrat, from Heath, Licking County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a new term beginning January 15, 2009 and ending at the close of business October 10, 2011.

Suzanne S. LeSure, Democrat, from Fairview Park, Cuyahoga County, Ohio, as a Member of the State Board of Psychology for a term beginning November 24, 2008 and ending at the close of business October 5, 2013, replacing Kevin D. Arnold, whose term expired.

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.

Johnnie A. Maier, Jr., from Massillon, Stark County, Ohio as a Member of the Board of Nursing for a term beginning December 8, 2008 and ending at the close of business December 31, 2012, replacing Judy Brachman, whose term expired.

Edwin D. Niehaus, from Strongsville, Summit County, Ohio, as a Member of the State Board of Orthotics, Prosthetics and Pedorthics for term beginning September 23, 2008 and ending at the close of business December 6, 2010, replacing Kevin Hawkins, who resigned.

Dennis M. Reardon, from Pickerington, Fairfield 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 Emerson Ross, whose term expired.

Mary Santiago, Democrat, from Lorain, Lorain County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a new term beginning December 8, 2008 and ending at the close of business October 7, 2011.

Tracey R. Smith, from Van Wert, Van Wert County, Ohio, as a Member of the State Board of Education for a term beginning January 8, 2009 and ending at the close of business December 31, 2012, replacing Robin Hovis, whose term expired.

Jerome J. Wiesenbahn, Democrat, from Mason, Warren County, Ohio, as a Member of the State Board of Pharmacy for a term beginning July 5, 2007 and ending at the close of business June 30, 2011, replacing Suzanne R. Eastman, whose term expired. (This appointment renders void and supersedes the appointment of Jerome J. Wiesenbahn to the State Board of Pharmacy which I previously signed, and to which I affixed the Great Seal of the State of Ohio, on July 13, 2007)

Eric T. Wolfer, Republican, from Fayetteville, Brown County, Ohio, as a Member of the Southern Ohio Agricultural and Community Development Foundation for a new term beginning January 7, 2009 and ending at the close of business June 3, 2012.

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.

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, MARK D. WAGONER, JON A. HUSTED, 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?"

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

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

S. B. No. 57-Senator Gibbs.

Cosponsors: Senators Schaffer, Wagoner, Schuring, Schuler, Sawyer, Buehrer, Seitz, Hughes.

To amend section 2108.31 of the Revised Code to permit persons who are sixteen to donate blood with parental consent, was considered the third time.

The question being, "Shall the bill, **S. B. No. 57**, pass?"

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

So the bill passed.

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

Senator Gibbs moved to amend the title as follows:

Add the names: "Carey, Fedor, Goodman, Harris, Morano, Patton, Seitz, Turner, Wilson, Miller, D., Strahorn, Miller, R., Smith, Faber, Niehaus, Cafaro."

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

The motion was agreed to and the title so amended.

S. B. No. 79-Senator Stewart.

Cosponsors: Senators Roberts, Gibbs, Gillmor, Turner, Wagoner, Hughes, Carey.

To amend sections 9.239, 9.55, 101.37, 101.39, 107.12, 109.57, 109.572, 109.71, 109.77, 109.86, 117.102, 121.02, 121.03, 121.32, 121.36, 121.37, 123.01, 124.11, 124.23, 124.241, 124.27, 124.38, 124.381, 125.602, 125.603, 126.32, 127.16, 135.801, 135.802, 135.803, 140.01, 140.03, 140.05, 145.012, 145.297, 154.17, 154.20, 173.03, 305.14, 307.10, 307.86, 309.10, 319.16, 325.19, 329.06, 1751.01, 1751.02, 2108.521, 2109.01, 2109.04, 2111.01, 2111.02, 2111.10, 2133.25, 2151.011, 2151.421, 2903.33, 2919.271, 2921.36, 2921.38, 2930.061, 2935.03, 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 2967.22, 3109.18, 3301.07, 3301.15, 3301.52, 3301.53, 3301.55, 3301.57, 3301.58, 3304.231, 3313.65, 3313.715, 3314.022, 3314.99, 3317.01, 3317.02, 3317.024, 3317.03, 3317.032, 3317.05, 3317.051, 3317.052, 3317.07, 3317.15, 3317.20, 3319.22, 3319.99, 3323.01, 3323.02, 3323.021, 3323.03, 3323.04, 3323.05, 3323.07, 3323.09, 3323.091, 3323.12, 3323.141, 3323.142, 3323.31, 3326.99, 3501.01, 3701.78, 3701.93, 3701.932, 3701.933, 3705.36, 3721.01, 3721.14, 3722.01, 3727.01, 3735.58, 4109.06, 4115.32, 4141.29, 4511.21, 4511.75, 4723.071, 5101.35, 5101.46, 5101.611, 5103.02, 5103.13, 5104.08, 5107.24, 5111.042, 5111.151, 5111.202, 5111.203, 5111.211, 5111.251, 5111.291, 5111.65, 5111.677, 5111.709, 5111.87, 5111.871, 5111.872, 5111.873, 5111.874, 5111.875, 5111.876, 5111.8710, 5111.915, 5112.30, 5112.32, 5112.37, 5112.371, 5119.16, 5119.221, 5119.51, 5120.07, 5120.135, 5121.01, 5121.02, 5121.03, 5121.04, 5121.05, 5121.051, 5121.06, 5121.061, 5121.07, 5121.08, 5121.09, 5121.10, 5121.11, 5121.12, 5123.01, 5123.012, 5123.02, 5123.021, 5123.03, 5123.031, 5123.032, 5123.033, 5123.04, 5123.042, 5123.043, 5123.044, 5123.046, 5123.047, 5123.048, 5123.049, 5123.0410, 5123.0411, 5123.0412, 5123.0413, 5123.0414, 5123.0415, 5123.0416, 5123.0417, 5123.05, 5123.051, 5123.06, 5123.07, 5123.08, 5123.081, 5123.082, 5123.083, 5123.09, 5123.091, 5123.092, 5123.093, 5123.10, 5123.11, 5123.12, 5123.122, 5123.13, 5123.14, 5123.15, 5123.16, 5123.161, 5123.162, 5123.163, 5123.164, 5123.166, 5123.167, 5123.168, 5123.169, 5123.17, 5123.171, 5123.172, 5123.18, 5123.181, 5123.19, 5123.191, 5123.194, 5123.195, 5123.196, 5123.198,

5123.21, 5123.211, 5123.22, 5123.221, 5123.23, 5123.24, 5123.25, 5123.26, 5123.27, 5123.28, 5123.29, 5123.30, 5123.31, 5123.33, 5123.34, 5123.35, 5123.351, 5123.352, 5123.36, 5123.37, 5123.371, 5123.372, 5123.373, 5123.374, 5123.375, 5123.38, 5123.40, 5123.41, 5123.42, 5123.421, 5123.43, 5123.44, 5123.45, 5123.451, 5123.47, 5123.50, 5123.51, 5123.52, 5123.53, 5123.54, 5123.541, 5123.542, 5123.55, 5123.56, 5123.57, 5123.58, 5123.59, 5123.60, 5123.601, 5123.602, 5123.604, 5123.61, 5123.611, 5123.612, 5123.613, 5123.614, 5123.63, 5123.64, 5123.65, 5123.71, 5123.711, 5123.72, 5123.73, 5123.74, 5123.75, 5123.76, 5123.801, 5123.81, 5123.811, 5123.82, 5123.85, 5123.86, 5123.89, 5123.90, 5123.96, 5126.01, 5126.02, 5126.021, 5126.022, 5126.023, 5126.024, 5126.025, 5126.026, 5126.027, 5126.028, 5126.029, 5126.0210, 5126.0211, 5126.0212, 5126.0213, 5126.0214, 5126.0215, 5126.0216, 5126.0217, 5126.0218, 5126.0219, 5126.0220, 5126.0221, 5126.0222, 5126.0223, 5126.0224, 5126.0225, 5126.0226, 5126.0227, 5126.0228, 5126.0229, 5126.03, 5126.031, 5126.032, 5126.033, 5126.034, 5126.037, 5126.038, 5126.04, 5126.041, 5126.042, 5126.044, 5126.045, 5126.046, 5126.05, 5126.051, 5126.052, 5126.054, 5126.055, 5126.056, 5126.058, 5126.059, 5126.0510, 5126.0511, 5126.0512, 5126.06, 5126.07, 5126.071, 5126.08, 5126.081, 5126.082, 5126.09, 5126.10, 5126.11, 5126.12, 5126.121, 5126.13, 5126.14, 5126.15, 5126.18, 5126.19, 5126.20, 5126.201, 5126.21, 5126.22, 5126.221, 5126.23, 5126.24, 5126.25, 5126.251, 5126.252, 5126.253, 5126.254, 5126.26, 5126.27, 5126.28, 5126.281, 5126.29, 5126.30, 5126.31, 5126.311, 5126.313, 5126.33, 5126.331, 5126.333, 5126.34, 5126.36, 5126.40, 5126.41, 5126.42, 5126.43, 5126.45, 5126.46, 5126.47, 5126.49, 5126.50, 5126.54, 5126.55, 5126.57, 5126.58, 5126.59, 5126.61, 5126.62, 5126.99, 5139.08, 5139.34, 5145.18, 5153.16, 5153.99, 5511.03, 5543.011, 5705.091, 5705.14, 5705.191, 5705.222, 5705.28, 5705.44, 5735.142, 5815.28, and 5815.35; to amend section 5123.011 as it results from Am. Sub. S.B. 156 of the 119th General Assembly; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 5123.011 (5123.013) as it results from Am. Sub. S.B. 285 of the 121st General Assembly; to enact sections 5123.014 and 5126.011 of the Revised Code; to amend Sections 213.30, 269.20.40, 269.20.80, 269.20.90, 269.30.50, 293.30, 309.31.60, 309.31.70, 335.40.10, 337.10, 337.20.10, 337.30.10, 337.30.20, 337.30.30, 337.30.40, 337.30.60, 337.30.70, 337.30.80, 337.40.10, and 337.40.30 of Am. Sub. H.B. 119 of the 127th General Assembly, to amend Sections 337.30.43, 337.40, and 337.40.15 of Am. Sub. H.B. 119 of the 127th General Assembly as subsequently amended, to amend Sections 209.60.40, 209.60.50, and 501.40 of H.B. 496 of the 127th General Assembly, to amend Section 201.60.30 of H.B. 496 of the 127th General Assembly, as subsequently amended, to amend Sections 231.30.10, 231.30.20, 253.10, and 751.10 of Am. Sub. H.B. 562 of the 127th General Assembly, to amend Section 231.20.30 of Am. Sub. H.B. 562 of the 127th General Assembly, as subsequently amended, and to amend Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly, as subsequently amended, to change the name of the Department of Mental Retardation and Developmental

Disabilities to the Department of Developmental Disabilities and the name of county boards of mental retardation and developmental disabilities to county boards of developmental disabilities and to make similar name changes for the Joint Council on Mental Retardation and Developmental Disabilities, the Mental Retardation and Developmental Disabilities Developmental Center Closure Commission, and certain state and county funds, was considered the third time.

The question being, "Shall the bill, **S. B. No. 79**, pass?"

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

So the bill passed.

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

Senator Stewart moved to amend the title as follows:

Add the names: "Strahorn, Schuler, Sawyer, Patton, Niehaus, Morano, Miller, D., Kearney, Harris, Husted, Fedor, Coughlin, Cafaro, Miller, R., Schaffer, Smith."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Wagoner moved that Senators absent the week of Sunday, April 19, 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

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

S. R. No. 41-Senator Kearney.

Cosponsors: Senators Seitz, Schuler.

Honoring Judge Mark Painter on his election to the United Nations Appellate Tribunal.

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 5139.44 (A) (1) (d) of the Ohio Revised Code, the President of the Senate appoints Senator Seitz to serve on the RECLAIM Advisory Committee.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, April 23, 2009 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.