

OHIO

SENATE

JOURNAL

TUESDAY, MAY 25, 2010

ONE HUNDRED EIGHTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 25, 2010, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Matt Keller, Calvary Bible Baptist Church, Westerville, Ohio, followed by the Pledge of Allegiance to the Flag.

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

On the motion of Senator Niehaus, the Senate recessed until 3:42 p.m.

The Senate met pursuant to the recess.

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

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

Sub. H. B. No. 33-Representative Dyer, et al.

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.

To the Committee on Judiciary - Criminal Justice.

Sub. H. B. No. 206-Representatives Boyd, Oelslager, et al.

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.

To the Committee on Health, Human Services and Aging.

Sub. H. B. No. 393-Representatives Gerberry, Blessing, et al.

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.

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

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

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 Sections 265.50.55 and 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, to provide for adjustments to payments to schools, to provide for adjustments to payments for nonpublic schools, and to make an appropriation.

To the Committee on Finance and Financial Institutions.

Sub. H. B. No. 483-Representative Pryor, 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 maximum loan amounts, and the interest rate at which loans are made under the Program.

To the Committee on Finance and Financial Institutions.

S. B. No. 266-Senator Schuring, et al.

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.

To the Committee on Ways and Means and Economic Development.

YES - 6: DAVID GOODMAN, KEITH L. FABER, TOM NIEHAUS, BILL HARRIS, CAPRI S. CAFARO, 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 were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Hughes submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. C. R. No. 28**-Senator Widener, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Fedor.

YES - 6: JIM HUGHES, JIMMY STEWART, TIMOTHY J. GRENDALL, BILL SEITZ, TERESA FEDOR, RAY MILLER.

NO - 0.

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

The report of the committee was accepted.

Senator Harris submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

Patricia Ackerman, Democrat, from Richmond Heights, Cuyahoga County, Ohio, as a Member of the Ohio Board of Regents for a term beginning March 12, 2010 and ending at the close of business September 20, 2014, replacing Daniel Hurwitz.

Samar I. Ahmad, Independent, from Powell, Delaware County, Ohio, as a Member of the Minority Development Financing Advisory Board for a term beginning January 19, 2010 and ending at the close of business September 30, 2016, replacing Julie McNeil Benton, whose term expired.

Thomas Barracato, Independent, from Akron, Summit County, Ohio, as a

Member of the Ohio Optical Dispensers Board for a term beginning March 22, 2010 and ending at the close of business March 21, 2015, replacing Joseph Bitonte, whose term expired.

Jagdish K. Bhati, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the Miami University Board of Trustees for a term beginning March 5, 2010 and ending at the close of business February 28, 2019, replacing Fred Wall, whose term expired.

William J. Bishilany, Republican, from Seven Hills, Cuyahoga County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning February 24, 2010 and ending at the close of business January 13, 2012.

Deborah L. Blackwell, DO, Republican, from Orient, Franklin County, Ohio, as a Member of the Ohio University College of Osteopathic Medicine Advisory Board for a term beginning April 2, 2010 and ending at the close of business November 16, 2013, replacing Mark Montoney, who resigned.

Dorothy S. Blaner, Democrat, from Toronto, Jefferson County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning December 14, 2009 and ending at the close of business October 16, 2010.

Rhonda L. Border-Boose, from Canal Winchester, 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 3, 2011.

A. Lynne Bowman, Democrat, from Blacklick, Franklin County, Ohio, as a Member of the Columbus State Community College Board of Trustees for a term beginning January 27, 2010 and ending at the close of business August 31, 2015, replacing Priscilla Mead, whose term expired.

Kathleen B. Burke, from Shaker Heights, Cuyahoga County, Ohio, as Director of the State Lottery Commission for a term beginning August 24, 2009 and continuing at the pleasure of the Governor, replacing Michael Dolan, who resigned.

Lisa M. Chambers, from Columbus, Franklin County, Ohio, as a Member of the Ohio Tuition Trust Authority for a new term beginning February 26, 2010 and ending at the close of business January 30, 2014.

Roy G. Chew, Ph.D., Independent, from Springboro, Warren County, Ohio, as a Member of the Ohio University College of Osteopathic Medicine Advisory Board for a new term beginning April 2, 2010 and ending at the close of business November 16, 2015.

Robert C. Cohn, MD, Independent, from Moreland Hills, Cuyahoga County, Ohio, as a Member of the Ohio Respiratory Care Board for a new term beginning March 30, 2010 and ending at the close of business March 14, 2013.

Craig Comedy, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning January 4, 2010 and ending at the close of business December 23, 2012.

Barbara Gellman-Danley, Ph.D., Democrat, from Centerville, Montgomery County, Ohio, as a Member of the Ohio Tuition Trust Authority for a term beginning January 20, 2010 and ending at the close of business January 30, 2011, replacing Jonathan Ivec, who resigned.

Kim R. Davis, Republican, from Carrollton, Carroll County, Ohio, as a Member of the Wildlife Council for a term beginning March 22, 2010 and ending at the close of business January 31, 2014, replacing Gary Grant, whose term expired.

Robert W. Dell, Republican, from Mason, Warren County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning April 6, 2010 and ending at the close of business November 21, 2012, replacing Billie Brandon, whose term expired.

William R. Demjan, Democrat, from Steubenville, Jefferson County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning April 6, 2010 and ending at the close of business November 21, 2012, replacing Jack O'Connell, whose term expired.

Michelle Dillingham, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the Rehabilitation Services Commission for a term beginning March 11, 2010 and ending at the close of business September 8, 2010, replacing Bruce Growick, who resigned.

Dianne Fidelibus, Republican, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning January 4, 2010 and ending at the close of business December 23, 2012.

Barbara P. Fleming, Ph.D., Democrat, from Yellow Springs, Greene County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Committee for a term beginning January 19, 2010 and ending at the close of business January 31, 2012, replacing George Clarke, who resigned.

John E. Fleming, Ph.D., Democrat, from Yellow Springs, Greene 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 13, 2014.

Patricia L. Fletcher, Democrat, from Steubenville, Jefferson County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning December 14, 2009 and ending at the close of business October 16, 2012.

Tom Fries, Sr., Democrat, from Dublin, Franklin County, Ohio, as a Member of the Ohio Building Authority for a new term beginning March 3, 2010 and ending at the close of business December 31, 2015.

Brian Galligher, Democrat, from Delaware, Delaware County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning February 24, 2010 and ending at the close of business January 13, 2012.

Presley Gillespie, Democrat, from Youngstown, Mahoning County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning December 14, 2009 and ending at the close of business October 16, 2012.

John T. Gilmore, Democrat, from Steubenville, Jefferson County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning December 14, 2009 and ending at the close of business October 16, 2012.

James R. Graff, from Galion, Crawford County, Ohio, as a Member of the Financial Planning and Supervision Commission for City of Galion for a term beginning April 5, 2010 and continuing as provided in Section 118.05 (B)(2) of the Ohio Revised Code, replacing Susan Vander Maas, who resigned.

Paul B. Graham, Democrat, from Worthington, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning March 30, 2010 and ending at the close of business January 14, 2013.

Scott C. Green, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Savings and Loan Associations and Savings Banks Board for a new term beginning February 1, 2010 and ending at the close of business January 31, 2013.

Michelle T. Grigore, Ph.D., from Holland, Lucas County, Ohio, as a Member of the Environmental Education Council for a term beginning February 24, 2010 and ending at the close of business October 1, 2011, replacing Casey Stephens, whose term expired.

Allen L. Gruber, Democrat, from Marion, Marion County, Ohio, as a Member of the State Emergency Response Commission for a term beginning February 24, 2010 and ending at the close of business January 13, 2012.

David R. Hill, Republican, from Senecaville, Guernsey County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a new term beginning February 25, 2010 and ending at the close of business February 25, 2013.

Gene Horney, from West Mansfield, Logan County, Ohio, as a Member of the Financial Planning and Supervision Commission for Village of West Mansfield for a term beginning January 20, 2010 and continuing as provided in Section 118.05 (B)(2) of the Ohio Revised Code, replacing Stephen Fields,

who resigned.

Sherri J. Hughes, Republican, from Dublin, Franklin County, Ohio, as a Member of the Hearing Aid Dealers and Fitters Licensing board for a new term beginning January 26, 2010 and ending at the close of business January 25, 2014.

Karen I. Jackman, Republican, from Powell, Delaware County, Ohio, as a Member of the State Board of Orthotics, Prosthetics and Pedorthics for a term beginning February 24, 2010 and ending at the close of business December 6, 2011, replacing Douglas Van Atta, whose term expired.

Jerome W. Jones, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Development Financing Advisory Council for a term beginning March 5, 2010 and ending at the close of business December 31, 2014.

Ali Keyhani, Ph.D., Democrat, from Columbus, Franklin County, Ohio, as a Member of the Power Siting Board for a term beginning March 5, 2010 and ending at the close of business January 10, 2014, replacing Lory Wagner, whose term expired.

Thomas L. Kovacik, Independent, from Toledo, Lucas 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.

James B. Krimmel, Republican, from Twinsburg, Summit County, Ohio, as a Member of the Environmental Education Council for a new term beginning February 24, 2010 and ending at the close of business October 2, 2011.

Steve D. Lesser, Democrat, from Bexley, Franklin County, Ohio, as a Member of the Public Utilities Commission of Ohio for a term beginning April 11, 2010 and ending at the close of business April 10, 2015, replacing Rhonda Fergus, whose term expired.

Joseph D. Lewis, Democrat, from Beavercreek, Greene County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Committee for a term beginning January 19, 2010 and ending at the close of business January 31, 2012, replacing Shirley Kilpatrick, who resigned.

Tracey L. Lloyd, Democrat, from St. Clairesville, Belmont County, Ohio, as a Member of the Financial Planning and Supervision Commission for Bellaire Local School District for a term beginning January 20, 2010 and continuing as provided in Section 118.05 (B)(2) of the Ohio Revised Code.

Douglas E. Lumpkin, from Columbus, Franklin County, Ohio, as Director of the Ohio Department of Job and Family Services for a term beginning January 12, 2009 and continuing at the pleasure of the Governor.

Jason W. Marion, from Batavia, Clermont County, Ohio, as a Student Member of the Ohio State University Board of Trustees for a term beginning June 4, 2008 and ending at the close of business May 13, 2010, replacing

Christopher Alvarez-Breckenridge, whose term expired.

William R. Martin, Democrat, from Concord, Lake County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning January 19, 2010 and ending at the close of business January 31, 2015, replacing Charles Ruma, who resigned.

Susan G. Matz, from West Chester, Butler County, Ohio, as a Member of the Environmental Education Council for a term beginning February 24, 2010 and ending at the close of business October 1, 2011, replacing Robert Hare, whose term expired.

Marc K. Mays, Republican, from Grove City, Franklin County, Ohio, as a Member of the Ohio Respiratory Care Board for a new term beginning April 1, 2010 and ending at the close of business March 14, 2013.

J. Jane McFee, LPN, from Perrysburg, Wood County, Ohio, as a Member of the Board of Nursing for a term beginning March 15, 2010 and ending at the close of business December 31, 2013.

Douglas E. McLarnan, Republican, from Gambier, Knox County, Ohio, as a Member of the Waterways Safety Council for a term beginning March 22, 2010 and ending at the close of business January 31, 2015, replacing Priscilla Swain, whose term expired.

Donald J. McTigue, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning March 17, 2010 and ending at the close of business October 10, 2012, replacing Karen J. Huey, whose term expired.

Rhonda L. Mears, Democrat, from Marietta, Washington County, Ohio, as a Member of the Banking Commission for a new term beginning February 1, 2010 and ending at the close of business January 31, 2013.

Stephanie M. Mercado, Independent, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Civil Rights Commission for a term beginning January 19, 2010 and ending at the close of business July 28, 2014, replacing Altagracia Ramos, whose term expired.

Brian J. Miller, Democrat, from Toledo, Lucas County, Ohio as a Member of the Ohio Optical Dispensers Board for a new term beginning March 22, 2010 and ending at the close of business March 21, 2015.

Mark K. Milligan, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Housing Finance Agency for a new term beginning March 15, 2010 and ending at the close of business January 31, 2016.

Joseph H. Mudra, Democrat, from Lucas, Richland County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning April 6, 2010 and ending at the close of business November 21, 2012.

William E. Mullane, Democrat, from Warren, Trumbull County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a

term beginning December 14, 2009 and ending at the close of business October 16, 2013.

Raenell L. Nagel, Democrat, from Columbus, Franklin County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning February 24, 2010 and ending at the close of business January 13, 2012.

James R. Parrish, Democrat, from New Philadelphia, Tuscarawas County, Ohio, as a Member of the State Board of Emergency Medical Services for a term beginning March 3, 2010 and ending at the close of business November 12, 2010, replacing Mark Burgess, who resigned.

Jack R. Pounds, Republican, from Dublin, Franklin County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning February 24, 2010 and ending at the close of business January 13, 2013.

Virginia D. Ragan, Republican, from Westerville, Franklin County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a new term beginning April 6, 2010 and ending at the close of business November 21, 2012.

Timothy W. Ratliff, Republican, from Winchester, Brown County, Ohio, as a Member of the Wildlife Council for a term beginning February 26, 2010 and ending at the close of business January 30, 2014, replacing Howard Calhoun, whose term expired.

Rita S. Roberts, DO, Democrat, from Lucasville, Pike County, Ohio, as a Member of the Shawnee State University Board of Trustees for a term beginning February 22, 2010 and ending at the close of business June 30, 2018, replacing Howard Harcha, whose term expired.

Tracy Ruegg, Democrat, from Powell, Delaware County, Ohio, as a Member of the Board of Nursing for a term beginning January 25, 2010 and ending at the close of business December 31, 2013, replacing Janet Boeckman, whose term expired.

Leonard D. Schiavone, Democrat, from Youngstown, Mahoning County, Ohio, as a Member of the Youngstown State University Board of Trustees for a term beginning February 10, 2010 and ending at the close of business April 30, 2018, replacing Elizabeth Bernard, who resigned.

Molly S. Seals, Democrat, from Canfield, Mahoning County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning February 5, 2010 and ending at the close of business October 16, 2010.

Lance K. Shultz, from East Liverpool, Columbiana County, Ohio, as a Member of the Financial Planning and Supervision Commission for Beaver Local School District for a term beginning February 18, 2010 and continuing as provided in Section 118.05 (B)(2) of the Ohio Revised Code.

Diana L. Cook Swoope, Democrat, from Copley, Summit County, Ohio, as a Member of the Ethics Commission for a term beginning January 6, 2010 and ending at the close of business January 1, 2016, replacing Ann Marie Tracey, whose term expired.

Robert E. True, Republican, from Warren, Trumbull County, Ohio, as a Member of the Savings and Loan Association and Savings Banks Board for a new term beginning February 1, 2010 and ending at the close of business January 31, 2013.

Richard A. Vincent, Republican, from New Albany, Franklin County, Ohio, as a Member of the Ohio University College of Osteopathic Medicine Advisory Board for a new term beginning April 2, 2010 and ending at the close of business November 16, 2015.

Michael Wager, Democrat, from Shaker Heights, Cuyahoga County, Ohio, as a Member of the Clean Ohio Council for a term beginning February 3, 2010 and ending at the close of business November 22, 2011, replacing Jack Schron, Jr., whose term expired.

Benedict Weissenrieder, Democrat, from Athens, Athens County, Ohio, as a Member of the Ohio University College of Osteopathic Medicine Advisory Board for a new term beginning April 2, 2010 and ending at the close of business November 16, 2015.

Benedict Weissenrieder, from Athens, Athens County, Ohio, as a Member of the Banking Commission for a new term beginning February 1, 2010 and ending at the close of business January 31, 2013.

Kathi McNabb Welsh, from Boardman, Mahoning County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning February 5, 2010 and ending at the close of business October 16, 2011.

Esther P. Williams, Democrat, from Wilberforce, Greene County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Committee for a term beginning January 19, 2010 and ending at the close of business January 31, 2012.

Michael E. Witzky, Democrat, from Union, Union 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, replacing Janice Wade-Watts, who resigned.

Brenda Yates, from Manchester, Adams County, Ohio, as a Member of the Financial Planning and Supervision Commission for Village of Manchester for a term beginning April 5, 2010 and continuing as provided in Section 118.05 (B)(2) of the Ohio Revised Code, replacing David Cox, who resigned.

Nicholas C. York, Democrat, from Avon Lake, Lorain County, Ohio, as a Member of the University of Akron Board of Trustees for a term beginning March 5, 2010 and ending at the close of business July 1, 2014, replacing jack

Morrison, who resigned.

Dante J. Zambrini, Democrat, from Canfield, Mahoning County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning December 14, 2009 and ending at the close of business October 16, 2011.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 10: BILL HARRIS, TOM NIEHAUS, STEPHEN BUEHRER, JON A. HUSTED, JOHN A. CAREY, KEVIN J. COUGHLIN, JASON H. WILSON, RAY MILLER, SHIRLEY A. SMITH, CAPRI S. CAFARO.

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 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Coughlin	Faber	Fedor	Gibbs
Gillmor	Goodman	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

Senator Grendell voted in the negative-1.

So the Senate advised and consented to said appointments.

Senator Harris submitted the following report:

The Standing Committee on Rules to which were referred the appointment by the Governor of:

Cathy Collins-Taylor, Democrat, from Columbus, Franklin County, Ohio, as Director of the Department of Public Safety for a term beginning September 19, 2009 and continuing at the pleasure of the Governor, replacing Henry Guzman, who resigned.

Having had the same under consideration, reports back the recommendation that the Senate refuse to advise and consent to said appointment.

YES - 6: BILL HARRIS, TOM NIEHAUS, STEPHEN BUEHRER,
JON A. HUSTED, JOHN A. CAREY, KEVIN J.
COUGHLIN.

NO - 4: SHIRLEY A. SMITH, JASON H. WILSON, RAY
MILLER, CAPRI S. CAFARO.

The question being, "Shall the Senate advise and consent to the appointment by the Governor of Cathy Collins-Taylor?"

The yeas and nays were taken and resulted - yeas 15, nays 18, as follows:

Those who voted in the affirmative were: Senators

Cafaro	Coughlin	Fedor	Kearney
Miller D	Miller R	Morano	Patton
Sawyer	Schiavoni	Seitz	Smith
Strahorn	Turner		Wilson-15.

Those who voted in the negative were: Senators

Buehrer	Carey	Cates	Faber
Gibbs	Gillmor	Goodman	Grendell
Hughes	Husted	Jones	Niehaus
Schaffer	Schuring	Stewart	Wagoner
Widener			Harris-18.

So the Senate refused to advise and consent to the appointment by the Governor of Cathy Collins-Taylor.

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 28-Senator Widener.

Cosponsors: Senators Buehrer, Carey, Coughlin, Faber, Gibbs, Gillmor, Goodman, Grendell, Harris, Hughes, Husted, Jones, Kearney, Miller, R., Morano, Niehaus, Patton, Sawyer, Schaffer, Schiavoni, Schuring, Seitz, Strahorn, Stewart, Wagoner, Wilson, Miller, D., Fedor.

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.

WHEREAS, The National Aeronautics and Space Administration (NASA) intends to select a limited number of museums for the display of the space shuttle orbiters that will be retired at the conclusion of the space shuttle program. The National Museum of the United States Air Force at Wright-Patterson Air Force Base near Dayton, Ohio would be an excellent choice for the display of a space shuttle orbiter; and

WHEREAS, The Museum, the world's oldest and largest museum of

military aviation, is the depository for the Air Force's National Historical Collection and features more than 400 aerospace vehicles, including Mercury, Gemini, and Apollo space capsules. With 1.3 million visitors each year, the Museum is the most visited free tourist destination in Ohio and is one of the most visited in the country; and

WHEREAS, The Museum is ready to accommodate a space shuttle orbiter with one million square feet of climate-controlled exhibit space and an adjacent runway that is approved for a landing of the shuttle carrier aircraft with a shuttle. In addition, the Museum employs professional aerospace vehicle restoration staff who are experienced in working with hazardous aerospace materials such as those found on the shuttle and who will ensure the preservation of the shuttle to the highest museum standards; and

WHEREAS, The Museum is located near Dayton, Ohio, the birthplace of aviation and the home of the Wright Brothers, and in the National Aviation Heritage Area, an area designated by Congress that includes the Armstrong Air and Space Museum, Dayton Aviation Heritage National Historical Park, and National Aviation Hall of Fame. Finally, the Museum is easily accessible from major population centers and is within a 600-mile radius of 61% of the United States population; and

WHEREAS, The Department of Defense, especially the Department of the Air Force, collaborated extensively with NASA's space shuttle program, including influencing the basic shuttle design, providing many highly skilled shuttle astronauts, and saving the program in lean budget years during its development; and

WHEREAS, The Secretary of the Air Force has requested that the NASA Administrator transfer a space shuttle orbiter to the Air Force for placement in the Air Force's National Historical Collection through interagency transfer using existing statutes and regulations. This transfer will ensure that a taxpayer-funded space shuttle orbiter will be kept under the ownership and stewardship of the United States government and the American people; now therefore be it

RESOLVED, That we, the members of the 128th General Assembly of the State of Ohio, conclude that it is in the interest of the American people for a retired space shuttle orbiter to be preserved and exhibited at the National Museum of the United States Air Force at Wright-Patterson Air Force Base near Dayton, Ohio; and be it further

RESOLVED, That we, the members of the 128th General Assembly of the State of Ohio, urge the President of the United States and the Administrator of the National Aeronautics and Space Administration (NASA) to honor the request of the Department of the Air Force for an interagency transfer of an operational space shuttle orbiter so that it can be displayed at the National Museum of the United States Air Force as a national tribute to the American spirit of space exploration and to the indelible partnership between NASA and the Department of the Air Force, which helped make the space shuttle program

possible; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Administrator of the National Aeronautics and Space Administration, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 28**, be adopted?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	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-32.

Senator Cates voted in the negative-1.

So the concurrent resolution was adopted.

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

Senator Widener moved to amend the title as follows:

Add the names: "Cafaro, Smith, Turner."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 198-Representatives Lehner, Ujvagi.

Cosponsors: Representatives Grossman, Harris, Jones, Weddington, Foley, Domenick, Hackett, Burke, Bacon, Blair, Ruhl, Martin, Yuko, Derickson, Newcomb, Harwood, Letson, Moran, Winburn, Fende, Garland, McGregor, Bolon, Sears, Patten, Williams, B., Balderson, Batchelder, Beck, Blessing, Boyd, Brown, Carney, Celeste, Combs, Driehaus, Dyer, Evans, Garrison, Gerberry, Goyal, Hagan, Koziura, Luckie, Lundy, Maag, McClain, Morgan, Murray, Phillips, Pillich, Pryor, Reece, Slesnick, Stebelton, Stewart, Williams, S. Senator Morano.

To amend sections 3923.91 and 5111.242 and to enact sections 185.01 to 185.12, 3333.611, and 3333.612 of the Revised Code, to amend Section 309.30.25 of Am. Sub. H.B. 1 of the 128th General Assembly, and to amend

Section 5 of Sub. H.B. 125 of the 127th General Assembly, as subsequently amended, to establish the Patient Centered Medical Home Education Pilot Project, to authorize implementation of a primary care component of the Choose Ohio First Scholarship Program, to extend the moratorium concerning most favored nation clauses in hospital contracts, to revise the law governing the Medicaid reimbursement for nursing facilities' tax costs, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 8, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 2, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Coughlin
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Stewart	Strahorn	Turner	Wagoner
Widener	Wilson		Harris-31.

Senators Cates and Smith voted in the negative-2.

So the section, Section 8, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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 bill having received the required constitutional majority passed as an emergency measure.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Cafaro, Coughlin, Gibbs, Gillmor, Harris, Hughes, Husted,

Jones, Miller, D., Niehaus, Sawyer, Schaffer, Schiavoni, Schuring, Seitz, Stewart, Strahorn, Wagoner, Widener, Wilson, Fedor, Smith, Goodman, Patton."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 238-Representative Harwood.

Cosponsors: Representatives Murray, Williams, B., Pillich, Yuko, Chandler, Huffman, Letson, Bacon, Batchelder, Belcher, Bolon, Boyd, Brown, Bulp, Carney, Coley, Combs, DeBose, DeGeeter, Domenick, Driehaus, Dyer, Evans, Fende, Garland, Goyal, Grossman, Hagan, Harris, Hottinger, Luckie, Mallory, Newcomb, Oelslager, Okey, Patten, Phillips, Snitchler, Yates. Senator Miller, D.

To amend sections 124.81, 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, 1901.312, 1901.32, 1901.34, 1907.11, 1907.18, 1907.26, 2903.213, 2919.26, 3105.171, 3105.63, and 3105.65 of the Revised Code to require the court in divorce or legal separation proceedings to require the spouses to fully disclose their assets and to include nondisclosure of assets as financial misconduct, to permit a court to modify a division of property in a divorce decree or decree of dissolution of marriage upon the express written consent or agreement of both spouses, to eliminate the prohibition against a municipal or county court judge being eligible for life insurance coverage from a county or other political subdivision, to change the statutory designation of the Chardon, Lyndhurst, and Miamisburg Municipal Court judges from part-time to full-time judges, to prohibit a county court judge from retaining a fee for performing a marriage ceremony, to remove the statutorily required notice regarding possessing or purchasing a firearm when subject to certain nondomestic violence protection orders issued as a pretrial condition of release, to modify the notice requirements regarding possessing or purchasing a firearm when subject to a domestic violence-related temporary protection order, 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 ex officio bailiffs of municipal courts, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 238**, pass?"

Senator Strahorn moved to amend as follows:

In line 40, after "124.81," insert "141.04,"; after "1901.02," insert

"1901.021,"; after "1901.03," insert "1901.06,"

In line 41, after "1901.34," insert "1905.01,"

Between lines 161 and 162, insert:

"Sec. 141.04. (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows, rounded to the nearest fifty dollars:

(1) For the chief justice of the supreme court, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred twenty-four thousand nine hundred dollars;

(b) Beginning January 1, 2001, one hundred twenty-eight thousand six hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(1) of this section.

(2) For the justices of the supreme court, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred seventeen thousand two hundred fifty dollars;

(b) Beginning January 1, 2001, one hundred twenty thousand seven hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(1) of this section.

(3) For the judges of the courts of appeals, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred nine thousand two hundred fifty dollars;

(b) Beginning January 1, 2001, one hundred twelve thousand five hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(1) of this section.

(4) For the judges of the courts of common pleas, the following amounts effective in the following years:

(a) Beginning January 1, 2000, one hundred thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code;

(b) Beginning January 1, 2001, one hundred three thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that

judge from the county treasury pursuant to section 141.05 of the Revised Code;

(c) After 2001, the aggregate annual salary amount determined under division (E)(2) of this section reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code.

(5) For the full-time judges of a municipal court or the part-time judges of a municipal court of a territory having a population of more than fifty thousand, the following amounts effective in the following years, which amounts shall be in addition to all amounts received pursuant to divisions (B)(1)(a) and (2) of section 1901.11 of the Revised Code from municipal corporations and counties:

(a) Beginning January 1, 2000, thirty-two thousand six hundred fifty dollars;

(b) Beginning January 1, 2001, thirty-five thousand five hundred dollars;

(c) After 2001, the amount determined under division (E)(3) of this section.

(6) For judges of a municipal court designated as part-time judges by section 1901.08 of the Revised Code, other than part-time judges to whom division (A)(5) of this section applies, and for judges of a county court, the following amounts effective in the following years, which amounts shall be in addition to any amounts received pursuant to division (A) of section 1901.11 of the Revised Code from municipal corporations and counties or pursuant to division (A) of section 1907.16 of the Revised Code from counties:

(a) Beginning January 1, 2000, eighteen thousand eight hundred dollars;

(b) Beginning January 1, 2001, twenty thousand four hundred fifty dollars;

(c) After 2001, the amount determined under division (E)(4) of this section.

(B) Except as provided in section 1901.121 of the Revised Code, except as otherwise provided in this division, and except for the compensation to which the judges described in division (A)(5) of this section are entitled pursuant to divisions (B)(1)(a) and (2) of section 1901.11 of the Revised Code, the annual salary of the chief justice of the supreme court and of each justice or judge listed in division (A) of this section shall be paid in equal monthly installments from the state treasury. If the chief justice of the supreme court or any justice or judge listed in division (A)(2), (3), or (4) of this section delivers a written request to be paid biweekly to the administrative director of the supreme court prior to the first day of January of any year, the annual salary of the chief justice or the justice or judge that is listed in division (A)(2), (3), or (4) of this section shall be paid, during the year immediately following the year in which the request is delivered to the administrative director of the supreme court, biweekly from the state

treasury.

(C) Upon the death of the chief justice or a justice of the supreme court during that person's term of office, an amount shall be paid in accordance with section 2113.04 of the Revised Code, or to that person's estate. The amount shall equal the amount of the salary that the chief justice or justice would have received during the remainder of the unexpired term or an amount equal to the salary of office for two years, whichever is less.

(D) Neither the chief justice of the supreme court nor any justice or judge of the supreme court, the court of appeals, the court of common pleas, or the probate court shall hold any other office of trust or profit under the authority of this state or the United States.

(E)(1) Each year from 2002 through 2008, the annual salaries of the chief justice of the supreme court and of the justices and judges named in divisions (A)(2) and (3) of this section shall be increased by an amount equal to the adjustment percentage for that year multiplied by the compensation paid the preceding year pursuant to division (A)(1), (2), or (3) of this section.

(2) Each year from 2002 through 2008, the aggregate annual salary payable under division (A)(4) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(4) of this section and section 141.05 of the Revised Code.

(3) Each year from 2002 through 2008, the salary payable from the state treasury under division (A)(5) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(5) of this section and division (B)(1)(a) of section 1901.11 of the Revised Code.

(4) Each year from 2002 through 2008, the salary payable from the state treasury under division (A)(6) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(6) of this section and division (A) of section 1901.11 of the Revised Code from municipal corporations and counties or division (A) of section 1907.16 of the Revised Code from counties.

(F) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available.

(G) On or before the first day of December of each year, the Ohio

supreme court, through its chief administrator, shall notify the administrative judge of the Montgomery county municipal court, the board of county commissioners of Montgomery county, and the treasurer of the state of the yearly salary cost of five part-time county court judges as of that date. If the total yearly salary costs of all of the judges of the Montgomery county municipal court as of the first day of December of that same year exceeds that amount, the administrative judge of the Montgomery county municipal court shall cause payment of the excess between those two amounts less any reduced amount paid for the health care costs of the Montgomery county municipal court judges in comparison to the health care costs of five part-time county court judges from the general special projects fund or the fund for a specific special project created pursuant to section 1901.26 of the Revised Code to the treasurer of Montgomery county and to the treasurer of the state in amounts proportional to the percentage of the salaries of the municipal court judges paid by the county and by the state.

(H) As used in this section:

(1) The "adjustment percentage" for a year is the lesser of the following:

(a) Three per cent;

(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.

(2) "Consumer price index" has the same meaning as in section 101.27 of the Revised Code.

(3) "Salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering the chief justice of the supreme court or a justice or judge named in this section and paid on the chief justice's or the justice's or judge's behalf by a governmental entity."

In line 178, delete " Ottawa."

Between lines 209 and 210, insert:

" (G) Effective January 1, 2011, there is hereby established a municipal court in the municipal corporation of Ottawa.

(H) Effective July 1, 2010, there is hereby established a municipal court within Montgomery county in any municipal corporation or unincorporated territory within Montgomery county, except the municipal corporations of Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton and Butler, German, Harrison, Miami, and Washington townships, that is selected by the legislative authority of that court."

In line 295, after " court" insert " ;"

(29) The municipal court established within Montgomery county in any municipal corporation or unincorporated territory within Montgomery county,

except the municipal corporations of Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton and Butler, German, Harrison, Miami, and Washington townships, that is selected by the legislative authority of that court and that, beginning July 1, 2010, shall be styled and known as the "Montgomery county municipal court"

Between lines 511 and 512, insert:

" Beginning July 1, 2010, the Montgomery county municipal court has jurisdiction within all of Montgomery county except for the municipal corporations of Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton and Butler, German, Harrison, Miami, and Washington townships."

In line 561, delete "The" and insert "Effective January 1, 2011, the"

Between lines 642 and 643, insert:

"Sec. 1901.021. (A) The Except as otherwise provided in division (M) of this section, the judge or judges of any municipal court established under division (A) of section 1901.01 of the Revised Code having territorial jurisdiction outside the corporate limits of the municipal corporation in which it is located may sit outside the corporate limits of the municipal corporation within the area of its territorial jurisdiction.

(B) Two or more of the judges of the Hamilton county municipal court shall be assigned by the presiding judge of the court to sit outside the municipal corporation of Cincinnati.

(C) Two of the judges of the Portage county municipal court shall sit within the municipal corporation of Ravenna, and one of the judges shall sit within the municipal corporation of Kent. The judges may sit in other incorporated areas of Portage county.

(D) One of the judges of the Wayne county municipal court shall sit within the municipal corporation of Wooster, and one shall sit within the municipal corporation of Orrville. Both judges may sit in other incorporated areas of Wayne county.

(E) The judge of the Auglaize county municipal court shall sit within the municipal corporations of Wapakoneta and St. Marys and may sit in other incorporated areas in Auglaize county.

(F) At least one of the judges of the Miami county municipal court shall sit within the municipal corporations of Troy, Piqua, and Tipp City, and the judges may sit in other incorporated areas of Miami county.

(G) The judge of the Crawford county municipal court shall sit within the municipal corporations of Bucyrus and Galion and may sit in other incorporated areas in Crawford county.

(H) The judge of the Jackson county municipal court shall sit within the municipal corporations of Jackson and Wellston and may sit in other incorporated areas in Jackson county.

(I) Each judge of the Columbiana county municipal court may sit within the municipal corporation of Lisbon, Salem, or East Palestine until the judges jointly select a central location within the territorial jurisdiction of the court. When the judges select a central location, the judges shall sit at that location.

(J) In any municipal court, other than the Hamilton county municipal court and the Montgomery county municipal court, that has more than one judge, the decision for one or more judges to sit outside the corporate limits of the municipal corporation shall be made by rule of the court as provided in division (C) of sections 1901.14 and 1901.16 of the Revised Code.

(K) The assignment of a judge to sit in a municipal corporation other than that in which the court is located does not affect the jurisdiction of the mayor except as provided in section 1905.01 of the Revised Code.

(L) The judges of the Clermont county municipal court may sit in any municipal corporation or unincorporated territory within Clermont county.

(M) Beginning July 1, 2010, the judges of the Montgomery county municipal court shall sit in the same locations as the judges of the Montgomery county court sat before the county court was abolished on that date. The legislative authority of the Montgomery county municipal court may determine after that date that the judges of the Montgomery county municipal court shall sit in any municipal corporation or unincorporated territory within Montgomery county."

In line 667, after the second comma insert " Montgomery county."

In line 668, delete " Putnam county."

In line 670, after "court" insert " and effective January 1, 2011, also includes the Putnam county municipal court"

In line 674, after "to" insert " any provision of"; after "Code" insert " except division (M) of that section"

Between lines 674 and 675, insert:

"Sec. 1901.06. A municipal judge during ~~his~~ the judge's term of office shall be a qualified elector and a resident of the territory of the court to which ~~he~~ the judge is elected or appointed. A municipal judge shall have been admitted to the practice of law in this state and shall have been, for a total of at least six years preceding ~~his~~ the judge's appointment or the commencement of ~~his~~ the judge's term, engaged in the practice of law in this state or served as a judge of a court of record in any jurisdiction in the United States, or both.

Except as provided in section 1901.08 of the Revised Code, the first election of any newly created office of a municipal judge shall be held at the

next regular municipal election occurring not less than one hundred days after the creation of the office. The Except as otherwise provided in division (G) of section 1901.01 of the Revised Code, the institution of a new municipal court shall take place on the first day of January next after the first election for the court."

Between lines 1057 and 1058, insert:

" In the Montgomery county municipal court:

One judge shall be elected in 2011 to a part-time judgeship for a term to begin on January 1, 2012. If any one of the other judgeships of the court becomes vacant and is abolished after July 1, 2010, this judgeship shall become a full-time judgeship on that date. If only one other judgeship of the court becomes vacant and is abolished as of December 31, 2021, this judgeship shall be abolished as of that date. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 1, 2005, shall serve as a part-time judge of the Montgomery county municipal court until December 31, 2011.

One judge shall be elected in 2011 to a full-time judgeship for a term to begin on January 2, 2012, and this judgeship shall be abolished on January 1, 2016. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 2, 2005, shall serve as a full-time judge of the Montgomery county municipal court until January 1, 2012.

One judge shall be elected in 2013 to a full-time judgeship for a term to begin on January 2, 2014. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 2, 2007, shall serve as a full-time judge of the Montgomery county municipal court until January 1, 2014.

One judge shall be elected in 2013 to a judgeship for a term to begin on January 1, 2014. If no other judgeship of the court becomes vacant and is abolished by January 1, 2014, this judgeship shall be a part-time judgeship. When one or more of the other judgeships of the court becomes vacant and is abolished after July 1, 2010, this judgeship shall become a full-time judgeship. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 1, 2007, shall serve as this judge of the Montgomery county municipal court until December 31, 2013.

If any one of the judgeships of the court becomes vacant before December 31, 2021, that judgeship is abolished on the date that it becomes vacant, and the other judges of the court shall be or serve as full-time judges. The abolishment of judgeships for the Montgomery county municipal court shall cease when the court has two full-time judgeships."

In line 1197, after the first comma insert "Montgomery county,"

In line 1241, after the first "(d)" insert "In the Montgomery county municipal court, the clerk of courts of Montgomery county shall be the clerk of the municipal court. The clerk of courts of Montgomery county, acting as the clerk of the Montgomery county municipal court and assuming the duties of that office, shall receive compensation at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code. This compensation shall be paid from the county treasury in semimonthly installments and is in addition to the annual compensation that is received for the performance of the duties of the clerk of courts of Montgomery county, as provided in sections 325.08 and 325.18 of the Revised Code.

(e)"; strike through the second "(d)" and insert "(e)"

In line 1284, strike through "(e)" in both places and insert "(f)"

In line 1327, strike through "(f)" and insert "(g)"

In line 1328, strike through "(f)" and insert "(g)"

In line 1371, strike through "(f)" and insert "(g)"

In line 1373, strike through "(g)" in both places and insert "(h)"

In line 1417, delete "Putnam county."

In line 1418, after "courts" insert "and, effective January 1, 2011, the Putnam county municipal court"

In line 1426, reinsert "~~and~~"; delete the underlined comma

In line 1427, delete "and Putnam county"; after the first "courts" insert "and, effective January 1, 2011, in the Putnam county municipal court"

In line 1466, after the first comma insert "Montgomery county."

In line 1495, delete "the"

In line 1496, delete "Putnam county."; after "courts" insert "and, effective January 1, 2011, the Putnam county municipal court"

In line 1524, after the second comma insert "Montgomery county."

In line 1871, reinsert "~~and~~"; delete ", and Putnam county"

In line 1872, after "attorneys" insert "and, effective January 1, 2011, the Putnam county prosecuting attorney"

In line 1890, after the period insert "The Montgomery county prosecuting attorney shall prosecute in the Montgomery county municipal court all felony, misdemeanor, and traffic violations arising in the unincorporated townships of Jefferson, Jackson, Perry, and Clay and all felony violations of state law and all violations involving a state or county agency arising within the jurisdiction of the court. All other violations arising in the territory of the Montgomery county municipal court shall be prosecuted by the village solicitor.

city director of law, or similar chief legal officer for each municipal corporation within the territory of the Montgomery county municipal court."

In line 1912, reinsert " ~~or~~"; delete " , or Putnam"; after "county" insert " or, effective January 1, 2011, Putnam county"

In line 1919, reinsert " ~~or~~"

In line 1920, delete " , or Putnam"; after "county" insert " or, effective January 1, 2011, the prosecuting attorney of Putnam county"

Between lines 1933 and 1934, insert:

"Sec. 1905.01. (A) In Georgetown in Brown county, in Mount Gilead in Morrow county, and in all other municipal corporations having a population of more than one hundred, other than Batavia in Clermont county, not being the site of a municipal court nor a place where a judge of the Auglaize county, Crawford county, Jackson county, Miami county, Montgomery county, Portage county, or Wayne county municipal court sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021 of the Revised Code, the mayor of the municipal corporation has jurisdiction, except as provided in divisions (B), (C), and (E) of this section and subject to the limitation contained in section 1905.03 and the limitation contained in section 1905.031 of the Revised Code, to hear and determine any prosecution for the violation of an ordinance of the municipal corporation, to hear and determine any case involving a violation of a vehicle parking or standing ordinance of the municipal corporation unless the violation is required to be handled by a parking violations bureau or joint parking violations bureau pursuant to Chapter 4521. of the Revised Code, and to hear and determine all criminal causes involving any moving traffic violation occurring on a state highway located within the boundaries of the municipal corporation, subject to the limitations of sections 2937.08 and 2938.04 of the Revised Code.

(B)(1) In Georgetown in Brown county, in Mount Gilead in Morrow county, and in all other municipal corporations having a population of more than one hundred, other than Batavia in Clermont county, not being the site of a municipal court nor a place where a judge of a court listed in division (A) of this section sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021 of the Revised Code, the mayor of the municipal corporation has jurisdiction, subject to the limitation contained in section 1905.03 of the Revised Code, to hear and determine prosecutions involving a violation of an ordinance of the municipal corporation relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, and to hear and determine criminal causes involving a violation of section 4511.19 of the Revised Code that occur on a state highway located within the boundaries of the municipal corporation, subject to the limitations of sections 2937.08 and 2938.04 of the Revised Code, only if the person charged with the

violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

(a) A violation of an ordinance of any municipal corporation relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(b) A violation of section 4511.19 of the Revised Code;

(c) A violation of any ordinance of any municipal corporation or of any section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets, to which all of the following apply:

(i) The person, in the case in which the conviction was obtained or the plea of guilty was entered, had been charged with a violation of an ordinance of a type described in division (B)(1)(a) of this section, or with a violation of section 4511.19 of the Revised Code;

(ii) The charge of the violation described in division (B)(1)(c)(i) of this section was dismissed or reduced;

(iii) The violation of which the person was convicted or to which the person pleaded guilty arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(d) A violation of a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to section 4511.19 of the Revised Code.

(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (B)(1)(a) or (b) of this section, regardless of where the violation occurred, if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B)(1)(a), (b), (c), or (d) of this section.

If the mayor of a municipal corporation, in hearing a prosecution involving a violation of an ordinance of the municipal corporation the mayor serves relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, or in hearing a criminal cause involving a violation of section 4511.19 of the Revised Code, determines that the person charged, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B)(1)(a), (b), (c), or (d) of this section, the mayor immediately shall transfer the case to the county court or municipal court with jurisdiction over the violation charged, in accordance with section 1905.032 of the Revised Code.

(C)(1) In Georgetown in Brown county, in Mount Gilead in Morrow county, and in all other municipal corporations having a population of more than one hundred, other than Batavia in Clermont county, not being the site of a municipal court and not being a place where a judge of a court listed in division (A) of this section sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021 of the Revised Code, the mayor of the municipal corporation, subject to sections 1901.031, 2937.08, and 2938.04 of the Revised Code, has jurisdiction to hear and determine prosecutions involving a violation of a municipal ordinance that is substantially equivalent to division (A) of section 4510.14 or section 4510.16 of the Revised Code and to hear and determine criminal causes that involve a moving traffic violation, that involve a violation of division (A) of section 4510.14 or section 4510.16 of the Revised Code, and that occur on a state highway located within the boundaries of the municipal corporation only if all of the following apply regarding the violation and the person charged:

(a) Regarding a violation of section 4510.16 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to that division, the person charged with the violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

(i) A violation of section 4510.16 of the Revised Code;

(ii) A violation of a municipal ordinance that is substantially equivalent to section 4510.16 of the Revised Code;

(iii) A violation of any municipal ordinance or section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets, in a case in which, after a charge against the person of a violation of a type described in division (C)(1)(a)(i) or (ii) of this section was dismissed or reduced, the person is convicted of or pleads guilty to a violation that arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(b) Regarding a violation of division (A) of section 4510.14 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to that division, the person charged with the violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

(i) A violation of division (A) of section 4510.14 of the Revised Code;

(ii) A violation of a municipal ordinance that is substantially equivalent to division (A) of section 4510.14 of the Revised Code;

(iii) A violation of any municipal ordinance or section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets in a case in which, after a charge against the person of a violation of a type described in division (C)(1)(b)(i) or (ii) of this section

was dismissed or reduced, the person is convicted of or pleads guilty to a violation that arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (C)(1)(a)(i) or (ii) of this section if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (C)(1)(a)(i), (ii), or (iii) of this section and does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (C)(1)(b)(i) or (ii) of this section if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (C)(1)(b)(i), (ii), or (iii) of this section.

(3) If the mayor of a municipal corporation, in hearing a prosecution involving a violation of an ordinance of the municipal corporation the mayor serves that is substantially equivalent to division (A) of section 4510.14 or section 4510.16 of the Revised Code or a violation of division (A) of section 4510.14 or section 4510.16 of the Revised Code, determines that, under division (C)(2) of this section, mayors do not have jurisdiction of the prosecution, the mayor immediately shall transfer the case to the county court or municipal court with jurisdiction over the violation in accordance with section 1905.032 of the Revised Code.

(D) If the mayor of a municipal corporation has jurisdiction pursuant to division (B)(1) of this section to hear and determine a prosecution or criminal cause involving a violation described in division (B)(1)(a) or (b) of this section, the authority of the mayor to hear or determine the prosecution or cause is subject to the limitation contained in division (C) of section 1905.03 of the Revised Code. If the mayor of a municipal corporation has jurisdiction pursuant to division (A) or (C) of this section to hear and determine a prosecution or criminal cause involving a violation other than a violation described in division (B)(1)(a) or (b) of this section, the authority of the mayor to hear or determine the prosecution or cause is subject to the limitation contained in division (C) of section 1905.031 of the Revised Code.

(E)(1) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving any of the following:

(a) A violation of section 2919.25 or 2919.27 of the Revised Code;

(b) A violation of section 2903.11, 2903.12, 2903.13, 2903.211, or 2911.211 of the Revised Code that involves a person who was a family or household member of the defendant at the time of the violation;

(c) A violation of a municipal ordinance that is substantially equivalent to an offense described in division (E)(1)(a) or (b) of this section and that involves a person who was a family or household member of the defendant at the time of

the violation.

(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine a motion filed pursuant to section 2919.26 of the Revised Code or filed pursuant to a municipal ordinance that is substantially equivalent to that section or to issue a protection order pursuant to that section or a substantially equivalent municipal ordinance.

(3) As used in this section, "family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(F) In keeping a docket and files, the mayor, and a mayor's court magistrate appointed under section 1905.05 of the Revised Code, shall be governed by the laws pertaining to county courts."

Strike through lines 1972 through 1976

In line 2861, after "124.81," insert "141.04,"; after "1901.02," insert "1901.021,"

In line 2862, after "1901.03," insert "1901.06,"; after "1901.34," insert "1905.01,"

In line 2865, after "**Section 3.**" insert "(A) Effective July 1, 2010, the Montgomery County County Court is abolished.

(B) All causes, executions, and other proceedings pending in the Montgomery County County Court at the close of business on June 30, 2010, shall be transferred to and proceed in the Montgomery County Municipal Court on July 1, 2010, as if originally instituted in the Montgomery County Municipal Court. Parties to those causes, judgments, executions, and proceedings may make any amendments to their pleadings that are required to conform them to the rules of the Montgomery County Municipal Court. The Clerk of the Montgomery County County Court or other custodian shall transfer to the Montgomery County Municipal Court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the possession of, or are subject to the jurisdiction of the Montgomery County County Court, or any officer of that court, at the close of business on June 30, 2010, and that pertain to those causes, judgments, executions, and proceedings.

(C) All employees of the Montgomery County County Court shall be transferred to and shall become employees of the Montgomery County Municipal Court on July 1, 2010.

(D) Effective July 1, 2010, the part-time judgeships in the Montgomery County County Court are abolished.

Section 4. Any additional funds that were collected by the Montgomery County County Court and paid to the Montgomery County Treasurer for deposit into either a general special projects fund or a fund established for a specific special project pursuant to division (B)(1) of section 1907.24 of the Revised

Code or that were collected by the Montgomery County County Court and paid to the Montgomery County Treasurer to computerize the court, to make available computerized legal research services, or to do both or to computerize the office of the clerk of the court pursuant to section 1907.261 of the Revised Code, or for any other purpose determined by the court, shall be transferred on July 1, 2010, into either the general special projects fund or the fund established for a specific special project for the Montgomery County Municipal Court, as provided in division (B)(1) of section 1901.26 of the Revised Code, in a separate fund pursuant to divisions (A)(2) and (B)(1) of section 1901.261 of the Revised Code, or into any other fund established by the court.

Section 5. Sections 141.04, 1901.01, 1901.02, 1901.021, 1901.03, 1901.06, 1901.31, 1901.34, 1905.01, and 1907.11 of the Revised Code, as amended by this act, shall take effect July 1, 2010.

Section 6."

In line 2888, delete "4." and insert "7."; delete "1901.01, 1901.02, 1901.03,"

In line 2889, delete "1901.31, "; after "1901.312," insert "and"; delete ", 1901.34, and 1907.11"

In line 2892, delete "5." and insert "8."

In line 1 of the title, after "124.81," insert "141.04, "; after "1901.02," insert "1901.021, "; after "1901.03," insert "1901.06,"

In line 3 of the title, after "1901.34," insert "1905.01,"

In line 38 of the title, delete "and"

In line 39 of the title, after "courts" insert ", to create the Montgomery County Municipal Court on July 1, 2010; to abolish the Montgomery County County Court on that date; to designate the Montgomery County Clerk of Courts as the Clerk of the Montgomery County Municipal Court; to provide for the election for the Montgomery County Municipal Court of one full-time judge and one part-time judge in 2011 and one full-time and one part-time judge in 2013; and to abolish one of the four judgeships by December 31, 2015, and one of the remaining three judgeships by December 31, 2021"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 238**, pass?"

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 bill passed.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Buehrer, Fedor, Harris, Hughes, Husted, Kearney, Patton, Seitz, Strahorn, Wagoner, Turner, Smith."

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

The motion was agreed to and the title so amended.

S. B. No. 179-Senators Grendell, Schaffer.

Cosponsors: Senators Harris, Seitz, Miller, D., Stewart.

To enact section 121.531 of the Revised Code to prohibit spending American Recovery and Reinvestment Act of 2009 funds on signs that identify the source of specific project funding and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 2, setting forth the emergency features of the bill, stand as a part of the bill?"

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
Fedor	Gibbs	Gillmor	Goodman
Grendell	Hughes	Husted	Jones
Kearney	Miller D	Miller R	Morano
Niehaus	Patton	Sawyer	Schaffer
Schiavoni	Schuring	Seitz	Stewart
Strahorn	Turner	Wagoner	Widener
Wilson			Harris-30.

Senators Cates, Faber, and Smith voted in the negative-3.

So the section, Section 2, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 31, nays 2, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Coughlin
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Miller D	Miller R	Morano
Niehaus	Patton	Sawyer	Schaffer
Schiavoni	Schuring	Seitz	Smith
Stewart	Strahorn	Turner	Wagoner
Widener	Wilson		Harris-31.

Senators Cates and Kearney voted in the negative-2.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Grendell moved to amend the title as follows:

Add the names: "Buehrer, Faber, Gibbs, Hughes, Husted, Jones, Patton, Wagoner, 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. 267-Senator Schiavoni.

Cosponsor: Senator Miller, D.

To amend section 2929.24 of the Revised Code to authorize judicial release of misdemeanants who are serving jail sentences.

S. B. No. 268-Senator Gillmor.

Cosponsor: Senator Cafaro.

To amend sections 101.83, 101.84, 101.85, 101.86, 109.91, 121.32, 173.03, 173.04, 1349.71, 3302.021, 3311.71, 3312.01, 3312.09, 3701.025, 3701.63, 3718.03, 3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 3737.88, 3743.54, 3746.04, 4169.02, 4169.03, 4169.04, 4169.05, 4169.06, 5111.708, 5123.032, and 5123.093; and to repeal sections 101.37, 121.374, 122.98, 122.981, 125.833, 184.23, 184.231, 1501.25, 2151.282, 3311.77, 3312.11, 3312.12, 3319.70, 3319.71, 3701.92, 3727.322, 3746.03, 4501.025, 5111.709, 5111.7010, and 5902.15 of the Revised Code; and to amend Section 20 of Am. Sub. H.B. 554 of the 127th General Assembly, Section 3 of Sub. H.B. 187 of the 126th General Assembly, and Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly as subsequently amended; and to repeal Sections 209.40, 309.40.70, and 709.10 of Am. Sub. H.B. 1 of the 128th General Assembly, Sections 755.80 and 756.40 of Am. Sub. H.B. 2 of the 128th

General Assembly, Section 3 of Sub. H.B. 7 of the 127th General Assembly, Section 555.17 of Am. Sub. H.B. 67 of the 127th General Assembly, Sections 263.30.30, 337.20.20, 377.20, and 737.11 of Am. Sub. H.B. 119 of the 127th General Assembly, Sections 6 and 7 of Sub. H.B. 125 of the 127th General Assembly, Section 2 of Sub. H.B. 233 of the 127th General Assembly, Section 3 of Am. H.B. 416 of the 127th General Assembly, Sections 703.30 and 715.50 of Am. Sub. H.B. 562 of the 127th General Assembly, Section 4 of Am. Sub. S.B. 77 of the 127th General Assembly, Sections 206.10.12, 206.42.12, 206.66.24, 206.66.43, 209.63.58, 503.09, and 503.12 of Am. Sub. H.B. 66 of the 126th General Assembly, Section 4 of Sub. H.B. 187 of the 126th General Assembly, Section 1 of Sub. H.B. 371 of the 126th General Assembly, Section 235.60.70 of Am. Sub. H.B. 699 of the 126th General Assembly, Section 3 of Am. Sub. S.B. 167 of the 126th General Assembly, Section 5 of Am. Sub. S.B. 260 of the 126th General Assembly, Section 3 of Sub. S.B. 393 of the 126th General Assembly, Sections 12 and 25 of Am. Sub. H.B. 87 of the 125th General Assembly, Sections 41.35 and 153 of Am. Sub. H.B. 95 of the 125th General Assembly, Section 8 of Sub. H.B. 299 of the 125th General Assembly, Section 6 of Am. Sub. H.B. 516 of the 125th General Assembly, Section 3 of Am. Sub. S.B. 86 of the 125th General Assembly, Section 3 of Sub. H.B. 230 of the 124th General Assembly, Section 3 of Am. Sub. H.B. 474 of the 124th General Assembly, Section 4 of Am. Sub. S.B. 281 of the 124th General Assembly, Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly as subsequently amended, Section 206.66.53 of Am. Sub. H.B. 66 of the 126th General Assembly as subsequently amended, Section 6 of Sub. H.B. 336 of the 126th General Assembly as subsequently amended, Section 755.03 of Am. Sub. H.B. 530 of the 126th General Assembly as subsequently amended, Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly as subsequently amended, Section 152 of Am. Sub. H.B. 95 of the 125th General Assembly as subsequently amended, and Section 59.29 of Am. Sub. H.B. 95 of the 125th General Assembly as subsequently amended to implement the recommendations of the Sunset Review Committee by abolishing, terminating, transferring, or renewing various agencies and by reestablishing the Sunset Review Committee but postponing its operation until the 132nd General Assembly, and to terminate the operation of certain provisions of this act on December 31, 2016, by repealing sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code on that date.

S. B. No. 269-Senators Grendell, Seitz.
Cosponsors: Senators Wagoner, Gibbs.

To amend section 125.22 and to enact section 167.081 of the Revised Code relative to joint purchasing by members of a regional council of governments; consolidation of boards and commissions for purposes of Central Service Agency support services; privatization of governmental functions; and restructuring of state government.

S. B. No. 270-Senators Hughes, Miller, R.

To establish a dam construction permit pilot program that, with respect to an eligible dam project, establishes permit fee and bonding requirements that are different from the permit fee and bonding requirements otherwise required under applicable law, and to declare an emergency.

S. B. No. 271-Senator Cates.

Cosponsor: Senator Seitz.

To amend sections 2151.022 and 2152.02 and to enact section 2907.324 of the Revised Code to prohibit a minor, by use of a telecommunications device or other means, from knowingly creating, receiving, exchanging, sending, or possessing a photograph or other material showing a minor in a state of nudity.

OFFERING OF RESOLUTIONS

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

S. R. No. 236-Senator Stewart.

Honoring Israel Urieli as the recipient of a 2010 Faculty Innovator Award.

S. R. No. 237-Senator Grendell.

Honoring Carl Stitz as the recipient of a 2010 Faculty Innovator Award.

S. R. No. 238-Senator Sawyer.

Honoring Dr. Gordon Murray as the recipient of a 2010 Faculty Innovator Award.

S. R. No. 239-Senator Miller, R.

Honoring Dr. Martha Sucheston as the recipient of a 2010 Faculty Innovator Award.

S. R. No. 240-Senator Widener.

Honoring Lynn Disbrow as the recipient of a 2010 Faculty Innovator Award.

S. R. No. 241-Senator Hughes.

Cosponsors: Senators Miller, R., Goodman.

Honoring The Ohio State University rifle team as the 2010 Western

Intercollegiate Rifle Conference Champion.

S. R. No. 242-Senator Hughes.

Cosponsors: Senators Miller, R., Goodman.

Honoring The Ohio State University men's swimming and diving team on winning the 2010 Big Ten Conference Championship.

S. R. No. 243-Senator Hughes.

Cosponsors: Senators Miller, R., Goodman.

Honoring The Ohio State University synchronized swimming team as the 2010 U.S. Collegiate Overall National Champion.

S. R. No. 244-Senator Hughes.

Cosponsors: Senators Miller, R., Goodman.

Honoring The Ohio State University men's volleyball team as the 2010 Midwestern Intercollegiate Volleyball Association Champion.

S. R. No. 245-Senator Hughes.

Cosponsors: Senators Miller, R., Goodman.

Honoring The Ohio State University men's soccer team on winning the 2010 Big Ten regular season and tournament championships.

S. R. No. 246-Senator Smith.

Honoring Kym Sellers for her contributions to the fight against multiple sclerosis.

S. R. No. 247-Senator Gillmor.

Honoring Louie Vito on his exemplary performance at the 2010 Winter Olympics.

S. R. No. 248-Senator Kearney.

Honoring Richard Harknett 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.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following message from the Governor which was 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, Albert J. Blackwood, Independent, from Perrysburg, Wood County, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning April 1, 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 1st day of April in the year of our Lord, two thousand and ten.

[Seal]

Ted Strickland,
Governor.

Said appointment was referred to the Committee on Rules.

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 Stewart from the Standing Committee on Judiciary – Criminal Justice.

Removes Senator Carey from the Standing Committee on Judiciary – Criminal Justice.

Removes Senator Kearney from the Standing Committee on Judiciary – Criminal Justice.

Appoints Senator Faber to the Standing Committee on Judiciary – Criminal Justice.

Appoints Senator Coughlin to the Standing Committee on Judiciary – Criminal Justice.

Appoints Senator Schiavoni to the Standing Committee on Judiciary – Criminal Justice.

CLERK'S NOTATION

Pursuant to Section 10, Article II of the Constitution of the State of Ohio, the following protest was filed by Senate Minority Leader Capri S. Cafaro on May 25, 2010.

The undersigned State Senators protest the floor vote denying the confirmation of Cathy Collins-Taylor as the Director of the Department of Public Safety as appointed by Governor Ted Strickland. Members of the majority party failed to account for Director Collins-Taylor's lengthy professional career and accomplishments as a law enforcement officer for the State of Ohio, without any reprimand, in making their decision not to advise and consent under Section 21, Article III of the Constitution of the State of Ohio.

Director Collins-Taylor has been professionally involved in enhancing the public safety of Ohioans for the last thirty-one years. She served as a Columbus Police Officer for twenty-six years. During her tenure as a policewoman, she established the Columbus Police Department's Exploited Children's Unit to ensure that the voice of the child victim was heard in the criminal justice system. In 2004, after twenty-six years of service, Director Collins-Taylor was appointed by Governor Taft to serve as a branch chief of the State and Local Coordination and Domestic Security Office for Ohio Homeland Security. In this position, she oversaw the creation of the Ohio Response System, coordinating resources from local and state first responders and state agencies.

After only three years, in March 2007, Director Collins-Taylor was asked to serve as the Executive Director of the Ohio Investigative Unit at the Department of Public Safety. As Executive Director, she was responsible for liquor, food stamp, and tobacco law enforcement. Director Collins-Taylor is also a certified polygraph expert and an instructor at the Ohio Peace Officer Training Academy.

Director Collins-Taylor is serving as the Executive Director of the Department of Public Safety. There she manages and coordinates eight different divisions, including Ohio's Bureau of Motor Vehicles, Emergency Management Agency, Emergency Medical Services Division, Office of Criminal Justice Services, Homeland Security Division, Investigative Unit, Traffic Safety Office, and State Highway Patrol. Director Collins-Taylor has focused on ways to improve each of the eight divisions and their performances. Currently, she is happy to report that morale is up, performance is up, and most importantly, the service to the people of Ohio has improved from these divisions.

Unfortunately, the appointment process has been deficient in its investigation into the experience and qualifications of Director Collins-Taylor as Director of the Department of Public Safety, which has caused it to become unfair and incomplete. While the members of the majority party focused upon whether Director Collins-Taylor was truthful, there was practically no focus on her authority pursuant to the Ohio Revised Code.

Ohio Revised Code Section 5502.011(B) provides: "The director may establish policies governing the department, the performance of its employees and officers, the conduct of its business... The director also may authorize and

approve investigations to be conducted by any of the department's divisions. Whenever the Revised Code imposes a duty upon or requires an action of the department, the director may perform the action or duty in the name of the department or direct such performance to be performed by the director's designee."

Furthermore, Ohio Revised Code Section 5502.011(C) states: "In addition to any other duties enumerated in the Revised Code, the director or the director's designee shall do all of the following: (1) Administer and direct the performance of the duties of the department... (7) Do all other acts necessary or desirable to carry out this chapter."

Based upon the Ohio Revised Code, Director Collins-Taylor has the authority to oversee and approve investigations of the Ohio State Highway Patrol, or to direct her designee to oversee and approve investigations. In this case, Superintendent of the Ohio State Highway Patrol Colonel David Dicken was her designee, and he testified that he decided to change the sting operation into a knock-and-talk operation. It is unfathomable to assert that either Director Collins-Taylor or Colonel Dicken would lie about the timing of the decision and who made it. Both of these individuals have the power to make the decision to change the operation and could do so whenever they wanted. Additionally, law enforcement officers make tough decisions everyday, including the choice to go forward with and the proper way to conduct an investigation.

In an investigatory hearing, it is important to hear from all of the witnesses, and not cherry-pick witnesses that support one point of view. Several witnesses were subpoenaed who did not agree with changing the sting operation into a knock-and-talk operation, including Ohio State Highway Patrol Troopers Lt. William Costas, Sgt. Arthur Combest, and Lt. Gene Jarvi.

If all subpoenas issued by the Senate President had been used, we would have testimony in the record from witnesses that corroborated the testimony of Director Collins-Taylor and Colonel Dicken. It would have been helpful to hear from the Department of Public Safety Chief of Staff Michael McCann, who was part of almost every email that discussed the sting operation and ultimately helped make the decision to change the operation to a knock-and-talk. Furthermore, it would have been useful to hear from the head of the Executive Protection Division Unit Lt. Joseph Mannion, who was the first person to question whether to do the sting operation.

It seems as though the confirmation process has not focused on the most pressing issue in deciding to confirm Director Collins-Taylor. The appointment debate should have focused on Director Collins-Taylor's thirty-year law enforcement and public safety career. She helped found and establish the Exploited Children's Unit; was the first (and only) female motorcycle officer in the Columbus Police Department; served as an instructor at the Ohio Peace Officer Training Academy; was assigned to investigations dealing with crimes of burglary, homicide, sexual abuse, and vice; and was

trained and trusted to administer polygraph tests.

In closing, we want to protest what we perceive as the politicizing of the confirmation process. We believe that the public perception will be that the Ohio Senate has wasted time and taxpayer dollars at the tail end of this Great Recession to focus on what resembles to be a political smear campaign, instead of focusing on the foreclosure crisis, job creation and economic development.

We legislate in a time in which our citizens rightfully demand bipartisan cooperation. To paraphrase, in the words of former Director of Department of Rehabilitation and Correction Terry Collins, we have “made a mountain out of a molehill” rather than cooperating to move this great state forward.

For the reasons stated above, we respectfully protest the Senate decision not to confirm the appointment of Cathy Collins-Taylor as Executive Director of the Department of Public Safety as appointed by Governor Strickland.

/s/ Senator Capri S. Cafaro
Minority Leader

/s/ Senator Shirley Smith
Assistant Minority Leader

/s/ Senator Ray Miller
Assistant Whip

/s/ Senator Jason H. Wilson
Assistant Minority Whip

/s/ Senator Teresa Fedor

/s/ Senator Eric Kearney

/s/ Senator Dale Miller

/s/ Senator Sue Morano

/s/ Senator Tom Sawyer

/s/ Senator Joseph Schiavoni

/s/ Senator Fred Strahorn

/s/ Senator Nina Turner

On the motion of Senator Niehaus, the Senate adjourned until Wednesday, May 26, 2010 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.