

OHIO

SENATE

JOURNAL

WEDNESDAY, OCTOBER 28, 2009

ONE HUNDRED NINTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, October 28, 2009, 2:00 o'clock p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Steven Smith, Linworth Baptist Church, Worthington, 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:

H. B. No. 185-Representatives DeGeeter, Book, et al.

To amend section 3963.04 of the Revised Code to specify that a material amendment to a health care contract does not become part of the contract unless agreed upon by both parties.

To the Committee on Insurance, Commerce and Labor.

Sub. H. B. No. 280-Representatives Stautberg, Driehaus, et al.

To temporarily authorize a special election on December 10, 2009, exclusively for the purpose of allowing certain municipal corporation property tax levies to appear on the ballot, to repeal Section 1 of this act effective December 30, 2009, and to declare an emergency.

To the Committee on Finance and Financial Institutions.

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

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.

To the Committee on Education.

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

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.

To the Committee on Finance and Financial Institutions.

S. B. No. 194-Senator Kearney, et al.

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.

To the Committee on Finance and Financial Institutions.

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.

To the Committee on Insurance, Commerce and Labor.

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

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 Harris submitted the following report:

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

John Moliterno, Democrat, Girard, Mahoning County, Ohio, representing residential consumers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2009 and ending September 1, 2012.

Anthony Peto, Democrat, Cleveland, Cuyahoga County, Ohio, representing organized labor on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2009 and ending September 1, 2012.

Roger Wise, Democrat, Fremont, Sandusky County, Ohio, representing family farmers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2009 and ending September 1, 2012.

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

YES - 10: BILL HARRIS, TOM NIEHAUS, KEITH L. FABER, MARK D. WAGONER, JON A. HUSTED, JOHN A. CAREY, KEVIN J. COUGHLIN, RAY MILLER, SHIRLEY A. SMITH, CAPRI S. CAFARO.

NO - 0.

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

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

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

S. B. No. 124-Senators Faber, Schiavoni.

Cosponsors: Senators Seitz, Fedor, Schuler, Kearney, Miller, D.

To amend sections 5302.01, 5302.02, 5302.22, 5302.221, 5302.23, and 5815.36 and to enact sections 5302.222 and 5302.24 of the Revised Code to change the transfer on death (TOD) designation instrument from a deed to an affidavit, to allow real property owners holding title in survivorship tenancy to execute such an affidavit, to clarify the status of a trustee of a trust as a TOD beneficiary and the dower rights of the spouse of the property owner, and to make other changes pertaining to the transfer on death of real property, was considered the third time.

The question being, "Shall the bill, **S. B. No. 124**, 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	Jones	Kearney	Miller D
Miller R	Morano	Niehaus	Patton
Sawyer	Schaffer	Schiavoni	Schuring
Seitz	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

So the bill passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Carey, Harris, Hughes, Patton, Strahorn, Wagoner, Gibbs, Stewart, Miller, R., Sawyer, Turner, Wilson."

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, October 25, 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.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 196-Senator Grendell.

To amend sections 1509.01 to 1509.05, 1509.06, 1509.061, 1509.07, 1509.071, 1509.072, 1509.08, 1509.09 to 1509.15, 1509.17, 1509.18, 1509.20 to 1509.22, 1509.221, 1509.222, 1509.223, 1509.224, 1509.225, 1509.23, 1509.24, 1509.26, 1509.30, 1509.31 to 1509.33, 1509.35, 1509.36, 1509.38, 1509.99, 1565.07, 1565.13, 1571.05, and 5749.06, to enact sections 1509.051, 1509.062, 1509.073, 1509.074, 1509.075, 1509.076, 1509.081, 1509.19, 1509.191, 1509.34, and 1509.50, and to repeal sections 1509.226, 1509.25, 1509.27, 1509.29, 1509.40, and 1509.41 of the Revised Code to revise the Oil and Gas Law.

S. B. No. 197-Senator Jones.

Cosponsors: Senators Faber, Schaffer, Wagoner.

To amend sections 2303.201 and 2323.06 and to enact sections 2303.24 and 2308.01 to 2308.05 of the Revised Code to require courts to establish and operate programs of mandatory foreclosure mediation in non-tax foreclosure actions on occupied residential properties and to establish procedures for the operation of those foreclosure mediation programs.

OFFERING OF RESOLUTIONS

Senator Grendell offered the following resolution:

S. R. No. 118-Senator Grendell.

Cosponsors: Senators Buehrer, Seitz, Jones, Schaffer, Gibbs, Faber.

To create the Competitive Workers' Compensation Task Force to review the feasibility of allowing employers the option to obtain private insurance to insure their obligations under the workers' compensation system of Ohio.

The question being, "Shall the resolution, **S. R. No. 118**, be adopted?"

On the motion of Senator Niehaus, **S. R. No. 118**, was referred to the Committee on Insurance, Commerce and Labor.

CLERK'S NOTATION

The Senate advice and consent report for the Attorney General appointment of Karen Osterfeld as journalized on Wednesday, June 24, 2009, page 786, contains a clerical error. The correct dates for the term are September 1, 2009

through September 1, 2012.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, October 29, 2009 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.