

**OHIO**

**SENATE**

**JOURNAL**

THURSDAY, MAY 20, 2010

ONE HUNDRED EIGHTY-SEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, May 20, 2010, 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 STANDING AND SELECT COMMITTEES**

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **Sub. H. B. No. 198**-Representatives Lehner, Ujvagi, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Morano.

YES - 7: KEVIN J. COUGHLIN, STEPHEN BUEHRER, DAVID GOODMAN, SHANNON JONES, RAY MILLER, SUSAN L. MORANO, SHIRLEY A. SMITH.

NO - 0.

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

The report of the committee was accepted.

Senator Patton submitted the following report:

The standing committee on Highways and Transportation, to which was referred **Am. H. B. No. 50**-Representative Domenick, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Turner, Fedor.

YES - 9: TOM PATTON, STEPHEN BUEHRER, GARY W. CATES, TIMOTHY O. SCHAFFER, BOB GIBBS, NINA TURNER, TERESA FEDOR, JASON H. WILSON, DAVID GOODMAN.

NO - 0.

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

The report of the committee was accepted.

**INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bill was introduced and considered the first time:

**S. B. No. 266**-Senator Schuring.

Cosponsors: Senators Wagoner, Cates, Buehrer, Gibbs, Grendell, Goodman, Schaffer, Widener, Faber, Husted.

To amend sections 5747.01 and 5747.02 and to enact section 5747.014 of the Revised Code to reduce the income tax rate on capital gains reinvested in Ohio-based investments.

**OFFERING OF RESOLUTIONS**

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

**S. R. No. 235**-Senator Smith.

Honoring Dr. Jonathan Witmer-Rich as the recipient of a 2010 Faculty Innovator Award.

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, Michael A. Carroll, Democrat, from Mansfield, Richland County, Ohio, as a Member of the North Central State College Board of Trustees for a term beginning April 26, 2010 and ending at the close of business January 16, 2013, replacing Ronald Walker, 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 26th day of April 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 D. Clarke, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a term beginning April 9, 2010 and ending at the close of business November 18, 2012, replacing Michael Long, 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 9th day of April 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, Jason P. Dapore, from Columbus, Franklin County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning January 19, 2010 and ending at the close of business August 27, 2010, replacing Randall Wroble, who resigned.

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, Maureen A. Drummond, from Canfield, Mahoning County, Ohio, as a Member of the Ohio Community Service Council for a term beginning April 29, 2010 and ending at the close of business April 21, 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 29th day of April 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, Matthew P. Elli, Democrat, from Norwich, Muskingum County, Ohio, as a Member of the Transportation Review Advisory Council for a term beginning April 26, 2010 and ending at the close of business June 30, 2014, replacing Tom Studevart, 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 26th day of April 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, Dan Mullens, Democrat, from Sciotoville, Scioto County, Ohio, as a Member of the Waterways Safety Council for a term beginning April 27, 2010 and ending at the close of business January 31, 2012, replacing Jane Harf, who resigned.

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 April 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, Anthony L. Pollard, Independent, from Franklin Furnace, Scioto County, Ohio, as a Member of the Council on Alcohol and Drug Addiction Services for a term beginning April 1, 2010 and ending at the close of business July 31, 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 1st day of April 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, Krishnamurzhi Ramprasad, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the State Medical Board for a term beginning April 23, 2010 and ending at the close of business March 18, 2015, replacing Nandal Varyani, 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 23rd day of April 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, Gary Sims, from Marion, Marion County, Ohio, as a Member of the Solid Waste Management Advisory Council for a term beginning April 12, 2010 and

ending at the close of business June 23, 2011, replacing Antoinette Starkey, 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 12th day of April 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, Kathy L. Smith, Democrat, from Mansfield, Morrow County, Ohio, as a Member of the Forestry Advisory Council for a new term beginning April 9, 2010 and ending at the close of business February 28, 2014.

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 April 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, Dawn R. Spurlock, Democrat, from Grand Rapids, Wood County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a new term beginning February 3, 2010 and ending at the close of business November 18, 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 3rd 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, Chas Withers, Independent, from Lakewood, Cuyahoga County, Ohio, as a Member of the Ohio Tuition Trust Authority Board for a new term beginning February 26, 2010 and ending at the close of business January 31, 2014.

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.

Said appointments were referred to the Committee on Rules.

**Message from the House of Representatives**

Mr. President:

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

**Sub. H. B. No. 33** -Representative Dyer

Cosponsors: Representatives Hagan, Williams, B., Boyd, Chandler, Harris, DeBose, Winburn, Bacon, Batchelder, Beck, Belcher, Bolon, Bulp, Celeste, Daniels, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Evans, Fende, Foley, Garland, Garrison, Goyal, Grossman, Harwood, Heard, Koziura, Lehner, Letson, Luckie, Lundy, Mallory, Mandel, McClain, Moran, Murray, Oelslager, Otterman, Patten, Pillich, Pryor, Reece, Ruhl, Sayre, Skindell, Slesnick, Sykes, Szollosi, Weddington, Yuko

To amend sections 2921.13, 4505.08, and 5302.30 and to enact sections 109.5731 and 3701.181 of the Revised Code to establish identification, reporting, and disclosure requirements governing illegal methamphetamine manufacturing laboratories and to name the act the Methamphetamine Awareness and Notification Act.

**Sub. H. B. No. 206** -Representatives Boyd, Oelslager

Cosponsors: Representatives Combs, Domenick, Wachtmann, Ujvagi, Letson, Yuko, Okey, Chandler, Brown, Celeste, Dyer, Evans, Gerberry, Heard, Hite, Koziura, Luckie, Mallory, Reece, Stewart, Szollosi, Walter, Williams, B., Williams, S.



To amend sections 3719.06, 4723.06, 4723.481, 4723.482, 4723.492, and 4723.50 and to enact section 4723.486 of the Revised Code to modify the authority of certain advanced practice nurses to prescribe schedule II controlled substances.

**Sub. H. B. No. 393** -Representatives Gerberry, Blessing

Cosponsors: Representatives Chandler, Weddington, Blair, Boose, Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko, Balderson, Batchelder, Beck, Bolon, Bubp, Combs, Daniels, Evans, Garland, Goodwin, Grossman, Hackett, Harris, Harwood, Koziura, Lehner, Letson, Lundy, Mallory, McClain, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Patten, Phillips, Pillich, Pryor, Sayre, Snitchler, Stautberg, Uecker, Williams, B., Winburn

To amend section 505.87 of the Revised Code to revise the notice required to be provided by a board of township trustees to a landowner and any lienholder for a subsequent nuisance determination made within 12 months after a nuisance determination was made regarding the same property.

**Am. Sub. H. B. No. 461** -Representatives Pillich, Boose

Cosponsors: Representatives Baker, Balderson, Beck, Brown, Chandler, Derickson, Domenick, Evans, Garland, Gerberry, Grossman, Harwood, McGregor, Okey, Pryor, Sears, Ujvagi, Wachtmann, Yuko, Carney, Fende, Gardner, Garrison, Goyal, McClain, Mecklenborg

To amend sections 123.024, 141.02, 3313.616, 3721.50, 4503.46, 5111.21, 5902.02, 5907.01, 5907.02, 5907.021, 5907.04, 5907.08, 5907.10, 5907.11, 5907.12, 5907.13, 5911.10, 5913.01, 5913.011, 5913.02, 5913.021, 5919.06, 5919.26, 5919.28, 5919.29, 5919.34, and 5924.136 and to repeal sections 5907.023, 5907.05, and 5913.04 of the Revised Code and to amend Section 409.10 of Am. Sub. H.B. 1 of the 128th General Assembly to make changes to the law regarding the Ohio Veterans' Home Agency, the Department of Veterans Services, the Ohio National Guard Scholarship Program, and other military-related laws, to establish the Commission for the Future of Local Veterans Posts in Ohio, and to make an appropriation.

**Sub. H. B. No. 483** -Representative Pryor

Cosponsors: Representatives Dodd, Domenick, Evans, Garland, Gerberry, Goodwin, Goyal, Letson, Murray, Phillips, Sayre, Stebelton, Weddington, Adams, R., Balderson, Beck, Blair, Bolon, Book, Boose, Boyd, Brown, Bubp, Carney, Chandler, Combs, Driehaus, Dyer, Gardner, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hottinger, Koziura, Luckie, Mallory, Mandel, McClain, McGregor, Moran, Newcomb, Oelslager, Reece, Ruhl, Sears,

Slesnick, Snitchler, Uecker, Williams, B., Williams, S., Winburn, Yuko, Zehringer

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

Attest: Tom Sherman,  
Clerk.

Said bills were considered the first time.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

**Sub. H. B. No. 190** -Representative Fende - et al.

Attest: Tom Sherman,  
Clerk.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

**Sub. H. B. No. 190** -Representative Fende - et al.

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

Attest: Tom Sherman,  
Clerk.

The President signed said bills.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives insists on its amendments to:

**Sub. S. B. No. 3** -Senator Faber - et al.

and asks for a Committee of Conference.

Attest:

Tom Sherman,  
Clerk.

On the motion of Senator Carey, the Senate acceded to the request of the House of Representatives.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Sub. S.B. No. 3 of the 128th General Assembly:

Senator Faber  
Senator Hughes  
Senator Kearney

On the motion of Senator Carey, the Senate adjourned until Tuesday, May 25, 2010 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.