

OHIO

SENATE

JOURNAL

THURSDAY, JUNE 25, 2009

SIXTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Thursday, June 25, 2009, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, St. Catharine's Church, Bexley, Ohio, followed by the Pledge of Allegiance to the Flag.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Schuring submitted the following report:

The standing committee on Agriculture, to which was referred **S. J. R. No. 6**-Senators Gibbs, Wilson, having had the same under consideration, reports back a substitute resolution and recommends its adoption.

Co-Sponsors: Faber, Grendell, Morano.

YES - 9: J. KIRK SCHURING, BOB GIBBS, JOHN A. CAREY,
KEITH L. FABER, TIMOTHY J. GRENDALL, SUSAN
L. MORANO, FRED STRAHORN, JASON H. WILSON,
KAREN GILLMOR.

NO - 0.

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

The report of the committee was accepted.

Senator Seitz submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **S. B. No. 13**-Senator Miller, D., et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: BILL SEITZ, DAVID GOODMAN, MARK D.
WAGONER, ERIC H. KEARNEY, JOSEPH
SCHIAVONI, DALE MILLER.

NO - 3: STEPHEN BUEHRER, KEITH L. FABER, TIMOTHY J.
GRENDALL.

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

The report of the committee was accepted.

Senator Seitz submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **S. B. No. 36**-Senator Kearney, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: BILL SEITZ, DAVID GOODMAN, STEPHEN BUEHRER, KEITH L. FABER, TIMOTHY J. GRENDALL, MARK D. WAGONER, ERIC H. KEARNEY, JOSEPH SCHIAVONI, DALE MILLER.

NO - 0.

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

The report of the committee was accepted.

RESOLUTIONS REPORTED BY COMMITTEE

H. C. R. No. 24-Representative Lundy.

Cosponsors: Representatives Adams, R., Amstutz, Bacon, Baker, Balderson, Batchelder, Belcher, Blessing, Bolon, Book, Boose, Boyd, Brown, Bulp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeGeeter, Derickson, Dodd, Dolan, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Jones, Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Moran, Morgan, Murray, Oelslager, Okey, Patten, Phillips, Pillich, Pryor, Sayre, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, B., Winburn, Yates, Yuko, Zehringer.

To create the Joint Select Committee on the Impact of the Changing Automobile Industry in Ohio to study the automobile industry as it relates to manufacturers, suppliers, dealers, and consumers.

WHEREAS, The automobile industry is an important industry in this state; now therefore be it

RESOLVED, That we, the members of the 128th General Assembly of the State of Ohio, hereby create the Joint Select Committee on the Impact of the Changing Automobile Industry in Ohio. The Committee shall consist of the following members: two members of the Senate appointed by the President of the Senate, one member of the Senate appointed by the President of the Senate based on the recommendation of the Minority Leader of the Senate, two members of the House of Representatives appointed by the Speaker of the House

of Representatives, and one member of the House of Representatives appointed by the Speaker based on the recommendation of the Minority Leader of the House of Representatives. The appointed members shall be appointed not later than thirty days after the effective date of this act.

The President and Speaker shall each designate as co-chairs of the Committee one of the members they appoint. Members of the Committee shall receive no compensation or reimbursement for serving on the Committee. The General Assembly shall furnish such staff support to the Committee as the Committee may require; and be it further

RESOLVED, That the Committee shall study the automobile industry in Ohio as it relates to manufacturers, suppliers, dealers, and consumers, including franchise laws, consumer protection issues, and warranties and shall make recommendations concerning Ohio's law regulating and supporting the automobile industry. The Committee shall formulate such recommendations as it considers advisable and shall compile a written report that contains its findings and recommendations; and be it further

RESOLVED, That not later than September 30, 2009, the Committee shall submit its report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. At that point, the Committee shall cease to exist.

The question being, "Shall the concurrent resolution, **H. C. R. No. 24**, 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	Coughlin
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Kearney	Miller D	Miller R	Morano
Niehaus	Patton	Sawyer	Schaffer
Schiavoni	Schuring	Seitz	Smith
Stewart	Strahorn	Turner	Wagoner
Widener	Wilson		Harris-31.

So the concurrent resolution was adopted.

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

Senator Niehaus moved to amend the title as follows:

Add the names: "Buehrer, Cafaro, Carey, Faber, Fedor, Gibbs, Gillmor, Goodman, Grendell, Harris, Hughes, Husted, Kearney, Miller, D., Miller, R., Morano, Niehaus, Patton, Schaffer, Schuring, Seitz, Smith, Stewart, Strahorn, Turner, Wagoner, Widener, Wilson, Sawyer, Schiavoni."

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

The motion was agreed to and the title so amended.

Sub. S. J. R. No. 6-Senators Gibbs, Wilson.

Cosponsors: Senators Faber, Grendell, Morano.

Proposing to enact Section 1 of Article XIV of the Constitution of the State of Ohio to create the Ohio Livestock Care Standards Board.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 3, 2009, a proposal to enact Section 1 of Article XIV of the Constitution of the State of Ohio to read as follows:

ARTICLE XIV

Section 1. (A) There is hereby created the Ohio Livestock Care Standards Board for the purpose of establishing standards governing the care and well-being of livestock and poultry in this state. In carrying out its purpose, the Board shall endeavor to maintain food safety, encourage locally grown and raised food, and protect Ohio farms and families. The Board shall be comprised of the following thirteen members:

(1) The director of the state department that regulates agriculture who shall be the chairperson of the Board;

(2) Ten members appointed by the Governor with the advice and consent of the Senate. The ten members appointed by the Governor shall be residents of this state and shall include the following:

(a) One member representing family farms;

(b) One member who is knowledgeable about food safety in this state;

(c) Two members representing statewide organizations that represent farmers;

(d) One member who is a veterinarian who is licensed in this state;

(e) The State Veterinarian in the state department that regulates agriculture;

(f) The dean of the agriculture department of a college or university located in this state;

(g) Two members of the public representing Ohio consumers;

(h) One member representing a county humane society that is organized under state law.

(3) One member appointed by the Speaker of the House of

Representatives who shall be a family farmer:

(4) One member appointed by the President of the Senate who shall be a family farmer.

Not more than seven members appointed to the Board at any given time shall be of the same political party.

(B) The Board shall have exclusive authority to establish standards governing the care and well-being of livestock and poultry in this state, subject only to the authority of the General Assembly. In establishing those standards, the Board shall consider factors that include, but are not limited to, agricultural best management practices for such care and well-being, biosecurity, disease prevention, animal morbidity and mortality data, food safety practices, and the protection of local, affordable food supplies for consumers.

(C) The state department that regulates agriculture shall have the authority to administer and enforce the standards established by the Board.

(D) The General Assembly shall enact laws that are necessary for the Board to carry out its functions and that set the length of terms of office for the Board's members. Nothing in this section limits or impairs the authority of the General Assembly to enact legislation consistent with this section and consistent with the authority otherwise granted to the General Assembly under the Constitution.

(E) This section shall be liberally construed in favor of its purposes and no other provision of the Constitution shall impair or limit the power granted by this section.

(F) If any part of this section is held invalid, the remainder of this section shall not be affected by that holding and shall continue in full force and effect.

EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal at the general election held November 3, 2009, the enactment of Section 1 of Article XIV of the Constitution of the State of Ohio takes effect immediately.

The question being, "Shall the joint resolution, **Sub. S. J. R. No. 6**, be adopted?"

Senator Gibbs moved to amend as follows:

In line 56, delete " shall" and insert " may"; delete " are" and insert " it deems"

Delete lines 57 through 62 and insert " to carry out the purposes of this section, to facilitate the execution of the duties of the Board and the state department that regulates agriculture under this section, and to set the terms of office of the Board members and conditions for the Board members' service on the Board."

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

The motion was agreed to.

The question recurred, "Shall the joint resolution, **Sub. S. J. R. No. 6**, 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	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

So the joint resolution was adopted.

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

Senator Gibbs moved to amend the title as follows:

Add the names: "Buehrer, Cafaro, Carey, Fedor, Gillmor, Goodman, Harris, Husted, Niehaus, Sawyer, Schaffer, Seitz, Stewart, Strahorn, Wagoner, Widener, Patton."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 106-Senators Buehrer, Kearney.

Cosponsors: Senators Miller, R., Schuler, Seitz, Turner.

To amend sections 2101.16, 2107.76, 2111.05, 2111.18, 2305.19, 5747.01, and 5815.31 of the Revised Code to exclude from the application of the savings statute certain estate and trust proceedings that have limitation periods, to raise the threshold amount for the termination or avoidance of guardianships of small estates of wards, to raise the threshold amount for the avoidance of guardianship upon the settlement of claims of minors or adult incompetents, and to clarify that termination of marriage revokes any trust provision conferring a beneficial interest on the former spouse, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 106**, pass?"

Senator Cafaro moved that she 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 bill, **Sub. S. B. No. 106**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Coughlin
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Kearney	Miller D	Miller R	Morano
Niehaus	Patton	Sawyer	Schaffer
Schiavoni	Schuring	Seitz	Smith
Stewart	Strahorn	Turner	Wagoner
Widener	Wilson		Harris-31.

So the bill passed.

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

Senator Buehrer moved to amend the title as follows:

Add the names: "Fedor, Gillmor, Harris, Hughes, Schiavoni, Wagoner, Wilson, Smith, Sawyer."

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, June 21, 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.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

Am. H. J. R. No. 2 -Representatives Sayre, Ruhl
Cosponsors: Representatives Adams, J., Adams, R., Amstutz, Bacon, Balderson, Batchelder, Blair, Boose, Brown, Bubp, Burke, Carney, Coley,

Combs, Daniels, DeBose, Derickson, Dodd, Domenick, Dyer, Evans, Goodwin, Grossman, Hackett, Hall, Heard, Hite, Hottinger, Huffman, Jones, Jordan, Lehner, Letson, Luckie, Maag, Mandel, Martin, McClain, McGregor, Mecklenborg, Morgan, Murray, Newcomb, Oelslager, Okey, Phillips, Pryor, Slesnick, Snitchler, Stautberg, Stebelton, Szollosi, Uecker, Wachtmann, Wagner, Weddington, Yuko, Zehringer

Proposing to enact Section 1 of Article XIV of the Constitution of the State of Ohio to create the Ohio Livestock Care Standards Board.

Attest:

Tom Sherman,
Clerk.

The question being, "Shall the joint resolution, **Am. H. J. R. No. 2**, be adopted?"

On the motion of Senator Niehaus, **Am. H. J. R. No. 2**, was referred to the Committee on Reference.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following concurrent resolution in which the concurrence of the Senate is requested:

H. C. R. No. 26 -Representative Weddington

Cosponsors: Representatives Domenick, Letson, Luckie, Okey, Stewart, Yuko, Ujvagi

Designating Summer Learning Day in Ohio for 2009 and 2010

Attest:

Tom Sherman,
Clerk.

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

On the motion of Senator Niehaus, **H. C. R. No. 26**, was referred to the Committee on Reference.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Sub. H. B. No. 10 -Representative Brown

Cosponsors: Representatives Szollosi, Williams, B., Letson, Harwood, Stewart, Chandler, Gardner, Boyd, Garrison, Otterman, Luckie, Stebelton, Harris, Newcomb, Williams, S., Phillips, Foley, Slesnick, Fende, Pillich, Book, Mecklenborg, Skindell, Yates, Amstutz, Bacon, Belcher, Blair, Bolon, Boose, Bulp, Carney, Celeste, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Garland, Gerberry, Goyal, Grossman, Hackett, Hagan, Heard, Hottinger, Jones, Koziura, Lehner, Lundy, Mallory, Mandel, McClain, Murray, Oelslager, Okey, Patten, Pryor, Ruhl, Sayre, Sears, Snitchler, Ujvagi, Weddington, Winburn, Yuko, Zehringer

To amend sections 2151.23, 2151.358, 2903.214, 2919.25, 2919.27, 3113.31, and 3113.33 and to enact section 2151.34 of the Revised Code to allow a juvenile court to issue a protection order against a child who is alleged to have committed certain offenses or domestic violence against the person to be protected and to include foster parents under the scope of the domestic violence laws.

Attest:

Tom Sherman,
Clerk.

Said bill was considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Sub. H. B. No. 190 -Representative Fende

Cosponsors: Representatives McGregor, Williams, S., Moran, Huffman, Yuko, Phillips, Oelslager, Garland, Jordan, Murray, Gerberry, Brown, Bolon, Slesnick, Okey, Pillich, Letson, Hagan, Luckie, Mecklenborg, Blessing, Harwood, Williams, B., Hackett, Lehner, Patten, Harris, Adams, J., Adams, R., Amstutz, Batchelder, Belcher, Blair, Boyd, Bulp, Carney, Chandler, Combs, Daniels, DeBose, Domenick, Driehaus, Dyer, Evans, Foley, Gardner, Garrison, Goyal, Grossman, Heard, Hottinger, Jones, Koziura, Lundy, Maag, Mallory, Mandel, Newcomb, Otterman, Pryor, Schneider, Sears, Snitchler, Stewart, Szollosi, Uecker, Wachtmann, Winburn, Zehringer

To amend sections 4715.14, 4715.141, 4715.21, 4715.22, 4715.24, and 4715.25 and to enact sections 4715.241, 4715.242, 4715.36, 4715.361,

4715.362, 4715.363, 4715.364, 4715.365, 4715.366, 4715.367, 4715.368, 4715.369, 4715.37, 4715.371, 4715.372, 4715.373, 4715.374, and 4715.375 of the Revised Code to modify certain licensing procedures for dentists and dental hygienists and to establish the Public Oral Health Supervision Program for the provision of dental hygiene services.

Attest:

Tom Sherman,
Clerk.

Said bill was considered the first time.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5910.02 of the Ohio Revised Code, the President of the Senate appoints Senator Jim Hughes to serve on the War Orphan's Scholarship Board.

On the motion of Senator Niehaus, the Senate adjourned until Monday, June 29, 2009 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.