

**OHIO**

**SENATE**

**JOURNAL**

**THURSDAY, APRIL 30, 2009**

FORTY-FOURTH DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, April 30, 2009, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

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

**INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bills were introduced and considered the first time:

**S. B. No. 120**-Senator Schuler.

Cosponsors: Senators Cates, Grendell, Schaffer, Seitz.

To amend sections 3794.01 and 3794.03 of the Revised Code regarding exemptions from the smoking ban.

**S. B. No. 121**-Senators Niehaus, Cafaro.

Cosponsors: Senators Wagoner, Schuring, Strahorn, Morano, Kearney.

To amend sections 5501.03, 5501.311, 5531.09, and 5531.18 and to enact sections 5539.01, 5539.02, 5539.03, 5539.031, 5539.04, 5539.05, 5539.06, 5539.07, 5539.08, 5539.09, 5539.10, and 5539.11 of the Revised Code to authorize the creation of transportation innovation authorities by specified governmental entities and to establish the powers and duties of such authorities.

**S. B. No. 122**-Senator Turner.

To amend sections 109.57, 109.71, 109.77, 145.01, 145.33, 2921.51, 2935.01, 2935.03, 2935.031, and 2935.24 and to enact section 3313.175 of the Revised Code to authorize a board of education of a school district or governing board of an educational service center to employ public high school law enforcement officers, to provide that public high school law enforcement officers are members of the Ohio Public Employees Retirement System, to prohibit the impersonation of a public high school law enforcement officer, and to specify the powers of arrest and citation of public high school law enforcement officers.

**S. B. No. 123**-Senator Goodman.

Cosponsors: Senators Schuler, Seitz, Schuring.

To amend section 3901.21 of the Revised Code to allow insurers to charge different rates for private passenger automobile insurance based upon the location of the residence of the insured within the limits of a municipal corporation.

**S. B. No. 124**-Senators Faber, Schiavoni.  
Cosponsors: Senators Seitz, Fedor, Schuler.

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.

### OFFERING OF RESOLUTIONS

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

**S. R. No. 47**-Senator Morano.

Honoring Kim Johnson as Ohio's VFW Middle School Teacher of the Year.

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

So the resolution was adopted.

### Message from the House of Representatives

Mr. President:

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

**Am. Sub. H. B. No. 1** -Representative Sykes  
Cosponsors: Representatives Chandler, Brown, Bolon, Book, Celeste, DeBose, DeGeeter, Domenick, Dyer, Hagan, Harris, Harwood, Heard, Koziura, Letson, Luckie, Mallory, Pryor, Stewart, Szollosi, Ujvagi, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko

To amend sections 9.06, 9.314, 107.21, 109.572, 109.73, 109.742, 109.744, 109.751, 109.761, 109.77, 109.802, 109.803, 118.05, 120.04, 120.08, 120.52, 120.53, 121.04, 121.07, 121.08, 121.083, 121.084, 121.13, 121.31, 121.37, 121.40, 121.401, 121.402, 122.05, 122.051, 122.075, 122.151, 122.17, 122.171, 122.40, 122.603, 122.71, 122.751, 122.76, 122.89, 123.01, 123.152, 124.03, 124.04, 124.07, 124.11, 124.134, 124.14, 124.15, 124.152, 124.18, 124.181, 124.183, 124.22, 124.23, 124.27, 124.321, 124.324, 124.325, 124.34, 124.381, 124.382, 124.385, 124.386, 124.392, 124.81, 125.081, 125.22, 125.831, 126.05, 126.21, 126.35, 127.16, 131.33, 133.06, 135.03, 135.06, 135.08, 135.32, 141.04, 145.012, 145.298, 148.02, 148.04, 149.43, 150.01, 150.02, 150.03, 150.04, 150.05, 150.07, 152.09, 152.10, 152.12, 152.15, 152.33, 156.01, 156.02, 156.03, 156.04, 166.07, 169.08, 173.08, 173.35,

173.392, 173.40, 173.401, 173.42, 173.43, 173.50, 173.99, 174.02, 174.03, 174.06, 176.05, 307.626, 307.629, 307.79, 311.17, 319.301, 319.302, 319.54, 321.24, 323.156, 323.78, 329.03, 329.042, 329.06, 340.033, 343.01, 504.21, 718.04, 721.15, 901.20, 901.32, 901.43, 903.082, 903.11, 903.25, 905.32, 905.33, 905.331, 905.36, 905.50, 905.51, 905.52, 905.56, 907.13, 907.14, 907.30, 907.31, 915.24, 918.08, 918.28, 921.02, 921.06, 921.09, 921.11, 921.13, 921.16, 921.22, 921.27, 921.29, 923.44, 923.46, 927.51, 927.52, 927.53, 927.56, 927.69, 927.70, 927.701, 927.71, 942.01, 942.02, 942.06, 942.13, 943.01, 943.02, 943.04, 943.05, 943.06, 943.07, 943.13, 943.14, 943.16, 953.21, 953.22, 953.23, 955.201, 1321.20, 1321.51, 1321.52, 1321.53, 1321.54, 1321.55, 1321.551, 1321.57, 1321.59, 1321.60, 1321.99, 1322.01, 1322.02, 1322.03, 1322.031, 1322.04, 1322.041, 1322.05, 1322.051, 1322.052, 1322.06, 1322.061, 1322.062, 1322.063, 1322.064, 1322.07, 1322.071, 1322.072, 1322.074, 1322.075, 1322.08, 1322.081, 1322.09, 1322.10, 1322.11, 1327.46, 1327.50, 1327.51, 1327.511, 1327.52, 1327.54, 1327.57, 1327.58, 1327.60, 1327.62, 1327.70, 1327.99, 1332.24, 1332.25, 1343.011, 1345.01, 1345.05, 1345.09, 1347.08, 1349.31, 1349.43, 1501.01, 1501.05, 1501.07, 1501.30, 1502.12, 1506.01, 1507.01, 1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05, 1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.13, 1515.08, 1515.14, 1515.183, 1517.02, 1517.10, 1517.11, 1517.14, 1517.16, 1517.17, 1517.18, 1519.03, 1520.02, 1520.03, 1521.03, 1521.031, 1521.04, 1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 1521.19, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 1531.01, 1533.10, 1541.03, 1547.01, 1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.99, 1548.10, 1707.17, 1707.18, 1707.37, 1710.01, 1710.02, 1710.03, 1710.04, 1710.06, 1710.10, 1710.13, 1724.04, 1739.05, 1751.03, 1751.04, 1751.05, 1751.14, 1751.15, 1751.16, 1751.19, 1751.32, 1751.321, 1751.34, 1751.35, 1751.36, 1751.45, 1751.46, 1751.48, 1751.831, 1751.84, 1751.85, 1753.09, 1901.26, 1901.31, 1907.24, 2101.01, 2151.011, 2301.02, 2301.03, 2303.201, 2317.422, 2503.17, 2903.13, 2903.21, 2903.211, 2903.22, 2903.33, 2911.21, 2913.46, 2921.13, 2937.22, 2949.091, 2949.111, 2949.17, 2981.13, 3105.87, 3119.01, 3121.037, 3121.0311, 3121.19, 3121.20, 3121.898, 3123.952, 3125.25, 3301.07, 3301.073, 3301.079, 3301.0710, 3301.0711, 3301.0714, 3301.0715, 3301.0716, 3301.12, 3301.16, 3301.42, 3301.55, 3301.68, 3302.01, 3302.02, 3302.021, 3302.03, 3302.031, 3302.05, 3302.07, 3304.231, 3307.31, 3307.64, 3309.41, 3309.48, 3309.51, 3310.03, 3310.08, 3310.09, 3310.11, 3310.14, 3310.41, 3311.06, 3311.19, 3311.21, 3311.29, 3311.52, 3311.76, 3313.174, 3313.41, 3313.48, 3313.481, 3313.482, 3313.483, 3313.53, 3313.532, 3313.533, 3313.536, 3313.55, 3313.60, 3313.603, 3313.605, 3313.607, 3313.608, 3313.61, 3313.611, 3313.612, 3313.614, 3313.615, 3313.62, 3313.64, 3313.642, 3313.6410, 3313.65, 3313.671, 3313.673, 3313.68, 3313.713, 3313.843, 3313.976, 3313.978, 3313.98, 3313.981, 3314.012, 3314.015, 3314.016, 3314.02, 3314.021,

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5101.5110, and 5111.688 and sections 9.317, 111.26, 111.27, 117.54, 121.16, 121.375, 122.042, 122.12, 122.121, 122.85, 123.154, 124.821, 124.822, 124.86, 125.20, 125.24, 148.05, 149.308, 150.021, 150.051, 153.013, 173.28, 173.402, 173.403, 173.421, 173.423, 173.424, 173.425, 173.431, 173.432, 173.433, 173.434, 173.501, 173.70, 311.32, 737.39, 901.041, 901.91, 927.54, 943.031, 1321.521, 1321.531, 1321.532, 1321.533, 1321.534, 1321.535, 1321.536, 1321.552, 1321.591, 1321.592, 1321.593, 1321.594, 1321.595, 1322.022, 1322.023, 1322.024, 1322.065, 1327.501, 1327.71, 1513.021, 1547.02, 1547.85, 1547.86, 1547.87, 1751.68, 2315.50, 3119.371, 3301.122, 3301.80, 3301.81, 3301.82, 3301.83, 3301.90, 3306.01, 3306.011, 3306.012, 3306.02, 3306.03, 3306.031, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.12, 3306.13, 3306.14, 3306.15, 3306.16, 3306.17, 3306.18, 3306.19, 3306.191, 3306.192, 3306.21, 3306.22, 3306.25, 3306.29, 3306.291, 3306.292, 3306.30, 3306.31, 3306.32, 3306.321, 3306.33, 3306.34, 3306.35, 3306.40, 3306.50, 3306.51, 3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 3310.15, 3311.0510, 3313.485, 3313.821, 3313.822, 3314.028, 3314.031, 3314.052, 3314.075, 3314.102, 3314.191, 3314.192, 3314.39, 3314.42, 3314.43, 3314.44, 3317.018, 3318.312, 3319.223, 3319.611, 3319.612, 3319.70, 3319.71, 3321.041, 3333.048, 3333.39, 3333.391, 3333.392, 3333.90, 3333.91, 3334.032, 3334.111, 3345.36, 3353.09, 3353.20, 3354.24, 3365.12, 3375.79, 3701.0211, 3701.136, 3701.611, 3702.592, 3702.593, 3706.35, 3709.092, 3710.141, 3715.041, 3721.511, 3721.512, 3721.513, 3722.022, 3727.052, 3734.282, 3793.21, 3903.77, 3923.241, 3923.84, 3923.90, 3923.91, 4113.11, 4113.81, 4113.82, 4113.83, 4113.84, 4113.85, 4113.86, 4123.446, 4501.243, 4501.29, 4503.563, 4582.71, 4781.16, 4781.17, 4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 4781.25, 4781.99, 4919.80, 5101.073, 5101.504, 5101.5210, 5101.542, 5111.0121, 5111.236, 5111.861, 5111.88, 5111.881, 5111.882, 5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 5111.889, 5111.8810, 5111.8811, 5112.372, 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.451, 5112.46, 5112.47, 5112.48, 5119.613, 5119.621, 5119.622, 5155.38, 5505.152, 5705.219, 5705.2110, 5725.33, 5729.16, 5733.58, 5733.59, 5739.051, 5747.66, 5751.014, 5911.11, 5919.20, 5919.36, and 6119.091; to repeal sections 173.71, 173.72, 173.721, 173.722, 173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 173.741, 173.742, 173.75, 173.751, 173.752, 173.753, 173.76, 173.77, 173.771, 173.772, 173.773, 173.78, 173.79, 173.791, 173.80, 173.801, 173.802, 173.803, 173.81, 173.811, 173.812, 173.813, 173.814, 173.815, 173.82, 173.83, 173.831, 173.832, 173.833, 173.84, 173.85, 173.86, 173.861, 173.87, 173.871, 173.872, 173.873, 173.874, 173.875, 173.876, 173.88, 173.89, 173.891, 173.892, 173.90, 173.91, 905.38, 905.381, 905.66, 907.16, 927.74, 1504.01, 1504.02, 1504.03, 1504.04, 1517.15, 1521.02, 1711.58, 3301.0712, 3301.0718, 3301.43, 3302.032, 3314.026, 3314.085, 3314.13, 3317.10, 3319.0810, 3319.222, 3319.23, 3319.302, 3319.304, 3333.27, 3701.73, 3701.77, 3701.771, 3701.772, 3702.511, 3702.523, 3702.527, 3702.528, 3702.529, 3702.542, 3704.143, 3724.01, 3724.02, 3724.021, 3724.03,

3724.04, 3724.05, 3724.06, 3724.07, 3724.08, 3724.09, 3724.10, 3724.11, 3724.12, 3724.13, 3724.99, 4517.052, 4517.27, 4735.22, 4735.23, 5101.072, 5111.083, 5111.178, 5145.32, and 5923.141 of the Revised Code; to amend Sections 205.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General Assembly; to amend Section 269.60.60 of H.B. 119 of the 127th General Assembly and to amend Section 269.60.60 of H.B. 119 of the 127th General Assembly to codify the Section as section 3314.38 of the Revised Code; to amend Section 6 of H.B. 364 of the 124th General Assembly and to amend Section 6 of H.B. 364 of the 124th General Assembly to codify the Section as section 3314.027 of the Revised Code; to amend Section 309.10 of Am. Sub. H.B. 2 of the 128th General Assembly; to amend Section 317.10 of Am. Sub. H.B. 2 of the 128th General Assembly; to amend Sections 103.80.80, 103.80.90, and 301.10.50 of H.B. 496 of the 127th General Assembly; to amend Section 11 of Am. Sub. H.B. 554 of the 127th General Assembly; to amend Sections 233.40.30, 233.50.80, and 701.20 of H.B. 562 of the 127th General Assembly; to amend Section 831.06 of H.B. 530 of the 126th General Assembly; to amend Section 4 of H.B. 516 of the 125th General Assembly, as subsequently amended; to amend Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended; to repeal Section 325.05 of Am. Sub. H.B. 2 of the 128th General Assembly; to amend the version of section 2949.111 of the Revised Code that is scheduled to take effect January 1, 2010, to continue the provisions of this act on and after that effective date; to amend the version of section 5739.033 of the Revised Code that is scheduled to take effect January 1, 2010, to continue the provisions of this act on and after that effective date; to amend sections 5104.01 and 5104.38 of the Revised Code, effective July 1, 2011, to revive the law as it existed prior to this act; to repeal sections 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the Revised Code, effective October 1, 2011; to make operating appropriations for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of state programs.

Attest:

Tom Sherman,  
Clerk.

Said bill was considered the first time.

#### CLERK'S NOTATION

Pursuant to Article IV, Section 5(B) of the Ohio Constitution, the Ohio Senate received proposed amendments to the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, and the Ohio Rules of Juvenile Procedure from the Ohio Supreme Court on April 30, 2009.



On the motion of Senator Husted, the Senate adjourned until Tuesday, May 5, 2009 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.