

OHIO

SENATE

JOURNAL

TUESDAY, MAY 11, 2010

ONE HUNDRED EIGHTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 11, 2010, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Chaim Yosef Ackerman, Ahavas Sholom, 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 and resolutions, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 338-Representatives Book, Uecker, et al.

To amend sections 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, 1901.312, 1901.32, 1901.34, and 1907.11 and to enact section 4510.73 of the Revised Code to allow, in certain circumstances, all issues concerning a person's driver's license to be litigated in a single court, to create the Putnam County Municipal Court in Ottawa on January 1, 2011, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Putnam County County Court on that date, to designate the Putnam County Clerk of Courts as the clerk of the Putnam County Municipal Court, to provide for the election for the Putnam County Municipal Court of one full-time judge in 2011, and to make deputy sheriffs and members of a township or joint township police force ex officio deputy bailiffs of municipal courts.

To the Committee on Judiciary - Civil Justice.

Am. Sub. H. B. No. 377-Representative Garrison, et al.

To amend sections 2961.01, 2967.16, 3501.38, 3519.01, 3519.05, and 3519.21 and to enact sections 3519.011, 3519.012, and 3519.013 of the Revised Code to prohibit persons who have been convicted of or pleaded guilty to an offense involving identity theft, forgery, or fraud from witnessing or circulating election petitions, to require entities that provide compensation to circulators of initiative or referendum petitions to be licensed, to require such an entity's license to be revoked if it authorizes or knowingly permits violations of the law governing election petitions, to require circulators of initiative or referendum petitions to register with the secretary of state, to provide for public input in the determination of ballot titles, and to require the

title of an initiative or referendum petition to be submitted to the Attorney General for review.

To the Committee on Government Oversight.

Am. Sub. H. B. No. 391-Representative Chandler, et al.

To amend sections 149.43, 149.45, 319.28, 319.54, 2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 and to enact sections 111.31, 111.32, 111.321, 111.33 to 111.40, 2901.44, and 3503.151 of the Revised Code to establish an address confidentiality program for individuals who reasonably believe that they are in danger of being threatened or physically harmed by another person, to exclude the residential and familial information of a federal law enforcement officer from the definition of a public record, to include federal law enforcement officers among the protected individuals who are authorized to request a public office other than the county auditor to redact the person's address from any record made available to the general public on the internet, and to include those officers among the protected individuals who may request the county auditor to replace the person's name with the person's initials on the general tax list and duplicate.

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

Am. Sub. H. B. No. 398-Representatives Newcomb, Lehner, et al.

To amend sections 173.401, 173.501, 3702.51, 3702.59, 5111.65, 5111.651, 5111.68, 5111.681, 5111.685, 5111.686, 5111.688, 5111.874, 5111.875, and 5111.894; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 5111.688 (5111.689); and to enact new section 5111.688 and section 173.404 of the Revised Code; and to amend Section 209.20 of Am. Sub. H.B. 1 of the 128th General Assembly to revise the waiting list provisions of the PASSPORT, PACE, and Assisted Living programs, to revise the law governing the collection of long-term care facilities' Medicaid debts, and to revise the law governing the reasons for denying a Certificate of Need application.

To the Committee on Finance and Financial Institutions.

H. B. No. 402-Representative Dodd, et al.

To amend sections 117.10 and 1711.05 and to enact section 3769.0811 of the Revised Code to revise the laws governing county and independent

agricultural societies regarding audits conducted by the Auditor of State and horse races conducted by a society.

To the Committee on Agriculture.

Sub. H. B. No. 415-Representatives DeBose, Garland, et al.

To enact section 4511.204 of the Revised Code to prohibit driving a vehicle while writing, sending, or reading a text-based communication on an electronic wireless communications device.

To the Committee on Highways and Transportation.

Am. H. B. No. 431-Representatives Okey, Huffman, et al.

To enact sections 2746.01, 2746.02, 2746.03, 2746.04, 2746.05, 2746.06, 2746.07, 2746.08, and 2746.09 of the Revised Code to provide consolidated references to Revised Code sections that establish costs and fees, other than attorney fees, in the courts of record of this state.

To the Committee on Judiciary - Civil Justice.

S. B. No. 244-Senators Jones, Grendell, et al.

To enact section 3901.711 of the Revised Code to prohibit requiring an individual to obtain or maintain a policy of health insurance.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 245-Senator Stewart, et al.

To amend section 6109.04 of the Revised Code to require a community water system's annual report to its customers to include information concerning the amount of water lost by the system during the transmission of water between the source waters utilized by the system to the consumers serviced by the system.

To the Committee on Energy and Public Utilities.

S. B. No. 246-Senator Sawyer, et al.

To enact section 3314.019 of the Revised Code to permit the establishment of a community school to serve adults of school age who are incarcerated or who have been released from the custody of the Department of Youth Services and to declare an emergency.

To the Committee on Education.

S. B. No. 247-Senator Wilson, et al.

To amend section 2923.14 of the Revised Code to conform the restoration of civil firearm rights with federal law and U.S. Supreme Court case law and to allow restoration of civil firearm rights for firearms that are dangerous ordnance.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 248-Senator Gibbs, et al.

To enact section 3735.674 of the Revised Code to lengthen the period for which certain structures in a Community Reinvestment Area may be exempted from property taxation.

To the Committee on Ways and Means and Economic Development.

S. B. No. 249-Senators Seitz, Grendell, et al.

To enact section 3345.55 of the Revised Code to permit the board of trustees of a state institution of higher education to enter into an agreement to convey property used for student housing or parking to a conduit entity which will enter into a lease-leaseback arrangement with an independent funding source.

To the Committee on Finance and Financial Institutions.

S. B. No. 250-Senators Gillmor, Wilson, et al.

To amend sections 135.631, 135.73, 135.74, and 135.75 of the Revised Code to modify the Agricultural Linked Deposit Program with respect to the maximum amount the Treasurer of State may invest in agricultural linked

deposits, the interest rate at which loans are made under the Program, and the maximum loan amount.

To the Committee on Finance and Financial Institutions.

S. B. No. 251-Senators Seitz, Schiavoni, et al.

To amend sections 1337.092, 1337.12, 2101.24, 2109.21, 2111.02, 2111.12, 2111.121, 5301.071, 5747.02, 5801.10, 5808.14, 5808.17, and 5810.13; to enact new section 2107.52 and sections 1337.21 to 1337.64, 3793.31 to 3793.39, 5808.18, 5808.19, 5809.031, and 5810.14; and to repeal sections 1337.09, 1337.091, 1337.093, 1337.18, 1337.19, 1337.20, and 2107.52 of the Revised Code to adopt the Uniform Power of Attorney Act; to modify a trustee's duties with respect to life insurance policies, specify a trustee's power to distribute trust principal in further trust, provide for the titling of assets in trust form, and make other changes in the Trust Code; to modify the anti-lapse provisions regarding wills and adopt anti-lapse provisions applicable to trusts; and to provide a mechanism for a probate court to order a person who suffers from alcohol and other drug abuse to undergo treatment.

To the Committee on Judiciary - Civil Justice.

S. B. No. 252-Senator Cafaro, et al.

To amend section 4303.29 and to enact section 4301.82 of the Revised Code to establish local entertainment districts in municipal corporations or unincorporated areas of counties of specified populations for the purpose of the issuance of D-1, D-2, and D-5 liquor permits under specified conditions.

To the Committee on Agriculture.

S. B. No. 253-Senator Kearney.

To amend sections 703.01 and 703.06 of the Revised Code to allow cities and villages to retain their status as a city or village for a period of up to two years despite a change in population that otherwise determines their classification under the Ohio Constitution.

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

S. B. No. 254-Senator Carey, et al.

To create the Water Access To Every Residence Task Force.

To the Committee on Energy and Public Utilities.

S. R. No. 223-Senator Buehrer.

To support the construction of the new Detroit River International Crossing between the United States and Canada.

To the Committee on Insurance, Commerce and Labor.

S. C. R. No. 27-Senator Gibbs, et al.

To urge the Congress of the United States to adopt legislation invalidating regulations of the United States Environmental Protection Agency related to greenhouse gases.

To the Committee on Environment and Natural Resources.

S. J. R. No. 10-Senator Seitz, et al.

Proposing to amend Section 6 of Article IV and to repeal Sections 19 and 22 of Article IV of the Constitution of Ohio to change the age at and after which a person may not be elected or appointed to a judicial office and to eliminate the authority of the General Assembly to establish courts of conciliation and to reappoint a Supreme Court commission.

To the Committee on Judiciary - Civil Justice.

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

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.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 194-Senator Kearney.

Cosponsors: Senators Miller, D., Fedor, Goodman, Jones, Morano, Turner, Schiavoni, Sawyer, Buehrer, Cafaro, Carey, Coughlin, Gibbs, Gillmor, Grendell, Harris, Hughes, Strahorn, Wagoner, Wilson, Patton, Seitz. Representatives Amstutz, Balderson, Batchelder, Beck, Belcher, Blair, Bolon, Boose, Boyd, Brown, Bubb, Carney, Chandler, Coley, Combs, DeBose, Derickson, Dodd, Domenick, Driehaus, Evans, Foley, Gardner, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Harris, Harwood, Heard, Hottinger, Koziura, Letson, Luckie, Lundy, Maag, Mallory, Martin, McClain, McGregor, Moran, Morgan, Oelslager, Otterman, Patten, Pillich, Reece, Ruhl, Sayre, Skindell, Snitchler, Stautberg, Stewart, Uecker, Weddington, Williams, B., Williams, S., Winburn, Yuko, Zehringer.

To amend section 5747.08 of the Revised Code to permit individual taxpayers to direct the state to transmit an income tax refund directly to the taxpayer's checking, savings, or individual retirement account if the taxpayer files a return electronically, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 194**?"

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 Senate concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION**S. B. No. 166**-Senator Hughes.

Cosponsors: Senators Goodman, Turner, Fedor, Schaffer, Patton.

To enact section 4511.454 of the Revised Code to allow emergency personnel in public safety vehicles to report traffic law violations under certain circumstances, was considered the third time.

The question being, "Shall the bill, **S. B. No. 166**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 3, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Coughlin
Faber	Fedor	Gibbs	Gillmor
Goodman	Hughes	Husted	Jones
Kearney	Miller D	Miller R	Morano
Niehaus	Patton	Sawyer	Schaffer
Schiavoni	Schuring	Smith	Stewart
Strahorn	Turner	Wagoner	Widener
Wilson			Harris-30.

Senators Cates, Grendell, and Seitz voted in the negative-3.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Harris, Kearney, Miller, D., Morano, Sawyer, Schiavoni, Widener."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 255-Senator Cates.

Cosponsors: Senators Husted, Jones, Schiavoni, Wagoner, Buehrer, Schaffer, Coughlin, Seitz.

To amend section 3310.02 of the Revised Code to gradually increase to 20,000 the number of Educational Choice Scholarships awarded annually.

S. B. No. 256-Senators Carey, Turner.

Cosponsors: Senators Widener, Stewart, Niehaus, Coughlin, Faber, Morano,

Cafaro, Strahorn, Miller, R., Schiavoni.

To amend sections 3333.38 and 3345.32 and to enact sections 3333.46 and 3333.47 of the Revised Code to establish the Career Training Workforce Development Grant Program and to allocate a portion of casino license fees to finance the program.

OFFERING OF RESOLUTIONS

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

S. R. No. 224-Senator Wagoner.

Honoring Hope Lutheran Church on its Centennial.

S. R. No. 225-Senator Wagoner.

Honoring Dr. Rachel Vannatta Reinhart as the recipient of a 2010 Faculty Innovator Award.

S. R. No. 226-Senator Wagoner.

Honoring Bonnie Mitchell as the recipient of a 2010 Faculty Innovator Award.

S. R. No. 227-Senator Wagoner.

Honoring Seth Oyer as the recipient of a 2010 Faculty Innovator Award.

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 Senate Rule No. 19, the President of the Senate makes the following appointment changes to the following Standing Committee:

Removes Senator Joe Schiavoni from the Standing Committee on Judiciary – Criminal Justice

Appoints Senator Eric Kearney to the Standing Committee on Judiciary – Criminal Justice

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4121.70 (A) (6) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the

Labor-Management Government Advisory Council:

John R. Finch
COVA 3770 North High Street
Columbus, Ohio 43214

(representing nonprofit vocational rehabilitation services providers that deliver services to injured workers, term beginning immediately, ending September 29, 2015)

On the motion of Senator Niehaus, the Senate adjourned until Wednesday, May 12, 2010 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.