

OHIO

SENATE

JOURNAL

THURSDAY, DECEMBER 17, 2009

ONE HUNDRED TWENTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Thursday, December 17, 2009, 2:30 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.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 89-Senator Morano.

Cosponsors: Senators Fedor, Cafaro, Schiavoni, Miller, R., Miller, D., Kearney, Turner, Sawyer, Wilson, Wagoner, Gillmor, Schuring, Carey, Gibbs, Harris, Hughes, Niehaus, Patton, Schaffer, Strahorn, Smith. Representatives Bolon, Boose, Boyd, Brown, Carney, Celeste, Chandler, DeBose, DeGeeter, Dyer, Fende, Foley, Garland, Garrison, Goyal, Hackett, Hagan, Harris, Harwood, Koziura, Lehner, Letson, Luckie, Lundy, Mallory, Moran, Murray, Oelslager, Okey, Patten, Skindell, Slesnick, Stewart, Ujvagi, Weddington, Williams, B., Williams, S., Winburn, Yuko.

To amend sections 4723.01, 4723.06, 4723.48, 4723.482, and 4723.50; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4723.484 (4723.485) and 4723.485 (4723.486); and to enact new section 4723.484 and section 3333.29 of the Revised Code regarding prescriptive authority of out-of-state advanced practice nurses, cooperation among hospitals and state institutions of higher education with nursing education programs, and the amount of the Drug Repository Program's handling fee, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 89**?"

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 | Smith | Stewart | Strahorn |
| Turner | Wagoner | Wilson | Harris-32. |

So the Senate concurred in the amendments of the House of Representatives.

The amendments of the House of Representatives to:

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

Cosponsors: Senators Seitz, Fedor, Schuler, Kearney, Miller, D., Carey, Harris, Hughes, Patton, Strahorn, Wagoner, Gibbs, Stewart, Miller, R., Sawyer, Turner, Wilson. Representatives Harwood, Mecklenborg, Stebelton, Adams, J., Bolon, Carney, Combs, Daniels, Dodd, Domenick, Gerberry, Hackett, Huffman, Letson, Luckie, Murray, Okey, Patten, Sayre, Slesnick, Stautberg.

To amend sections 317.114, 1321.51, 1321.522, 1321.53, 1321.531, 1321.532, 1321.533, 1321.535, 1321.54, 1321.55, 1321.59, 1322.01, 1322.02, 1322.022, 1322.023, 1322.03, 1322.031, 1322.04, 1322.041, 1322.062, 1322.07, 1322.074, 1322.10, 1322.99, 1343.011, 1345.01, 1345.05, 1345.09, 1349.31, 1349.43, 1541.083, 1733.252, 5302.01, 5302.02, 5302.22, 5302.221, 5302.23, and 5815.36, to enact sections 5302.222 and 5302.24 of the Revised Code, and to amend Section 745.60 of Am. Sub. H.B. 1 of the 128th General Assembly 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, to make other changes pertaining to the transfer on death of real property, to modify the mortgage lending laws, to temporarily authorize a treasurer or prosecuting attorney of a county with a population of more than 800,000 but less than 900,000 to designate that part of any surplus balance in the county's Delinquent Tax and Assessment Collection Fund be used to pay operating expenses of the respective office in lieu of county general fund money, to allow a county recorder to accept for filing certain nonconforming documents without charging the fees otherwise required to be collected for nonconforming documents, relative to coal mining leases at Burr Oak State Park, to authorize the Governor to execute a release of reversionary interest in certain real estate located in Auglaize County, and to declare an emergency, were taken up.

The question being, "Shall the section, Section 7, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

- | | | | |
|---------|----------|----------|----------|
| 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
Wilson			Harris-30.

Senators Buehrer and Jones voted in the negative-2.

So the section, Section 7, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 124**?"

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

Senator Jones voted in the negative-1.

So the Senate concurred in the amendments of the House of Representatives.

Message from the House of Representatives

Mr. President:

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

Am. Sub. H. B. No. 7 -Representatives Harris, Pillich

Cosponsors: Representatives Garrison, Stewart, Williams, B., Phillips, Hagan, Fende, Murray, Ujvagi, Koziura, Newcomb, Szollosi, Bolon, Letson, Yuko, Luckie, Williams, S., Heard, Belcher, Boyd, Brown, Celeste, Chandler, DeBose, Domenick, Driehaus, Dyer, Foley, Garland, Moran, Patten, Pryor, Skindell, Weddington, Winburn, Yates

To enact section 153.013 of the Revised Code to require a building or structure constructed using state capital budget moneys to adhere to certain energy efficiency and building standards and to encourage the use of Ohio-produced products.

H. B. No. 46 -Representative Ujvagi

Cosponsors: Representatives Pryor, Book, Yuko, Combs, Goyal, Boose,

Boyd, Brown, Celeste, Chandler, DeBose, Domenick, Dyer, Evans, Fende, Foley, Garland, Garrison, Gerberry, Hackett, Hagan, Harris, Harwood, Heard, Hite, Hottinger, Koziura, Letson, Lundy, Mallory, Martin, Oelslager, Okey, Patten, Pillich, Schneider, Skindell, Stewart, Szollosi, Uecker, Weddington, Williams, B., Winburn, Yates

To amend section 4141.29 of the Revised Code to permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.

Sub. H. B. No. 60 -Representative Pillich

Cosponsors: Representatives Harris, Foley, Hagan, Weddington, Chandler, Yates, Phillips, Patten, Yuko, Luckie, Belcher, Brown, Celeste, DeBose, Driehaus, Dyer, Garrison, Goyal, Heard, Koziura, Letson, Mallory, Stewart, Williams, B., Winburn

To amend sections 3302.07, 3313.814, 3314.03, and 3326.11 and to enact section 3313.816 of the Revised Code to establish nutritional standards for food and beverages sold in vending machines or school stores in public schools.

Sub. H. B. No. 62 -Representative Pryor

Cosponsors: Representatives Book, Dodd, Domenick, Fende, Garrison, Letson, Luckie, Murray, Newcomb, Pillich, Slesnick, Ujvagi, Winburn, Yuko, Combs, Goyal, Adams, R., Bacon, Beck, Belcher, Blair, Bolon, Boose, Brown, Carney, Celeste, Chandler, Coley, Daniels, DeBose, DeGeeter, Dolan, Driehaus, Dyer, Evans, Foley, Gardner, Garland, Gerberry, Hackett, Hagan, Harris, Harwood, Hite, Hottinger, Huffman, Lundy, Mallory, Martin, Morgan, Okey, Patten, Phillips, Ruhl, Sayre, Schneider, Sears, Skindell, Snitchler, Stebelton, Stewart, Szollosi, Wachtmann, Weddington, Williams, B.

To amend sections 3107.014 and 4757.41 and to enact section 5903.101 of the Revised Code to require relevant military experience to be considered by state licensing boards and agencies and by private state contractors, to permit state licensing entities to consider relevant military training if certain criteria are met, to provide a waiver of a licensure or certification fee if a veteran is within six months of separation from active military duty, and to eliminate certain exemptions to the licensure and certification requirements for counselors, social workers, and marriage and family therapists.

Sub. H. B. No. 313 -Representatives Ujvagi, Winburn

Cosponsors: Representatives Domenick, Patten, Murray, Hagan, Driehaus, Williams, B., Foley, Skindell, Williams, S., Letson, Stewart, Lehner, Yuko,

Bacon, Belcher, Blair, Bolon, Boose, Boyd, Brown, Carney, Celeste, Chandler, Combs, DeBose, DeGeeter, Dyer, Fende, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Harris, Heard, Koziura, Luckie, Mallory, Mecklenborg, Moran, Newcomb, Pillich, Szollosi, Weddington, Yates

To amend sections 1.62, 135.35, 323.78, 1724.02, 1724.03, 1724.04, 1724.05, and 5722.22 and to enact section 321.343 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, to immunize a county land reutilization corporation from liability for breach of a common law duty in connection with a parcel of land, and to make other changes regarding county land reutilization corporations.

Attest: Laura Clemens,
Deputy Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

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

Attest: Laura Clemens,
Deputy Clerk.

The President signed said bill.

On the motion of Senator Niehaus, the Senate recessed until 8:25 p.m.

The Senate met pursuant to the recess.

On the motion of Senator Niehaus the Senate reverted to the second order of business, Reports of Standing and Select Committees.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **Am. H. B. No. 318**-Representative Sykes, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: JOHN A. CAREY, DALE MILLER, THOMAS SAWYER, SHIRLEY A. SMITH, ERIC H. KEARNEY, TOM NIEHAUS, MARK D. WAGONER.

NO - 5: BILL SEITZ, GARY W. CATES, TOM PATTON, JIMMY STEWART, KEITH L. FABER.

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. 318-Representative Sykes.

Cosponsors: Representatives Bolon, Chandler, DeBose, Foley, Hagan, Harris, Koziura, Letson, Luckie, Stewart, Szollosi, Ujvagi, Williams, B., Winburn, Yates, Yuko.

To amend sections 5747.02 and 5747.056 of the Revised Code and to amend Sections 265.10, 273.10, and 335.10 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 create the Construction Reform Demonstration Project, to provide for the granting of a delay in implementing all-day kindergarten, and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 318**, pass?"

The yeas and nays were taken and resulted - yeas 17, nays 15, as follows:

Those who voted in the affirmative were: Senators

Cafaro	Carey	Fedor	Goodman
Kearney	Miller D	Miller R	Morano
Niehaus	Sawyer	Schiavoni	Smith
Strahorn	Turner	Wagoner	Wilson
			Harris-17.

Those who voted in the negative were: Senators

Buehrer	Cates	Coughlin	Faber
Gibbs	Gillmor	Grendell	Hughes
Husted	Jones	Patton	Schaffer
Schuring	Seitz		Stewart-15.

So the bill passed.

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

The title was agreed to.

On the motion of Senator Niehaus, the Senate adjourned until Tuesday, December 22, 2009 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.