

OHIO

SENATE

JOURNAL

TUESDAY, DECEMBER 7, 2010

TWO HUNDRED FIFTIETH DAY
Senate Chamber, Columbus, Ohio
Tuesday, December 7, 2010, 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 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:

S. B. No. 317-Senator Schuring.

To amend section 184.11 of the Revised Code to authorize up to \$50 million of Third Frontier research and development grants to be awarded annually to economic centers of technology.

To the Committee on Ways and Means and Economic Development.

S. B. No. 318-Senator Schuring.

To amend section 4501.21 and to enact section 4503.524 of the Revised Code to create the "Massillon Tiger Football Booster Club" license plate.

To the Committee on Highways and Transportation.

S. B. No. 319-Senator Schuring.

To amend sections 5709.43, 5709.75, and 5709.80 of the Revised Code to authorize local governments to contribute up to 10% of tax increment financing receipts to a community improvement corporation.

To the Committee on Finance and Financial Institutions.

S. B. No. 320-Senator Schuring.

To amend sections 4723.01, 4723.151, and 4731.36 and to enact section

3727.11 of the Revised Code to authorize registered nurses working in hospitals to administer medications and execute regimens pursuant to evidence-based protocols adopted by hospital medical staff.

To the Committee on Health, Human Services and Aging.

S. B. No. 321-Senator Schuring.

To amend sections 3306.25, 3315.17, 3315.18, and 3315.19 and to repeal section 3315.171 of the Revised Code regarding annual deposits into a school district's textbook and instructional materials fund.

To the Committee on Education.

S. B. No. 322-Senator Schuring.

To amend sections 135.103, 135.143, 135.45, 135.63, and 135.631 and to enact sections 135.77, 135.78, and 135.79 of the Revised Code to create a new linked deposit program to allow credit unions and community banks to provide loans of up to one million dollars to small businesses.

To the Committee on Finance and Financial Institutions.

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

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 Hughes submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 303**-Senator Wagoner, et al., having had the same under consideration, reports back a substitute bill and

recommends its passage.

YES - 8: TIMOTHY J. GRENDELL, JOHN A. CAREY, BILL SEITZ, JIM HUGHES, TERESA FEDOR, RAY MILLER, NINA TURNER, JIMMY STEWART.

NO - 1: GARY W. CATES.

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

The report of the committee was accepted.

Senator Hughes submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **Sub. H. B. No. 495**-Representatives Book, Dodd, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: JIM HUGHES, JIMMY STEWART, TIMOTHY J. GRENDELL, JOHN A. CAREY, BILL SEITZ, TERESA FEDOR, NINA TURNER.

NO - 2: GARY W. CATES, RAY MILLER.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 495-Representatives Book, Dodd.

Cosponsors: Representatives Gerberry, Mallory, Belcher, Williams, B., Daniels, Adams, J., Grossman, Hite, Jordan, Stebelton, Bacon, Bolon, Boose, Carney, Combs, DeGeeter, Derickson, Domenick, Driehaus, Dyer, Evans, Foley, Garland, Garrison, Hackett, Hall, Harris, Harwood, Hottinger, Letson, McClain, McGregor, Moran, Morgan, Newcomb, Oelslager, Patten, Phillips, Pillich, Pryor, Wagner, Weddington, Winburn, Yuko, Zehringer.

To amend section 5701.11 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since October 16, 2009, into Ohio law; to suspend the operation of sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code and Section 6 of Am. Sub. H.B. 516 of the 125th General Assembly to postpone operation of the sunset review law until July 1, 2011; and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 5, setting forth the

emergency features of the bill, stand as a part of the bill?"

Senator Miller, D. moved to amend as follows:

In line 10, delete "of the Revised Code"

In line 11, after "amended" insert "and section 5.2266 of the Revised Code be enacted"

Between lines 11 and 12, insert:

" Sec. 5.2266 The fifteenth day of June is designated "Elder Abuse Awareness Day" to increase public awareness of the innocent victims of elder abuse."

In line 1 of the title, after "5701.11" insert "and to enact section 5.2266"

In line 8 of the title, after the semicolon insert "to designate June 15 as Elder Abuse Awareness Day;"

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

Senator Niehaus moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Coughlin
Faber	Gillmor	Goodman	Grendell
Hughes	Husted	Jones	Niehaus
Patton	Schaffer	Schuring	Seitz
Stewart	Wagoner	Widener	Harris-20.

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Sawyer	Schiavoni
Smith	Strahorn	Turner	Wilson-12.

The amendment was laid on the table.

The question recurred, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

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	Fedor	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-31.

Senator Smith voted in the negative-1.

So the section, Section 5, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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	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-32.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Hughes moved to amend the title as follows:

Add the name: "Wilson."

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 resolutions were offered:

S. R. No. 324-Senator Harris.

Honoring Major General Gregory L. Wayt on his retirement from the Ohio Army National Guard.

S. R. No. 325-Senator Harris.

Honoring Major General Matthew L. Kambic on his retirement from the Ohio Army National Guard.

S. R. No. 326-Senator Goodman.

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

Honoring David E. Freel on his retirement from the State of Ohio.

S. R. No. 327-Senator Cates.

Honoring the Miami University football team as the 2010 Mid-American Conference Champion.

S. R. No. 328-Senator Harris.

Honoring The Ohio Manufacturers' Association on its One Hundredth Anniversary.

S. R. No. 329-Senator Faber.

Honoring Tammy Berger as the Division III State Cross Country Champion.

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

So the resolutions were adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Amer Ahmad, from Powell, Delaware County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a term beginning December 3, 2010 and ending at the close of business December 31, 2010, replacing David Wilhelm, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Rhonda S. Barkheimer, Democrat, from Canton, Stark County, Ohio, as a Member of the Board of Nursing for a term beginning January 1, 2011 and ending at the close of business December 31, 2014, replacing Anne Barnett, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Kenneth L. Brown, Democrat, from Springfield, Clark County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning December 24, 2010 and ending at the close of business December 23, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 26th day of November in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Judith A. Craig, Democrat, from Washington Court House, Fayette County, Ohio, as a Member of the Southern State Community College Board of Trustees for a term beginning August 25, 2010 and ending at the close of business May 11, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 25th day of August in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Kelly S. Croy, from Oak Harbor, Ottawa County, Ohio, as a Member of the Terra State Community College Board of Trustees for a term beginning December 31, 2010 and ending at the close of business December 30, 2016, replacing Linda Anderson, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Shobhana Davda, Democrat, from Powell, Delaware County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning December 24, 2010 and ending at the close of business December 23, 2013, replacing Judith Smithchild, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 26th day of November in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Fred Deel, Democrat, from Vinton, Gallia County, Ohio, as a Member of the Shawnee State University Board of Trustees for a term beginning December 3, 2010 and ending at the close of business June 30, 2016, replacing Gary Coleman, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, John M. Ellis, Independent, from Olmsted Falls, Lorain County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning December 24, 2010 and ending at the close of business December 23, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 27th day of November in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Tom

Fries, Sr., Democrat, from Dublin, Franklin County, Ohio, as a Member of the Ohio Optical Dispensers Board for a term beginning December 3, 2010 and ending at the close of business March 21, 2015, replacing Oscar Watson, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Mary F. Haag, from Cincinnati, Hamilton County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning December 24, 2010 and ending at the close of business December 23, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 26th day of November in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Mary Beth Harrison, Democrat, from Bainbridge, Ross County, Ohio, as a Member of the State Board of Cosmetology for a term beginning December 3, 2010 and ending at the close of business October 31, 2015, replacing Daisy Rickman, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,

Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Heath Hughes, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning December 3, 2010 and ending at the close of business November 21, 2013, replacing Lois Foster, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Gregory A. Kidwell, from Sugar Grove, Fairfield County, Ohio, as a Member of the Credit Union Council for a term beginning December 3, 2010 and ending at the close of business September 22, 2012.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Dana L. McDermott, Independent, from Lewis Center, Delaware County, Ohio, as a Member of the Ohio Community Service Council for a term beginning

November 17, 2010 and ending at the close of business April 21, 2011.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 17th day of November in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Maryellen O'Shaughnessy, from Columbus, Franklin County, Ohio, as a Member of the Ohio Thoroughbred Race Fund Advisory Council for a new term beginning December 3, 2010 and ending at the close of business January 31, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Brian K. Seibert, from Vandalia, Montgomery County, Ohio, as a Member of the Board of Motor Vehicle Collision Repair Registration for a term beginning January 2, 2011 and ending at the close of business January 1, 2014.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Stephen L. Sharp, Republican, from Springfield, Clark County, Ohio, as a Member of the State Board of Examiners of Architects for a new term beginning December 3, 2010 and ending at the close of business October 1, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, James Shindler, Independent, from Sylvania, Lucas County, Ohio, as a Member of the Ohio Higher Educational Facility Commission for a new term beginning January 1, 2011 and ending at the close of business December 31, 2018.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Bruce T. Vanderhoff, M.D., from Pickerington, Fairfield County, Ohio, as a Member of the Ohio University College of Osteopathic Medicine Advisory Board for a term beginning December 3, 2010 and ending at the close of business

November 16, 2013, replacing Deborah Blackwell, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Mary Alice Varner, Democrat, from Cutler, Washington County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning December 3, 2010 and ending at the close of business November 21, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Russell A. Westfall, Democrat, from Cadiz, Harrison County, Ohio, as a Member of the Board of Motor Vehicle Collision Repair Registration for a new term beginning January 2, 2011 and ending at the close of business January 1, 2014.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 3rd day of December in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Robert B. Williams, Democrat, from Massillon, Stark County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning November 17, 2010 and ending at the close of business September 20, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 17th day of November in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Faber, the Senate adjourned until Wednesday, December 8, 2010 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.