

**OHIO**

**SENATE**

**JOURNAL**

**THURSDAY, FEBRUARY 12, 2009**

FOURTEENTH DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, February 12, 2009, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

The journal of the last legislative day was read and approved.

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

Senator Schuler reports for the Standing Committee on Reference, recommending that the following bills and resolutions, standing in order for second consideration, be referred to committee as recommended:

**S. B. No. 1**-Senator Hughes.

To amend sections 133.52, 151.01, 151.09, and 151.40 of the Revised Code and to amend Sections 217.10, 217.11, 239.10, 241.10, 243.10, and 243.11 of Am. Sub. H.B. 562 of the 127th General Assembly to implement the additional debt authority for conservation and revitalization programs provided by Section 2q of Article VIII of the Ohio Constitution, to authorize the issuance of that debt, to make new appropriations for the purpose of continuing programs established by Am. Sub. H.B. 554 of the 127th General Assembly, the Bipartisan Job Stimulus Act, and to declare an emergency.

To the Committee on Finance and Financial Institutions.

**S. B. No. 2**-Senator Carey.

To provide for the distribution of moneys received by the state from the federal American Recovery and Reinvestment Act of 2009 by making appropriations and to declare an emergency.

To the Committee on Finance and Financial Institutions.

**S. B. No. 3**-Senator Faber.

To amend sections 103.0511, 111.15, 117.20, 119.03, 119.031, 121.39, 122.08, 122.081, 122.94, 124.04, and 1710.02, to enact sections 121.021, 121.25, 121.251 to 121.255, and 124.95, and to repeal section 121.24 of the Revised Code to require a rule-making agency to prepare a cost-benefit report for, and regulatory flexibility analysis of, rules that may have any adverse impact on small businesses and submit them to the new Ohio Small Business Ombudsperson in the Office of Small Business, to create the Small Business

Regulatory Review Board to review objections to those rules and make recommendations to the Joint Committee on Agency Rule Review regarding the rules, to require the Ombudsperson annually to submit a rule impact report to the Governor and General Assembly, to promote improved customer service in state agencies, and to require the Director of Administrative Services to establish customer service performance standards for nonelected officers and employees of state agencies.

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

**S. B. No. 4-Senator Schaffer.**

To enact section 117.46 of the Revised Code to require the Auditor of State to conduct performance audits of the Bureau of Workers' Compensation, Environmental Protection Agency, Department of Natural Resources, Department of Agriculture, and Department of Health.

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

**S. B. No. 5-Senator Buehrer.**

To amend sections 175.01 and 175.04 and to enact sections 175.30 to 175.35 of the Revised Code to create the Grants for Grads Program.

To the Committee on Finance and Financial Institutions.

**S. B. No. 6-Senator Coughlin.**

Cosponsors: Senators Buehrer, Gibbs, Wagoner, Seitz.

To amend sections 109.57, 109.572, 3301.0714, 3317.022, 3317.03, 4776.01, and 5727.84 and to enact sections 3310.51, 3310.52, 3310.521, 3310.53 to 3310.64, and 3323.052 of the Revised Code to create the Special Education Scholarship Pilot Program.

To the Committee on Education.

**S. B. No. 7-Senator Wagoner.**

Cosponsor: Senator Gibbs.

To amend section 124.341 and to enact section 117.103 of the Revised Code to require the Auditor of State to establish a fraud-reporting system for

residents and public employees to file anonymous complaints of fraud and misuse of public funds by public offices or officials.

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

**S. B. No. 8-Senator Seitz.**

To amend sections 3501.07, 3501.10, 3501.90, 3503.15, 3505.21, 3509.01, 3509.04, 3509.05, 3509.06, 3509.07, 3511.05, and 3511.11 of the Revised Code to require absent voter's ballot identification envelope statements to be completed for absent voter's ballots to be counted, to require boards of elections to notify absent voters that their ballots will be rejected if they do not complete the required statement, to generally prohibit same day voter registration and application for absent voter's ballots, to permit election observers to be appointed to serve at the board of elections or at another designated site during the time absent voter's ballots may be cast in person, to revise the time period in which voters may cast absent voter's ballots in person, to permit a board of elections to establish additional locations at which voters may cast absent voter's ballots in person, to require the Secretary of State to notify boards of elections of mismatches between voter registration information and motor vehicle records, and to revise the process for appointing members of a board of elections.

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

**S. B. No. 9-Senator Patton.**

Cosponsors: Senators Gillmor, Grendell, Gibbs, Wagoner, Coughlin.

To amend section 5747.98 and to enact sections 122.85 and 5747.66 of the Revised Code to authorize income tax credits for investments in motion pictures produced in Ohio.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 10-Senator Widener.**

To amend sections 3517.01, 3517.10, 3517.106, 3517.11, 3517.153, 3517.154, 3517.992, and 3599.03 and to enact sections 1701.96, 1702.85, and 3517.1014 of the Revised Code to permit individuals elected or appointed to state office to establish transition funds to receive donations and to make expenditures for transition activities and inaugural celebrations.

To the Committee on Government Oversight.

**S. B. No. 11**-Senator Fedor.

Cosponsors: Senators Wagoner, Miller, R., Miller, D., Turner, Grendell.

To amend section 5747.113 and to enact section 5907.111 of the Revised Code to allow taxpayers to contribute a portion of their income tax refunds to the Ohio Veterans' Home Agency.

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

**S. B. No. 12**-Senator Sawyer.

Cosponsors: Senators Roberts, Fedor, Miller, R., Turner, Schiavoni.

To amend sections 3314.08, 3314.084, 3314.26, 3317.016, 3317.017, 3317.02, 3317.029, 3317.03, 3321.01, and 5727.84 and to repeal section 3314.13 of the Revised Code to provide formula funding for all-day kindergarten for all school districts and community schools that offer it.

To the Committee on Finance and Financial Institutions.

**S. B. No. 13**-Senator Miller, D.

Cosponsors: Senators Morano, Turner, Smith.

To enact sections 121.086, 2703.10, 5321.20, 5321.21, 5321.22, and 5321.23 of the Revised Code to require a clerk of courts to notify tenants when a foreclosure action is filed, to require the Director of Commerce to prepare a publication to assist owners and tenants of foreclosed properties, to require clerks of courts to distribute that publication, to require landlords to notify tenants when a property is foreclosed and when a sale is scheduled, to enable tenants to terminate a rental agreement on a foreclosed property, to provide for continuance of a rental agreement after a foreclosure sale, and to provide civil remedies for a tenant whose landlord violates the bill's provisions.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 14**-Senator Miller, D.

Cosponsors: Senators Turner, Miller, R., Fedor.

To amend sections 121.08 and 4745.01 and to enact sections 4735.581, 4768.01 to 4768.19, and 4768.99 of the Revised Code to require the licensure

of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 15**-Senator Miller, D.

Cosponsors: Senators Fedor, Turner, Miller, R., Cafaro, Roberts, Sawyer.

To amend sections 1739.05, 1751.01, 3923.281, 3923.282, and 3923.51 and to repeal sections 3923.28, 3923.29, and 3923.30 of the Revised Code to prohibit discrimination in health care policies, contracts, and agreements in the coverage provided for the diagnosis and treatment of mental illnesses and substance abuse or addiction conditions.

To the Committee on Health, Human Services and Aging.

**S. B. No. 16**-Senator Patton.

Cosponsors: Senators Gibbs, Roberts, Sawyer.

To amend section 1349.99 and to enact section 1349.66 of the Revised Code to prohibit credit card marketing activities on the grounds of state institutions of higher education.

To the Committee on Finance and Financial Institutions.

**S. B. No. 17**-Senator Coughlin.

Cosponsors: Senators Buehrer, Cates, Gibbs, Schaffer, Schuler, Seitz, Wagoner.

To amend sections 4111.03, 4111.05, 4111.10, 4111.13, and 4111.99 and to enact section 4111.031 of the Revised Code to afford to private sector employers the option to offer and to employees the option to accrue and use compensatory time off.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 18**-Senator Gibbs.

Cosponsors: Senators Schuler, Grendell, Schaffer.

To enact section 3745.25 of the Revised Code to require the proceeds of fines paid by certain political subdivisions under environmental laws to be

expended by the state in the county that incurred the fine or in which the political subdivision that incurred the fine is located and to require the proceeds of fines paid by private entities under environmental laws to be deposited in the General Revenue Fund.

To the Committee on Finance and Financial Institutions.

**S. B. No. 19**-Senator Stewart.

Cosponsor: Senator Sawyer.

To enact sections 3302.033 and 3317.60 of the Revised Code to establish a bipartisan committee to recommend a system that pays one hundred per cent of the actual cost of a thorough and efficient education and to require the Department of Education to report certain school funding information to parents and taxpayers.

To the Committee on Education.

**S. B. No. 20**-Senator Carey.

Cosponsors: Senators Patton, Stewart, Hughes, Fedor, Turner, Grendell, Miller, R., Wagoner, Coughlin, Goodman.

To amend sections 9.44 and 124.181 of the Revised Code to permit state employees to receive longevity and vacation credit for prior military service.

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

**S. B. No. 21**-Senator Turner.

Cosponsor: Senator Grendell.

To amend sections 5733.98 and 5747.98 and to enact sections 5733.421 and 5747.391 of the Revised Code to create a tax credit for the employment of individuals who have previously been convicted of felonies.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 22**-Senator Seitz.

To amend sections 926.99, 1333.99, 1707.99, 1716.99, 2909.03, 2909.05, 2909.11, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46,

2913.47, 2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2919.21, 2921.01, 2921.13, 2921.41, 2923.31, 2929.17, 2967.193, and 2981.07 and to enact section 2921.341 of the Revised Code to increase from \$500 to \$750 the threshold amount that is used in determining increased penalties for theft-related offenses; to provide that if the offense of "nonsupport of dependents" is based on an abandonment of or failure to support a child or a person to whom a court order requires support and is a felony the court must sentence the offender to one or more community control sanctions and that any residential sanction so imposed generally must require that the offender complete a community corrections program; to remove Department of Rehabilitation and Correction supervision of a releasee from the definition of "detention" and specify the method of sanctioning a person under Department supervision who fails to comply in a specified manner with that supervision; and to increase from one day to five days the credit a prisoner in a state correctional institution may earn as a monthly deduction from the prisoner's prison term for productive participation in specified prison programs, remove sex offender treatment programs from the type of programs for which a prisoner can earn the credit, and prohibit granting the credit to a person serving a sentence for a sexually oriented offense.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 23**-Senator Schaffer.

Cosponsors: Senators Gibbs, Buehrer, Schuler.

To amend section 2333.01 and to enact section 5747.124 of the Revised Code to enable a judgment creditor landlord to obtain a court order directing the Tax Commissioner to pay the judgment debtor tenant's income tax refund to the landlord.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 24**-Senator Kearney.

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 in public schools.

To the Committee on Education.

**S. B. No. 25**-Senator Schaffer.

Cosponsors: Senators Wagoner, Gibbs, Buehrer, Schuring.



To amend section 5747.01 of the Revised Code to increase the amount of unreimbursed medical expenses that an individual may deduct in computing Ohio income tax.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 26**-Senator Schaffer.

Cosponsors: Senators Gibbs, Grendell.

To enact section 718.17 of the Revised Code to require municipal corporations with more than \$100 million in annual income tax collections to provide a tax credit to nonresident taxpayers.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 27**-Senator Miller, D.

Cosponsors: Senators Turner, Fedor, Sawyer, Wagoner.

To enact sections 6111.60 to 6111.66 of the Revised Code to establish requirements governing oceangoing vessels on the state waters of Lake Erie in order to control aquatic nuisance species.

To the Committee on Environment and Natural Resources.

**S. B. No. 28**-Senator Schaffer.

Cosponsors: Senators Turner, Hughes, Miller, D.

To enact sections 4501.243 and 4503.563 of the Revised Code to create the "Ohio Nature Preserves" license plate.

To the Committee on Highways and Transportation.

**S. B. No. 29**-Senator Roberts.

Cosponsor: Senator Miller, D.

To amend section 1515.29 and to enact section 6137.112 of the Revised Code to allow a board of county commissioners to adjust the permanent base of a ditch improvement that is used for maintenance fund assessments and to allow a board to use certain ditch maintenance procedures to maintain soil and water conservation district improvements.

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

**S. B. No. 30**-Senator Schaffer.

Cosponsors: Senators Gibbs, Hughes, Miller, D.

To enact sections 2909.13, 2909.14, and 2909.15 of the Revised Code to establish a registry for arson offenders.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 31**-Senator Patton.

To amend section 2317.02 of the Revised Code to create a testimonial privilege for communications between a representative of an employee organization and a bargaining unit member.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 32**-Senator Turner.

Cosponsors: Senators Stewart, Smith.

To amend section 5747.98 and to enact section 5747.61 of the Revised Code to create a nonrefundable tax credit for individuals who purchase a new hybrid vehicle.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 33**-Senator Miller, D.

Cosponsors: Senators Turner, Roberts, Miller, R., Fedor, Schiavoni, Sawyer, Stewart.

To amend section 5120.11 of the Revised Code to require the Bureau of Examination and Classification within the Department of Rehabilitation and Correction to develop a re-entry plan for each inmate of a correctional institution.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 34**-Senator Miller, D.

Cosponsors: Senators Turner, Roberts, Miller, R., Fedor, Sawyer.

To enact section 124.824 of the Revised Code to require the Department of Administrative Services to create a health insurance program that allows municipal corporations, small employers, and nonprofit corporations or associations to purchase for their employees the same policies or contracts provided to state employees.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 35**-Senator Stewart.

Cosponsor: Senator Seitz.

To enact section 109.45 of the Revised Code to direct the Attorney General to pursue a memorandum of agreement that permits the enforcement of federal immigration laws in this state by law enforcement officers.

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

**S. B. No. 36**-Senator Kearney.

To enact section 2311.16 of the Revised Code to provide for offers of judgment in civil actions.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 37**-Senator Miller, D.

Cosponsors: Senators Miller, R., Schiavoni.

To amend sections 5743.51, 5743.62, and 5743.63 of the Revised Code to increase the tobacco products excise tax rate and to credit some of the additional revenue to the Tobacco Use Prevention Fund.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 38**-Senator Roberts.

Cosponsors: Senators Sawyer, Schiavoni, Miller, D., Turner, Gibbs, Schuler, Schuring, Kearney, Smith.

To enact section 5.2265 of the Revised Code to designate January as "Ohio Mentor Month."

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

**S. B. No. 39**-Senator Schaffer.

Cosponsors: Senators Wagoner, Gibbs, Grendell, Turner, Seitz, Coughlin.

To enact section 3313.538 of the Revised Code to prohibit disqualification of certain students who live with legal or temporary custodians or with guardians from interscholastic athletics solely because their parents do not reside in the state.

To the Committee on Education.

**S. B. No. 40**-Senator Schaffer.

Cosponsors: Senators Wagoner, Gibbs, Grendell, Roberts, Turner, Hughes, Coughlin, Schuring, Stewart.

To amend sections 5747.08 and 5747.98 and to enact section 5747.71 of the Revised Code to allow a credit against the personal income tax for amounts spent by teachers for instructional materials.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 41**-Senator Kearney.

To enact section 5533.644 of the Revised Code to designate a portion of United States Route 42 within the city of Cincinnati as the "Senator William Bowen Memorial Highway."

To the Committee on Highways and Transportation.

**S. B. No. 42**-Senator Schaffer.

Cosponsors: Senators Wagoner, Gibbs, Coughlin, Stewart.

To amend sections 2950.02, 2950.034, and 2950.04 of the Revised Code to specify that the restriction against offenders convicted of a sexually oriented offense or child-victim oriented offense living near school, preschool, or child day-care premises applies regardless of when the offense was committed or the offender began living in the residence and that a registration requirement for children adjudicated delinquent for a sexually oriented offense and classified a juvenile offender registrant applies regardless of when the offense was committed.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 43**-Senator Miller, D.

Cosponsors: Senators Fedor, Turner, Smith, Miller, R., Roberts, Coughlin, Sawyer.

To amend sections 3501.01, 3513.04, 3513.10, 3513.12, 3513.13, 3513.14, 3513.15, and 3513.30 and to repeal sections 3513.121 and 3513.151 of the Revised Code to allow a political party to select delegates to its national presidential nominating convention according to the party's constitution and bylaws and to eliminate the requirement that such delegates be directly elected at the presidential primary election.

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

**S. B. No. 44**-Senator Miller, D.

Cosponsors: Senators Fedor, Turner, Miller, R., Roberts.

To amend sections 323.152, 323.153, and 323.156 of the Revised Code to require county auditors to make reasonable efforts to identify property owners wrongfully receiving the 2.5% property tax rollback, to limit the monetary charge against violators to five years' worth of reductions plus interest, to require 10% of monetary charge collections to be credited to the rollback enforcement fund, and to provide amnesty for persons who report their illegal receipt of the rollback.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 45**-Senator Kearney.

To enact section 3701.67 of the Revised Code regarding vermin infestations in apartments.

To the Committee on Health, Human Services and Aging.

**S. B. No. 46**-Senator Kearney.

To enact section 5321.20 of the Revised Code to prohibit requiring a tenant to vacate a foreclosed residential property any earlier than ninety days following a court's confirmation of the sale of the property.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 47**-Senator Kearney.

To amend sections 5126.028 and 5126.029 of the Revised Code to increase the membership of county boards of mental retardation and developmental disabilities.

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

**S. B. No. 48**-Senator Kearney.

To enact section 5.2239 of the Revised Code to designate the Saturday before Thanksgiving as "Adoption Day."

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

**S. B. No. 49**-Senator Kearney.

To amend sections 2152.17, 2152.72, 2929.14, and 5103.0319 and to enact section 2941.1422 of the Revised Code to require the imposition of a ten-year prison term upon a person who discharges a firearm while committing an offense and causes injury or death to a child.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 50**-Senator Hughes.

Cosponsors: Senators Schaffer, Grendell.

To enact section 5501.70 of the Revised Code to require the Director of Transportation to designate portions of state highways, county or township roads, or streets or highways located within municipal corporations as memorial highways in honor of each State Highway Patrol trooper, county sheriff, deputy sheriff, township constable, or police officer of a township police department or district or law enforcement agency of a municipal corporation who is or has been killed in the line of duty.

To the Committee on Highways and Transportation.

**S. C. R. No. 1**-Senator Miller, D.

Cosponsors: Senators Fedor, Turner, Stewart, Smith, Miller, R., Roberts,

Cafaro, Sawyer.

To urge the President and the Congress of the United States to amend the No Child Left Behind Act of 2001 to ensure more flexibility and to fully fund the appropriations authorized in the Act.

To the Committee on Finance and Financial Institutions.

**S. J. R. No. 1**-Senators Grendell, Wilson.

Cosponsors: Senators Harris, Patton, Schuler, Schaffer, Hughes, Fedor, Miller, D.

Proposing to enact Section 2q of Article VIII of the Constitution of the State of Ohio to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts.

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

YES - 3: CAPRI S. CAFARO, SHIRLEY A. SMITH, ROBERT L. SCHULER.

NO - 0.

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

The report of the committee was accepted.

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

### **INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bill was introduced and considered the first time:

**S. B. No. 51**-Senator Morano.

Cosponsors: Senators Sawyer, Miller, D., Turner, Kearney, Smith, Fedor, Hughes, Schuler, Goodman.

To enact section 5.2239 of the Revised Code to designate the last week of May as "Ohio Turfgrass Week."

### OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

**S. R. No. 9**-Senator Cates.

Honoring Miami University on its Two Hundredth Anniversary.

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

So the resolution was adopted.

### MOTIONS

Senator Gillmor moved that **S. J. R. No. 1** be re-referred to the Committee on Finance and Financial Institutions.

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

The motion was agreed to.

### MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule No. 19, the Senate President makes the following appointment change to the following Standing Committee effective through the close of business today, Wednesday, February 11, 2009:

**Removes** Senator Bill Harris from the Standing Committee on Reference

**Appoints** Senator Mark Wagoner to the Standing Committee on Reference

### MESSAGE FROM THE PRESIDENT

Pursuant to Section 171.01 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Ohio Retirement Study Council:

Senator Schuring

Senator Faber

Senator Morano

### MESSAGE FROM THE PRESIDENT

Pursuant to Section 5902.15 (B) of the Ohio Revised Code, the President of the Senate appoints the following members to serve on the Military Activation Task Force:

Senator Hughes (as Chair of the State & Local Government & Veterans' Affairs Committee)

Senator Fedor (as Ranking Minority Member of the State & Local



Government & Veterans' Affairs Committee)

On the motion of Senator Gillmor, the Senate adjourned until Tuesday, February 17, 2009 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.