

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, MAY 18, 2010

ONE HUNDRED EIGHTY-FIFTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, May 18, 2010, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Mark Fuller, Grove City Church of the Nazarene, Grove City, 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 concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

**Am. Sub. H. B. No. 329**-Representative Williams, S., et al.

To amend sections 122.17 and 122.171 of the Revised Code to provide for a six-year trial period in which taxpayers may include a limited number of a taxpayer's employees who work from home and whose rate of pay is at least three times the federal minimum wage as employees employed in the project for purposes of the job creation and retention credits if the recipient of the credit provides a specified level of capital investment, and to require the Director of Development to issue a report at the end of the six-year period.

To the Committee on Ways and Means and Economic Development.

**Am. H. B. No. 348**-Representatives Goyal, Williams, S., et al.

To amend section 150.07 of the Revised Code to increase the annual and aggregate limit on the amount of tax credits the Ohio Venture Capital Authority may authorize.

To the Committee on Finance and Financial Institutions.

**Am. H. B. No. 486**-Representatives Lundy, Stebelton, et al.

To amend sections 1315.26, 1321.13, 1321.15, 1321.57, 1321.59, 1321.99, and 4712.07 and to enact section 4712.021 of the Revised Code to establish certain consumer protections with respect to small loans to be known as the Small Loan Consumer Protection Act.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 257**-Senator Schuring, et al.

To amend section 5747.113 and to enact section 3701.601 of the Revised Code to allow taxpayers to contribute a portion of their income tax refunds to the Ohio Breast and Cervical Cancer Project.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 258**-Senator Grendell, et al.

To amend sections 5747.01, 5747.02, and 5747.055 of the Revised Code to reduce the maximum effective income tax rate applicable to unearned income of persons age 70 1/2 years or older to 1%.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 259**-Senator Cates.

To amend sections 133.021 and 3351.07 of the Revised Code to revise the laws regarding designation of the student loan secondary market agency and allocation of private activity bonds.

To the Committee on Finance and Financial Institutions.

**S. B. No. 260**-Senator Goodman, et al.

To enact section 5145.031 of the Revised Code to require the Director of Rehabilitation and Correction to adopt rules governing the work of prisoners at the Governor's residence.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 261**-Senator Cates.

To amend sections 109.57, 3313.61, 3317.03, 3319.31, 3319.311, and 4117.01 and to enact sections 3328.01 to 3328.04, 3328.11 to 3328.15, 3328.17 to 3328.19, 3328.191, 3328.192, 3328.193, 3328.20 to 3328.26, 3328.31 to 3328.36, 3328.41, 3328.45, 3328.50, and 3328.99 of the Revised

Code to permit the establishment of public college-preparatory boarding schools for at-risk students to be operated by private nonprofit entities.

To the Committee on Education.

**S. B. No. 262**-Senators Cates, Gibbs, et al.

To enact section 3901.87 of the Revised Code to prohibit qualified health plans from providing coverage for certain abortions.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 263**-Senator Faber, et al.

To amend sections 101.70, 102.02, 102.03, 109.572, 109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 5703.70, and 5747.02, and to enact sections 121.54, 3517.1015, 3769.081, 3772.01 to 3772.03, 3772.031, 3772.032, 3772.033, 3772.034, 3772.04, 3772.05, 3772.051, 3772.06, 3772.061, 3772.062, 3772.07 to 3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 3772.112, 3772.12, 3772.121, 3772.13, 3772.131, 3772.14 to 3772.34, 3772.99, 3793.032, 5753.01 to 5753.06, 5753.061, and 5753.07 to 5753.10 of the Revised Code to create the Ohio Casino Control Commission and related provisions and to set forth casino gaming statutes under Ohio Constitution, Article XV, Section 6(C).

To the Committee on Government Oversight.

**S. C. R. No. 28**-Senator Widener, et al.

To urge the President of the United States and the Administrator of the National Aeronautics and Space Administration to select the National Museum of the United States Air Force at Wright-Patterson Air Force Base near Dayton, Ohio for public display of a space shuttle orbiter.

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

YES - 5:     DAVID GOODMAN, TOM NIEHAUS, KEITH L.  
                  FABER, BILL HARRIS, SHIRLEY A. SMITH.

NO - 0.

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

The report of the committee was accepted.

Said bills and concurrent resolution 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:

**Dorothy Baunach**, Independent, from West Lake, Cuyahoga County, Ohio, as a Member of the Industrial Technology and Enterprise Advisory Council for a new term beginning January 4, 2010 and ending at the close of business December 31, 2016.

**Diane M. Dudzinski**, Democrat, from Marietta, Washington County, Ohio, as a Member of the Industrial Technology and Enterprise Advisory Council for a term beginning January 4, 2010 and ending at the close of business December 31, 2016, replacing Richard Kegg, whose term expired.

**Jennifer L. Haley**, Republican, from Amelia, Clermont County, Ohio, as a Member of the Board of Motor vehicle Collision Repair Registration for a new term beginning January 15, 2010 and ending at the close of business January 1, 2013.

**Ronald A. Nagy**, Democrat, from Clinton, Summit county, Ohio, as a Member of the Board of Motor vehicle Collision Repair Registration for a new term beginning January 15, 2010 and ending at the close of business January 1, 2013.

**William Ogg**, Democrat, from Wheelersburg, Scioto County, Ohio, as a Member of the Motor Vehicle Collision Repair Registration for a term beginning March 22, 2010 and ending at the close of business January 1, 2013, replacing Eric Poklar, whose term expired.

**Roger L. Osborne**, Republican, from Fleming, Washington County, Ohio, as a Member of the Ohio Reclamation Forfeiture Fund Advisory Board for a new term beginning January 11, 2010 and ending at the close of business January 10, 2014.

**Gary K. Starner**, Democrat, from Logan, Hocking County, Ohio, as a Member of the Ohio Reclamation Forfeiture Fund Advisory Board for a new term beginning January 11, 2010 and ending at the close of business January 10, 2014.

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, JOHN A. CAREY,  
TOM NIEHAUS, STEPHEN BUEHRER, JON A.  
HUSTED, JASON H. WILSON, RAY MILLER,  
SHIRLEY A. SMITH.

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 31, 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	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Widener	Wilson		Harris-31.

So the Senate advised and consented to said appointments.

On the motion of Senator Niehaus, the Senate recessed until 3:24 p.m.

The Senate met pursuant to the recess.

## HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

**Sub. S. B. No. 3**-Senator Faber. Cosponsors: Senators Carey, Wagoner, Buehrer, Cafaro, Cates, Coughlin, Fedor, Gibbs, Gillmor, Goodman, Hughes, Niehaus, Patton, Schaffer, Wilson, Stewart. Representatives Gerberry, Lundy, Mallory, Sayre, Belcher, Williams, B., Daniels, Adams, J., Jordan, Stebelton, Adams, R., Bacon, Baker, Balderson, Beck, Blair, Bolon, Boose, Boyd, Brown, Carney, Chandler, Coley, Combs, DeBose, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Goodwin, Goyal, Hackett, Hagan, Hall, Harris, Harwood, Hite, Hottinger, Huffman, Lehner, Letson, Luckie, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Oelslager, Patten, Phillips, Pillich, Pryor, Ruhl, Schneider, Skindell, Slesnick, Snitchler, Stautberg, Szollosi, Uecker, Wagner, Walter, Winburn, Yuko, Zehringer.

To amend sections 103.051, 103.0511, 121.24, 122.08, 122.081, and 127.18 and to enact sections 121.81, 121.811, 121.812, 121.813, 121.814, 121.815, 121.82, 122.084, and 3745.016 of the Revised Code to enact the Common Sense Regulation Act to improve state agency regulatory processes, especially as they relate to small businesses, to require state departments to develop customer service training programs, and to require the Director of Environmental Protection to provide environmental regulatory compliance assistance to small businesses, having been informally passed, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 3?**"

The yeas and nays were taken and resulted - yeas 11, nays 20, as follows:

Those who voted in the affirmative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Sawyer	Smith
Strahorn	Turner		Wilson-11.

Those who voted in the negative were: Senators

Buehrer	Carey	Cates	Coughlin
Faber	Gibbs	Gillmor	Goodman
Grendell	Hughes	Husted	Jones
Niehaus	Patton	Schaffer	Schuring
Seitz	Stewart	Widener	Harris-20.

So the Senate did not concur in the amendments of the House of Representatives.

### **BILLS FOR THIRD CONSIDERATION**

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

Cosponsors: Representatives Harwood, Derickson, Domenick, Grossman, Garland, Hagan, Evans, Snitchler, Phillips, Williams, B., Dyer, Fende, Wachtmann, Ruhl, Hackett, Letson, Stebelton, Harris, Bubp, Hottinger, Stautberg, Pillich, Murray, Driehaus, Brown, McClain, Weddington, Mallory, Goyal, Baker, Blessing, Dolan, Yuko, Okey, Foley, Adams, R., Amstutz, Bacon, Balderson, Batchelder, Beck, Belcher, Boose, Boyd, Burke, Carney, Celeste, Chandler, Combs, Daniels, DeBose, DeGeeter, Gardner, Gerberry, Goodwin, Hall, Heard, Hite, Koziura, Luckie, Lundy, Maag, Martin, Mecklenborg, Moran, Morgan, Oelslager, Otterman, Patten, Pryor, Reece, Sayre, Sears, Skindell, Slesnick, Stewart, Szollosi, Uecker, Walter, Winburn, Zehringer. Senators Carey, Miller, D., Sawyer, Kearney.

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, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 398**, pass?"

The yeas and nays were taken and resulted - yeas 31, 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	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Widener	Wilson		Harris-31.

So the bill passed.

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

Senator Carey moved to amend the title as follows:

Add the names: "Buehrer, Cafaro, Gibbs, Gillmor, Grendell, Harris, Hughes, Miller, R., Morano, Schaffer, Seitz, Fedor, Turner."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 210**-Senators Coughlin, Kearney.

Cosponsors: Senators Cafaro, Goodman, Harris, Husted, Miller, D., Miller, R., Morano, Sawyer, Schiavoni, Smith, Strahorn, Stewart, Turner, Wagoner.

To amend sections 3313.603, 3313.813, 3313.814, 3314.03, 3314.18, 3326.11, and 3326.13 and to enact sections 3301.92, 3301.921, 3301.922, 3301.923, 3302.032, 3313.6016, 3313.674, 3313.816, 3313.817, and 3319.076 of the Revised Code to establish nutritional standards for certain foods and beverages sold in schools; to require students to have periodic body mass index measurements; to require daily physical activity for students and to make other changes regarding physical education; and to establish the Healthy Choices for Healthy Children Council, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 210**, pass?"



Senator Coughlin moved to amend as follows:

In line 140, after " **3302.032** ." insert " (A)"

In line 141, delete " student" and insert " the following:"

(1) Student"

In line 144, delete " and of compliance" and insert " ;

(2) Compliance"

In line 147, delete " .The" and insert " ;

(3) Whether a school district or building is complying with sections 3313.6016 and 3313.674 of the Revised Code instead of operating under a waiver from the requirements of those sections.

(B) The"

In line 152, before " The" insert " (C)"

In line 530, delete " division" and insert " divisions"; after " (D)" insert " and (H)"

In line 587, after the underlined period insert " If any district or chartered nonpublic school was granted a waiver under division (H) of this section for the school year covered by the published data, the department shall note that the data for the county in which the district or school is located is incomplete."

Between lines 590 and 591, insert:

" (H) A board or governing authority, for financial reasons, may apply to the superintendent of public instruction for a waiver of the requirement to have students undergo screenings for body mass index and weight status category. If the board or governing authority demonstrates to the superintendent's satisfaction that compliance with the requirement will create an undue financial hardship on the school district or chartered nonpublic school, the superintendent shall grant the waiver. An affidavit submitted to the superintendent by the board or governing authority, attested to by the president or presiding officer of the board or governing authority, shall be conclusive evidence of the need for the waiver."

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

The yeas and nays were taken and resulted - yeas 29, nays 2, 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

Schuring  
Strahorn

Seitz  
Turner

Smith  
Widener

Stewart  
Wilson  
Harris-29.

Senators Cates and Grendell voted in the negative-2.

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 210**, pass?"

The yeas and nays were taken and resulted - yeas 24, nays 7, as follows:

Those who voted in the affirmative were: Senators

Cafaro  
Gillmor  
Kearney  
Niehaus  
Schuring  
Turner

Carey  
Goodman  
Miller D  
Patton  
Seitz  
Widener

Coughlin  
Husted  
Miller R  
Sawyer  
Smith  
Wilson

Fedor  
Jones  
Morano  
Schaffer  
Strahorn  
Harris-24.

Senators Buehrer, Cates, Faber, Gibbs, Grendell, Hughes, and Stewart voted in the negative-7.

So the bill passed.

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

Senator Coughlin moved to amend the title as follows:

Add the name: "Fedor."

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

The motion was agreed to.

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

Senator Stewart moved to amend the title as follows:

Remove the name: "Stewart."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 232**-Senator Widener.

Cosponsors: Senators Goodman, Jones, Wagoner.

To amend sections 717.25, 1710.01, 1710.02, 1710.06, 1710.07, 4928.64, 5709.53, 5713.30, 5713.34, 5727.01, 5727.02, 5727.06, 5727.11, 5727.111, 5727.15, 5727.30, and 5739.02 and to enact sections 1710.061, 4935.10, and 5727.75 of the Revised Code to expand special improvement district energy improvement projects and the municipal solar energy revolving loan program law to include alternative energy, to address the treatment of energy efficiency savings and reductions in demand regarding certain energy projects, to exempt qualifying energy facilities from property taxation upon county approval, to

require payments in lieu of taxes on the basis of each megawatt of production capacity of such facilities, to prohibit the use of the exemption to determine the cost of compliance for the state's alternative energy portfolio standard, to clarify the sales and use tax treatment of related energy conversion equipment purchases, to specify that operators of such facilities are subject to the commercial activity tax, and to require the Public Utilities Commission to study reactive power in the state, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 232**, pass?"

Senator Widener moved to amend as follows:

In line 1117, after the period insert " "Rural electric company" excludes an energy company."

In line 1127, after "company" insert " or an energy company"

In line 1154, after " others" insert " solely"

In line 1529, delete " .eighty-five per cent in the"

In line 1530, delete " case of" and insert " and"

In line 1551, after the comma insert " in the case of an electric company."

In line 1552, strike through the second "the" and insert " its"

In line 1553, strike through "of an electric company" and insert " and its energy conversion equipment"

Delete lines 1659 through 1669

In line 1670, delete " (F)" and insert " (E)"

In line 1723, after " individuals" insert " .including contract employees."

In line 1801, after " company" insert " .electric company, or rural electric company"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 232**, pass?"

Senator Faber moved to amend as follows:

In line 1852, after " construction" insert " or decommissioning"; delete " reasonably"

In line 1853, delete " estimated" and insert " determined"

In line 1855, delete the underlined semicolon and insert " . In the event that the county engineer deems any road, bridge, or culvert to be inadequate to support the construction or decommissioning of the facility, the road, bridge, or culvert shall be rebuilt or reinforced to the specifications established by the county engineer prior to the construction or decommissioning of the facility. The owner or lessee of the facility shall post a bond in an amount established, and to be held, by the county engineer to meet the cost of any damage due to construction or decommissioning of the facility."

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 232**, pass?"

Senator Gibbs moved to amend as follows:

In line 1727, after " project" insert " using renewable energy resources"

In line 1752, delete " (C)" and insert " (E)"

Between lines 1762 and 1763, insert:

" (C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2017. Tangible personal property not placed into service on that date is taxable property subject to taxation.

(2) A board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution to approve an application to exempt the property located in that county from taxation. A board's rejection of an application or failure to adopt a resolution to approve or reject the tax exemption does not affect the tax-exempt status of property of a qualified energy project located in another county.

(3) The certification for the qualified energy project, issued under division (E)(2) of this section, has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year."

In line 1763, delete " (3)" and insert " (D)"

In line 1773, delete " (C)" and insert " (E)"; delete " On or before September 30, 2010, a" and insert " (a) A"

In line 1775, after " project" insert " on or before the following dates:

(i) September 30, 2010, for an energy facility using renewable energy resources;

(ii) September 30, 2012, for an energy facility using clean coal technology, advanced nuclear technology, or cogeneration technology"; after the underlined period insert:

" (b)"

In line 1780, after " (B)" insert " or (C)"

In line 1786, delete " (E)" and insert " (G)"

In line 1823, delete " (D)" and insert " (F)"

In line 1830, after " completion" insert " . A certificate of partial completion for an energy facility using renewable energy resources shall be filed"; after " 2013" insert " and shall state the nameplate capacity of the facility as of January 1, 2013"

In line 1831, after " completion" insert " for an energy facility using clean coal technology, advanced nuclear technology, or cogeneration technology shall be filed on or before March 1, 2017, and"

In line 1832, delete " 2013" and insert " 2017"

In line 1871, delete " (D)" and insert " (F)"

In line 1883, delete " (E)" and insert " (G)"

In line 1885, delete " (E)" and insert " (G)"

In line 1896, delete " (F)" and insert " (H)"

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

The yeas and nays were taken and resulted - yeas 25, nays 6, 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	Niehaus
Patton	Schaffer	Schuring	Seitz
Stewart	Strahorn	Widener	Wilson
			Harris-25.

Senators Miller D, Miller R, Morano, Sawyer, Smith, and Turner voted in the negative-6.

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 232**, pass?"

Senator Stewart moved to amend as follows:

In line 130, delete "either"

In line 131, delete "or any other utility"

In line 132, delete "charges, as part of a reasonable arrangement"

In line 133, delete "of this state under section 4905.31 of"

In line 134, delete "the Revised Code"

In line 628, delete "either"

In line 629, delete "or any other utility"

In line 630, delete "charges, as part of a reasonable arrangement"

In line 631, delete "of this state under"

In line 632, delete everything before the underlined period

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 232**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 4, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Coughlin
Faber	Fedor	Gibbs	Goodman
Husted	Jones	Kearney	Miller D
Miller R	Morano	Niehaus	Patton
Sawyer	Schaffer	Schiavoni	Schuring
Seitz	Smith	Stewart	Strahorn
Turner	Widener	Wilson	Harris-28.

Senators Cates, Gillmor, Grendell, and Hughes voted in the negative-4.

So the bill passed.

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

Senator Widener moved to amend the title as follows:

Add the names: "Fedor, Harris, Miller, D., Miller, R., Morano, Turner, Wilson, Strahorn."

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. 264**-Senator Cates.

To amend sections 3301.079, 3301.0712, and 3313.603 of the Revised Code to allow more time for the adoption of standards and model curricula for science, social studies, and financial literacy and entrepreneurship.

**S. B. No. 265**-Senator Schuring.

To amend sections 4762.01, 4762.03, 4762.05, 4762.06, 4762.08, 4762.10, 4762.13, 4762.131, and 4762.19 and to enact section 4762.041 of the Revised Code to allow acupuncturists to practice with herbs.

**OFFERING OF RESOLUTIONS**

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

**S. R. No. 233**-Senator Faber.

Cosponsor: Senator Strahorn.

Honoring Zack Jones as the 2010 Division IV State Champion in Power Lifting in the 135-pound weight class.

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

So the resolution was adopted.

**COMMUNICATIONS FROM THE GOVERNOR**

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Daisy L. Alford-Smith, PhD, Democrat, from Aurora, Portage County, Ohio, as a Member of the NEOUCOM Board of Trustees for a term beginning March 5, 2010 and ending at the close of business September 21, 2018, replacing Steven Cress, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of March in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Lavea Brachman, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Clean Ohio Council for a new term beginning January 4, 2010 and ending at the close of business November 23, 2011.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 4th day of January in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, John W. Garland, from Xenia, Greene County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a new term beginning July 9, 2009 and ending at the close of business January 31, 2012.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 9th day of July in the year of our Lord, two thousand and nine.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Robert



B. Gilbert, PhD, Independent, from Beavercreek, Greene County, Ohio, as a Member of the Board of Building Standards for a term beginning January 19, 2010 and ending at the close of business October 13, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 19th day of January in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Stacey L. Hoffman, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning February 26, 2010 and ending at the close of business January 14, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 26th day of February in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Timothy Ochsenhirt, from Akron, Summit County, Ohio, as a Member of the Ohio Athletic Commission for a term beginning February 22, 2010 and ending at the close of business September 2, 2012, replacing Michael Chase, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 22nd day of February in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Carl C. Schultz, III, Republican, from Delaware, Delaware County, Ohio, as a Member of the Board of Building Standards for a term beginning January 19, 2010 and ending at the close of business October 13, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 19th day of January in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Adriana A. Sfalcin, Democrat, from Dublin, Franklin County, Ohio, as a Member of the Ohio Business Gateway Steering Committee for a term beginning October 6, 2009 and continuing at the pleasure of the Governor, replacing Dwight Smith.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of October in the year of our Lord, two thousand and nine.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, James B. Sherwood, Democrat, from Brunswick, Medina County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 26, 2010 and ending at the close of business January 14, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 26th day of February in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Alexis Swain, from Columbus, Franklin County, Ohio, as a Student Member of the The Ohio State University Board of Trustees for a term beginning May 15, 2009 and ending at the close of business May 14, 2011, replacing Debra Van Camp, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 20th day of April in the year of our Lord, two thousand and nine.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Linda Woggon, Democrat, from Howard, Knox County, Ohio, as a Member of the Ohio Business Gateway Steering Committee for a new term beginning October 6, 2009 and continuing at the pleasure of the Governor, replacing Daniel Navin.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of October in the year of our Lord, two thousand and nine.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Bob Yost, Republican, from Elyria, Lorain County, Ohio, as a Member of the Board of Building Standards for a term beginning January 27, 2010 and ending at the close of business October 13, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 27th day of January in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,  
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Niehaus, the Senate adjourned until Wednesday, May 19, 2010 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.