

OHIO

SENATE

JOURNAL

TUESDAY, MARCH 9, 2010

ONE HUNDRED SIXTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Tuesday, March 9, 2010, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Jon Trainer, New Hope Bible Church, Pataskala, 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:

Sub. H. B. No. 198-Representatives Lehner, Ujvagi, et al.

To amend section 3923.91 and to enact sections 185.01 to 185.12, 3333.611, and 3333.612 of the Revised Code to establish the Patient Centered Medical Home Education Pilot Project and to authorize implementation of a primary care component of the Choose Ohio First Scholarship Program.

To the Committee on Insurance, Commerce and Labor.

Am. Sub. H. B. No. 215-Representatives Letson, Mecklenborg, et al.

To amend sections 119.12, 4715.03, 4715.031, 4715.06, 4715.14, 4715.141, 4715.24, 4715.25, and 4715.30 and to enact sections 4715.032, 4715.033, 4715.034, 4715.035, 4715.036, 4715.037, 4715.038, 4715.039, and 4715.0310 of the Revised Code to modify the law governing investigations and hearings conducted by the State Dental Board and to require a person appealing an administrative adjudication merely to state in the notice of appeal that the order is not supported by reliable, probative, and substantial evidence and is not in accordance with law.

To the Committee on Health, Human Services and Aging.

Sub. H. B. No. 216-Representative Carney, et al.

To amend sections 4123.291, 4125.01, 4125.02, 4125.03, 4125.05, 4125.07, 4125.08, 4141.24, and 5747.07 and to enact sections 4125.041, 4125.042, 4125.051, 4125.10, and 4125.11 of the Revised Code to establish certain

financial capacity requirements for professional employer organizations, clarify rights and liabilities of professional employer organizations and client employers, and make other changes to the professional employer organization law.

To the Committee on Insurance, Commerce and Labor.

H. B. No. 384-Representative Bolon, et al.

To amend sections 1751.66 and 3923.60 of the Revised Code to use the compendia adopted by the United States Department of Health and Human Services to determine whether an insurer may exclude coverage for off-label drug usage.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 236-Senators Grendell, Patton, et al.

To enact section 4933.29 of the Revised Code to restore discounts for customers with all-electric homes, to restore electric, load-management programs, and to declare an emergency.

To the Committee on Energy and Public Utilities.

YES - 5: SHIRLEY A. SMITH, BILL HARRIS, TOM NIEHAUS,
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 Governor of:

Timothy B. Angel, Republican, from Portsmouth, Scioto County, Ohio, as a Member of the Radiation Advisory Council for a new term beginning October 19, 2009 and ending at the close of business September 8, 2014.

A. Thomas Althaus, Democrat, from Somerset, Perry County, Ohio, as a Member of the Reclamation Commission for a term beginning November 17, 2009 and ending at the close of business June 28, 2010, replacing Eugene Branstool, who resigned.

Richard A. Cappell, Republican, from Marysville, Union County, Ohio, as a Member of the Reclamation Commission for a term beginning March 27, 2009 and ending at the close of business June 28, 2012, replacing Kim Brown, who resigned.

Brian Galligher, Democrat, from Delaware, Delaware County, Ohio, as a Member of the State Emergency Response Commission for a term beginning February 2, 2009 and ending at the close of business January 13, 2010, replacing William Ommert, who resigned.

Vernon Higaki, Independent, from Macedonia, Summit 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.

Heather Kight-Isaly, from Columbus, Franklin County, Ohio, as a Member of the Radiation Advisory Council for a new term beginning November 10, 2009 and ending at the close of business September 6, 2014.

Phillip Jenkins, from Centerville, Montgomery County, Ohio, as a Member of the Radiation Advisory Council for a term beginning October 31, 2008 and ending at the close of business September 8, 2013.

Pamela K. Matura, from Gallipolis, Gallia County, Ohio, as a Member of the Radiation Advisory Council for a term beginning September 29, 2009 and ending at the close of business September 7, 2013, replacing James Lawrence, whose term expired.

Nina A. Mayr, MD, Independent, from Columbus, Franklin County, Ohio, as a Member of the Radiation Advisory Council for a term beginning September 29, 2009 and ending at the close of business September 7, 2014, replacing Kathryn Gardner, whose term expired.

Johannes O. Olsen, MD, Republican, from Upper Arlington, Franklin County, Ohio, as a Member of the Radiation Advisory Council for a term beginning October 23, 2009 and ending at the close of business September 6, 2014.

Melissa M. Schilling, Republican, from Johnstown, Licking County, Ohio, as a Member of the Environmental Review Appeals Commission for a new term beginning January 15, 2009 and ending at the close of business October 22, 2014.

Stephen R. Wright, Republican, from Wooster, Wayne 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.

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

YES - 9: BILL HARRIS, KEITH L. FABER, TOM NIEHAUS, JOHN A. CAREY, KEVIN J. COUGHLIN, JASON H. WILSON, STEPHEN BUEHRER, SHIRLEY A. SMITH, 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 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	Widener	Wilson	Harris-32.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 10-Representative Brown.

Cosponsors: Representatives Szollosi, Williams, B., Letson, Harwood, Stewart, Chandler, Gardner, Boyd, Garrison, Otterman, Luckie, Stebelton, Harris, Newcomb, Williams, S., Phillips, Foley, Slesnick, Fende, Pillich, Book, Mecklenborg, Skindell, Yates, Amstutz, Bacon, Belcher, Blair, Bolon, Boose, Bulp, Carney, Celeste, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Garland, Gerberry, Goyal, Grossman, Hackett, Hagan, Heard, Hottinger, Jones, Koziura, Lehner, Lundy, Mallory, Mandel, McClain, Murray, Oelslager, Okey, Patten, Pryor, Ruhl, Sayre, Sears, Snitchler, Ujvagi, Weddington, Winburn, Yuko, Zehringer. Senators Schuring, Kearney, Miller, D., Seitz.

To amend sections 109.36, 109.57, 2151.23, 2151.358, 2152.02, 2301.03,

2743.191, 2903.214, 2913.04, 2919.25, 2919.27, 3109.06, 3113.31, and 3113.33 and to enact section 2151.34 of the Revised Code to allow a juvenile court to issue a protection order against a child who is alleged to have committed certain offenses or domestic violence against the person to be protected, to include foster parents under the scope of the domestic violence laws, to prohibit the unauthorized use of the Ohio Law Enforcement Gateway, to include courts of appeals within the definition of "state" for the purposes of representation by the attorney general in a civil action brought against a judge that was elected or appointed to a court of appeals or a person employed by a court of appeals, and to give the judges of the Butler County Court of Common Pleas concurrent jurisdiction with judges of the Juvenile Division of the Butler County Court of Common Pleas with respect to certain custody and support cases, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 10**, pass?"

Senator Fedor moved to amend as follows:

In line 4040, after "**3.**" insert "Sections 2151.23, 2151.358, 2152.02, 2743.191, 2903.214, 2919.25, 2919.27, 3113.31, and 3113.33 of the Revised Code, as amended by this act, and section 2151.34 of the Revised Code, as enacted by this act, shall be named the "Shynerra Grant Law."

Section 4."

In line 17 of the title, delete "and"

In line 21 of the title, after "cases" insert ", and to name specified sections amended or enacted by this act the "Shynerra Grant Law""

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 10**, 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 Seitz moved to amend the title as follows:

Add the names: "Cates, Fedor, Gibbs, Gillmor, Hughes, Husted, Jones, Miller, R., Morano, Niehaus, Patton, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner, Widener, Wilson, Harris, Buehrer, Goodman, Schaffer."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 116-Senator Buehrer.

Cosponsors: Senators Goodman, Patton, Miller, D., Sawyer.

To amend sections 4905.54, 4905.57, 4907.23, 4907.472, 4909.28, 4909.29, 4955.21, 4955.36, and 5561.16; to enact new section 4955.22; and to repeal section 4955.22 of the Revised Code to authorize the Public Utilities Commission to hear complaints regarding a railroad's failure to properly sustain certain areas near its tracks and to authorize forfeiture for noncompliance and to update certain provisions of law governing railroads, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 116**, 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 Buehrer moved to amend the title as follows:

Add the names: "Cates, Faber, Gibbs, Harris, Hughes, Miller, R., Morano, Schiavoni, Seitz, Turner, Wagoner, Wilson, Fedor, Kearney, Smith."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Buehrer moved that Senators absent the week of Sunday, March 7, 2010, 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. 237-Senator Smith.

Cosponsors: Senators Cafaro, Morano, Miller, D., Goodman, Turner, Seitz, Fedor, Strahorn.

To amend sections 2950.06, 2950.10, 2950.11, and 2950.13 of the Revised Code to apply SORN Law victim notification and community notification to specified offenders or delinquent children who verify their registered residence address and for whom such notifications previously have not been provided and to revise the criteria for subjecting offenders and delinquent children to SORN Law community notification.

OFFERING OF RESOLUTIONS

Senator Harris offered the following resolution:

S. R. No. 175-Senator Harris.

Authorizing The Ohio Junior State of America and The Junior Statesmen Foundation to use the Ohio Senate Chambers to conduct their 2010 Ohio Spring State Convention.

WHEREAS, The members of the Senate of the 128th General Assembly of Ohio have learned that The Ohio Junior State of America and The Junior Statesmen Foundation have requested permission to use the Ohio Senate Chambers and committee rooms for their annual Ohio Spring State Convention, April 17-18, 2010; and

WHEREAS, Beneficial educational organizations, The Ohio Junior State of America and The Junior Statesmen Foundation provide students with the opportunity to better appreciate and understand government and its components, and the knowledge gained through this event will certainly be of value to participants in the years to come; and

WHEREAS, Utilizing the facilities that accommodate those involved in the state legislative process, The Ohio Junior State of America and The Junior

Statesmen Foundation will effectively offer students an accurate depiction of state government and the manner in which legislation is processed; and

WHEREAS, Through participation in The Ohio Junior State of America's and The Junior Statesmen Foundation's annual Ohio Spring State Convention, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 128th General Assembly of Ohio, in adopting this Resolution, permit The Ohio Junior State of America and The Junior Statesmen Foundation to use the Ohio Senate Chambers for their 2010 Ohio Spring State Convention, contingent upon the availability of those facilities, and salute the participants as some of Ohio's finest young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to The Ohio Junior State of America and The Junior Statesmen Foundation.

The question being, "Shall the resolution, **S. R. No. 175**, 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 Niehaus moved to amend the title as follows:

Add the names: "Faber, Niehaus, Schaffer, Wagoner."

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

The motion was agreed to and the title so amended.

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

S. R. No. 172-Senator Goodman.

Honoring Ning Coons as a 2009 Ray Kroc Award recipient.

S. R. No. 173-Senator Wagoner.

Honoring Meredith Wagner on winning the 2009 Division I State Girls Cross Country Championship.

S. R. No. 174-Senators Carey, Miller, D.

Cosponsors: Senators Harris, Schiavoni, Goodman, Wilson, Turner, Buehrer, Gibbs, Grendell, Schaffer, Seitz, Niehaus, Jones, Smith, Hughes, Coughlin, Morano, Husted, Patton.

In memory of Richard G. Sheridan.

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

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 101.84 (A) (B) of the Ohio Revised Code, the President of the Senate makes the following appointment change to the Sunset Review Committee:

Removes Senator Bob Gibbs

Appoints Senator Jimmy Stewart

Removes Senator Fred Strahorn

Appoints Senator Capri Cafaro

On the motion of Senator Niehaus, the Senate adjourned until Thursday, March 11, 2010 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.