

OHIO

SENATE

JOURNAL

MONDAY, JULY 6, 2009

SEVENTIETH DAY

Senate Chamber, Columbus, Ohio

Monday, July 6, 2009, 1:30 p.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 Harris submitted the following report:

The standing committee on Rules, to which was referred **H. B. No. 245**-Representative Sykes, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 9: BILL HARRIS, TOM NIEHAUS, KEITH L. FABER, MARK D. WAGONER, JON A. HUSTED, JOHN A. CAREY, JASON H. WILSON, RAY MILLER, CAPRI S. CAFARO.

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

H. B. No. 67-Representative Carney.

Cosponsors: Representatives Amstutz, Balderson, Boyd, Evans, Hagan, Harris, Koziura, Letson, Luckie, Mecklenborg, Murray, Newcomb, Okey, Patten, Pillich, Skindell, Snitchler, Yuko, Zehringer, Gerberry, Lundy, Mallory, Sayre, Stewart, Williams, B., Daniels, Adams, J., Grossman, Hall, Hite, Stebelton, Bacon, Baker, Batchelder, Blair, Blessing, Bolon, Boose, Brown, Bubb, Burke, Celeste, Chandler, Coley, Combs, DeBose, Derickson, Dolan, Domenick, Driehaus, Dyer, Foley, Gardner, Garland, Garrison, Goodwin, Goyal, Hackett, Harwood, Heard, Hottinger, Huffman, Lehner, Maag, Mandel, Martin, McClain, McGregor, Moran, Morgan, Oelslager, Phillips, Pryor, Ruhl, Sears, Slesnick, Stautberg, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, S., Winburn, Yates. Senators Fedor, Miller, R., Turner, 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, **H. B. No. 67**, 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	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 bill passed.

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

Senator Gibbs moved to amend the title as follows:

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

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

The motion was agreed to and the title so amended.

H. B. No. 245-Representative Sykes.

Cosponsors: Representatives Brown, Chandler, DeBose, Domenick, Letson, Luckie, Pryor, Williams, B., Winburn, Yates.

To make operating appropriations for the period beginning July 8, 2009, and ending July 14, 2009, was considered the third time.

The question being, "Shall the bill, **H. B. No. 245**, 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	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 bill passed.

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

Senator Carey moved to amend the title as follows:

Add the names: "Carey, Harris."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Niehaus moved that Am. H. J. R. No. 2, having been referred to the Committee on Agriculture, be brought up for immediate consideration.

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

The motion was agreed to.

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.

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 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 Department of 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 section 1717.05 of the Revised Code.
- (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 authority to establish standards governing the care and well-being of livestock and poultry in this state. 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 Department of 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.

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, **Am. H. J. R. No. 2**, be adopted?"

Senator Gibbs moved to amend as follows:

In line 19, delete "Director of Agriculture" and insert "the director of the state department that regulates agriculture"

In line 31, delete "Department of Agriculture" and insert "the state department that regulates agriculture"

In line 36, delete "section 1717.05 of the Revised Code" and insert "state law"

In line 43, after "have" insert "exclusive"

In line 45, after "state" insert ", subject only to the authority of the General Assembly"

In line 51, delete "Department of Agriculture" and insert "the state department that regulates agriculture"

In line 53, delete "shall" and insert "may"; delete "are" and insert "it deems"

Delete line 54

In line 55, delete everything before the underlined period 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."

(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"

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

The motion was agreed to.

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

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Coughlin	Faber	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.

Senator Fedor voted in the negative-1.

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, Carey, Gibbs, Gillmor, Grendell, Hughes, Schaffer, Strahorn, Wilson, Morano, Seitz, Patton, Faber, Niehaus, Harris, Cates."

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

The motion was agreed to and the title so amended.

OFFERING OF RESOLUTIONS

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

S. R. No. 83-Senator Schaffer.

Honoring Maria DeVito for heroism.

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

So the resolution was adopted.

On the motion of Senator Niehaus, the Senate adjourned until Tuesday, July 7, 2009 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.