

OHIO

SENATE

JOURNAL

TUESDAY, OCTOBER 27, 2009

ONE HUNDRED EIGHTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, October 27, 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 Goodman reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

Am. H. B. No. 318-Representative Sykes, et al.

To amend sections 101.27, 5747.02, and 5747.056 of the Revised Code and to amend Section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly to postpone for two years the last of five scheduled income tax rate reductions, to reduce salaries of General Assembly members by five per cent, to eliminate the additional compensation paid to the House Speaker and House Speaker Pro Tempore for serving as chairperson or vice-chairperson of a standing committee, and to make conforming amendments.

To the Committee on Finance and Financial Institutions.

S. B. No. 188-Senators Wagoner, Fedor, et al.

To amend sections 323.78, 1724.03, 1724.04, and 5722.22 of the Revised Code to authorize a county with a population greater than 100,000, or a population between 78,000 and 81,000, to organize a county land reutilization corporation, to authorize a county treasurer of a county with such a corporation to utilize the alternative redemption period in actions to foreclose abandoned lands, and to immunize a county land reutilization corporation from liability for breach of a common law duty in connection with a parcel of land.

To the Committee on Ways and Means and Economic Development.

S. B. No. 189-Senator Goodman.

To amend sections 145.571, 742.462, 2151.23, 2151.231, 2151.352, 2919.21, 2919.231, 3103.031, 3105.85, 3107.01, 3107.06, 3107.061, 3107.064, 3107.07, 3107.11, 3109.12, 3109.19, 3111.02, 3111.03, 3111.33, 3111.35, 3111.381, 3111.64, 3111.66, 3111.72, 3111.78, 3111.80, 3111.821, 3119.01, 3119.961, 3119.962, 3125.28, 3305.21, 3307.371, 3309.671, 3705.09, 3705.24, 3727.17, 5103.16, and 5505.261; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3111.32 (3111.21), 3111.33 (3111.22), and 3111.35 (3111.23); and to repeal sections 2151.232, 3111.21, 3111.22, 3111.23, 3111.24, 3111.25, 3111.26, 3111.27, 3111.28, 3111.29, 3111.30, 3111.31, 3111.34, 3111.44, 3111.74, and 3705.091 of the Revised Code regarding adoption law, custody of an abused, neglected, or dependent child, and the elimination of acknowledgments of paternity.

To the Committee on Judiciary - Civil Justice.

S. B. No. 190-Senators Schaffer, Turner, et al.

To amend section 3313.603 of the Revised Code to include Junior ROTC as a permitted elective within the Ohio Core curriculum.

To the Committee on Education.

S. B. No. 191-Senators Schuring, Grendell.

To amend section 3517.10 of the Revised Code to require each campaign committee that receives a contribution from an individual that exceeds \$100 to identify the individual's employer on the campaign committee's campaign finance statements and to require an individual who makes a contribution exceeding \$100 to a campaign committee to provide the name of the individual's employer to the campaign committee at the time the contribution is made.

To the Committee on State and Local Government and Veterans' Affairs.

YES - 6: SHIRLEY A. SMITH, CAPRI S. CAFARO, TOM NIEHAUS, DAVID GOODMAN, BILL HARRIS, KEITH L. FABER.

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. B. No. 117**-Senators Miller, D., Coughlin, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Morano.

YES - 8: SUSAN L. MORANO, RAY MILLER, SHIRLEY A. SMITH, STEPHEN BUEHRER, DAVID GOODMAN, JIMMY STEWART, SHANNON JONES, KAREN GILLMOR.

NO - 0.

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

The report of the committee was accepted.

Senator Widener submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **S. R. No. 108**-Senator Carey, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Hughes, Widener, Stewart.

YES - 11: TIMOTHY O. SCHAFFER, CHRIS WIDENER, STEPHEN BUEHRER, JASON H. WILSON, JOSEPH SCHIAVONI, THOMAS SAWYER, RAY MILLER, JIMMY STEWART, TOM PATTON, JIM HUGHES, KAREN GILLMOR.

NO - 0.

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

The report of the committee was accepted.

Senator Harris submitted the following report:

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

Sally Banfield, Independent, from Mt. Perry, Perry County, Ohio, as a Member of the Environmental Education Council for a new term beginning January 16, 2009 and ending at the close of business October 1, 2010.

Frances E. Beasley, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Environmental Education Council for a new term beginning January 16, 2009 and ending at the close of business October 1, 2010.

Danielle R. Blue, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Elections Commission for term beginning March 2, 2009 and ending at the close of business December 31, 2013, replacing William Ogg, whose term expired.

Robert E. Derge, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning March 26, 2009 and ending at the close of business March 17, 2011.

Randall J. Edwards, from Columbus, Franklin County, Ohio as a Member of the Environmental Education Council for a term beginning January 23, 2009 and ending at the close of business October 1, 2010.

Belle Everett, Democrat, from New Philadelphia, Tuscarawas County, Ohio, as a Member of the Solid Waste Management Advisory Council for a term beginning January 13, 2009 and ending at the close of business June 23, 2009, replacing Ralph Jennings, who resigned.

Mark A. Gibson, from Worthington, Franklin County, Ohio, as a Member of the Unemployment Compensation Review Commission for a term beginning July 6, 2009 and ending at the close of business February 26, 2015, replacing E.J. Thomas, whose term expired.

Lance D. Himes, Democrat, from Hilliard, Franklin County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning March 26, 2009 and ending at the close of business March 17, 2011.

Douglas N. Johnson, Republican, from Xenia, Greene County, Ohio, as a Member of the Ohio Water Advisory Council for a new term beginning May 14, 2009 and ending at the close of business February 1, 2011.

Charles W. Keiper, II, Democrat, from Kent, Portage County, Ohio, as a Member of the Solid Waste Management Advisory Council for a term beginning March 13, 2009 and ending at the close of business June 23, 2011, replacing Mark, Thomas, whose term expired.

James J. Lawrence, from Peninsula, Summit County, Ohio, as a Member of the State Dental Board for a term beginning April 30, 2009 and ending at the close of business April 6, 2013, replacing Chad Readler, whose term expired.

Lawrence B. Mixon, Sr., Democrat, from Columbus, Franklin County, Ohio, as a Member of the Wildlife Council for a new term beginning January 31, 2009 and ending at the close of January 31, 2013.

Walter J. Pishkur, Democrat, from Youngstown, Mahoning County, Ohio, as

a Member of the Private Water Systems Advisory Council for a new term beginning March 26, 2009 and ending at the close of business March 17, 2011.

Nancy C. Osborn, Democrat, from Port Clinton, Ottawa County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning February 13, 2009 and ending at the close of business January 13, 2011.

Donna R. Shipley, Democrat, from Newark, Licking County, Ohio, as a Member of the Ohio Soil and Water Conservation Commission for a term beginning July 1, 2009 and ending at the close of business June 30, 2013, replacing Susan Reeves, whose term expired.

Lance A. Talmage, Republican, from Toledo, Lucas County, Ohio, as a Member of the State Medical Board for a new term beginning May 8, 2009 and ending at the close of business March 18, 2014.

Mary E. Wynn Tolly, DDS, Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the State Dental Board for a term beginning April 30, 2009 and ending at the close of business April 6, 2013, replacing Edward Hills, whose term expired.

Larry Wolpert, Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Elections Commission for term beginning March 2, 2009 and ending at the close of business December 31, 2013, replacing Martin Parks, whose term expired.

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, JON A. HUSTED, JOHN A. CAREY, KEVIN J. COUGHLIN, JASON H. WILSON, SHIRLEY A. SMITH, CAPRI S. CAFARO, KEITH L. FABER, MARK D. WAGONER, RAY MILLER.

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 1, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Coughlin	Faber	Fedor	Gibbs
Gillmor	Goodman	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

Senator Grendell voted in the negative-1.

So the Senate advised and consented to said appointments.

RESOLUTIONS REPORTED BY COMMITTEE

S. R. No. 108-Senator Carey.

Cosponsors: Senators Niehaus, Schaffer, Gibbs, Seitz, Harris, Grendell, Miller, D., Hughes, Widener, Stewart.

To urge the President of the United States to direct the United States Department of Energy to ensure the continuation of the uranium enrichment work being developed by USEC, Inc., at its Piketon, Ohio plant by granting USEC's application for a federal loan guarantee and to direct the Secretary of Energy to strongly consider providing federal funding assistance for the Clean Energy Park Demonstration Project.

WHEREAS, USEC, Inc. is a global and leading supplier of enriched uranium fuel for commercial nuclear power plants; and

WHEREAS, USEC currently operates the American Centrifuge Plant, a demonstration facility in Piketon, Ohio, that develops next generation uranium enrichment technology; and

WHEREAS, The United States Department of Energy (USDOE) currently is considering USEC's application for a federal loan guarantee for its American Centrifuge Plant and an expansion of its nuclear enrichment work there; and

WHEREAS, USDOE has agreed to delay a final review of USEC's loan guarantee application for a period of at least six months to allow USEC to meet required technical and financial milestones and allow an independent engineer to provide technical guidance demonstrating that the technology can be deployed at a commercial scale; and

WHEREAS, USEC and the Ohio Senate believe that the American Centrifuge Plant project will meet the financial and technical requirements of the USDOE's Loan Guarantee Program as well as President Obama's policy objectives for energy security and climate change goals and that the plant, through specific reliability tests developed during this review period, will be able to demonstrate with confidence that it is technologically ready to transition to commercial operation; and

WHEREAS, USDOE's failure to grant a loan guarantee will force USEC, at a critical time in Ohio's economy, to demobilize its American Centrifuge Plant uranium enrichment project jeopardizing the expansion efforts at the Piketon plant and resulting in job losses that will directly affect nearly 2,000 current USEC and contractor employees in Ohio and several other states and indirectly impact thousands more; and

WHEREAS, In a separate effort, USEC, the Southern Ohio Diversification Initiative, and power developers have joined to form the Southern Ohio Clean Energy Park Alliance for the purpose of pursuing the proposed development of a Clean Energy Park Demonstration Project at the USDOE site in Piketon and to support reindustrialization and asset reutilization as the cleanup work at this site nears completion; and

WHEREAS, The Alliance proposes to evaluate the Portsmouth Gaseous Diffusion Plant site in Piketon as a potential location for a new nuclear power plant and include in the evaluation both a plant siting study and the preparation of licensing documents for submission to the United States Nuclear Regulatory Commission as part of its Early Site Permit process; and

WHEREAS, A Generation III+ nuclear power reactor located at this site, would create over 2,000 construction jobs with an estimated payroll of \$1.2 billion over six years and add approximately 500 permanent professional and technical jobs to the region without producing carbon emissions; and

WHEREAS, A shared funding approach between the USDOE and the Alliance is an appropriate method of funding this multi-billion dollar project due to possible environmental contamination at the Portsmouth Gaseous Diffusion Plant site, and whereby, under this approach, the USDOE would fund the preparation of the Early Site Permit and the Combined Operating License Application, and then the Alliance would fund the nuclear power plant project as it progresses; and

WHEREAS, The USDOE has the authority to direct federal funds toward projects such as the Clean Energy Park Demonstration Project; now therefore be it

RESOLVED, That we, the members of the Ohio Senate, urge the President of the United States to direct the Secretary of USDOE to use the additional review period regarding the loan application for careful deliberation and as an opportunity to avert the demobilization of the American Centrifuge Plant in Piketon, Ohio, and allow the continued development of its uranium enrichment technology by awarding USEC the federal loan guarantee for which it applied; and be it further

RESOLVED, That we, the members of the Ohio Senate, urge the President of the United States to direct the Secretary of USDOE to give strong consideration to the request made by the Southern Ohio Clean Energy Park Alliance for federal funding assistance for the Clean Energy Park Demonstration Project in Piketon, Ohio; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of the United States Department of Energy, the members of the Ohio Congressional delegation, the Governor of Ohio, the Board of Pike County Commissioners, and the news media of Ohio.

The question being, "Shall the resolution, **S. R. No. 108**, be adopted?"

The yeas and nays were taken and resulted - yeas 33, 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	Jones	Kearney	Miller D
Miller R	Morano	Niehaus	Patton
Sawyer	Schaffer	Schiavoni	Schuring
Seitz	Smith	Stewart	Strahorn
Turner	Wagoner	Widener	Wilson
			Harris-33.

So the resolution was adopted.

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

Senator Carey moved to amend the title as follows:

Add the names: "Cates, Gillmor, Goodman, Morano, Patton, Turner, Wilson, Smith."

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. 147-Senator Hughes.

Cosponsors: Senators Faber, Fedor, Goodman, Grendell, Miller, R., Wilson, Carey, Wagoner, Stewart.

To amend section 4717.27 of the Revised Code to give the right of disposal to the United States Secretary of Veterans Affairs regarding unclaimed cremated remains of persons who are entitled to be buried in a national cemetery, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 147**, pass?"

The yeas and nays were taken and resulted - yeas 33, 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	Jones	Kearney	Miller D
Miller R	Morano	Niehaus	Patton
Sawyer	Schaffer	Schiavoni	Schuring
Seitz	Smith	Stewart	Strahorn
Turner	Wagoner	Widener	Wilson

Harris-33.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Buehrer, Cates, Gibbs, Jones, Miller, D., Morano, Patton, Schaffer, Schiavoni, Smith, Turner, Harris, Strahorn."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 192-Senators Cates, Seitz.

Cosponsors: Senators Niehaus, Buehrer, Wagoner.

To amend section 3319.081 and to enact section 3319.0810 of the Revised Code to permit non-Civil Service school district boards to terminate positions of district transportation employees for reasons of economy and efficiency and to contract with independent agents to provide transportation services as long as certain conditions are satisfied.

S. B. No. 193-Senators Gibbs, Schuring.

Cosponsors: Senators Jones, Schaffer, Cates, Buehrer.

To amend sections 5747.07 and 5747.15 and to enact section 5747.073 of the Revised Code to authorize a \$2,400 income tax withholding credit for an employer that hires and employs a previously unemployed individual.

S. B. No. 194-Senator Kearney.

Cosponsors: Senators Miller, D., Fedor, Goodman, Jones, Morano, Turner, Schiavoni.

To amend section 5747.08 of the Revised Code to permit individual taxpayers to direct the state to transmit an income tax refund directly to the taxpayer's savings or tax-qualified retirement account.

S. B. No. 195-Senator Patton.

To amend sections 121.083, 4111.14, 4113.15, 4115.03, 4123.01, and 4141.01 and to enact sections 4175.01 to 4175.16 and 4175.99 of the Revised Code to create a uniform standard to determine whether an individual

performing services for an employer is an employee of that employer.

OFFERING OF RESOLUTIONS

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

S. R. No. 115-Senator Harris.

Cosponsors: Senators Faber, Niehaus, Seitz, Coughlin, Grendell, Gibbs, Stewart, Cates, Miller, D., Buehrer, Strahorn, Wilson, Goodman, Jones, Cafaro, Schiavoni, Carey, Hughes, Schaffer, Patton, Smith, Sawyer, Wagoner, Widener, Husted, Gillmor, Schuring, Fedor, Kearney, Miller, R.

Honoring Charles R. Brading for outstanding service to the State of Ohio.

S. R. No. 116-Senator Wagoner.

Honoring Kathy East as the Ohio Library Council's 2009 Hall of Fame Librarian.

S. R. No. 117-Senator Widener.

Cosponsors: Senators Goodman, Grendell, Carey, Miller, D.

Honoring the Ohio Chapter of Students Against Destructive Decisions as it observes Lights for Life Day.

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

So the resolutions were adopted.

On the motion of Senator Niehaus, the Senate adjourned until Wednesday, October 28, 2009 at 2:00 o'clock p.m.

Attest:

VINCENT L. KEERAN,
Clerk.