

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 26, 2010

ONE HUNDRED EIGHTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 26, 2010, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Thomas Wise, Valleyview Church, Dayton, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

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

S. B. No. 267-Senator Schiavoni, et al.

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

To the Committee on Judiciary - Criminal Justice.

S. B. No. 268-Senator Gillmor, et al.

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.

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

S. B. No. 269-Senators Grendell, Seitz, et al.

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.

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

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.

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

S. B. No. 271-Senator Cates, et al.

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.

To the Committee on Judiciary - Criminal Justice.

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

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 Buehrer submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 204**-Senator Wagoner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Kearney.

YES - 11: STEPHEN BUEHRER, KEITH L. FABER, JOSEPH
SCHIAVONI, FRED STRAHORN, NINA TURNER,
ERIC H. KEARNEY, KAREN GILLMOR, JIM

HUGHES, SHANNON JONES, TIMOTHY O.
SCHAFFER, BILL SEITZ.

NO - 0.

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

The report of the committee was accepted.

Senator Buehrer submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 238**-Senator Seitz, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 8: STEPHEN BUEHRER, KEITH L. FABER, KAREN
GILLMOR, JIM HUGHES, SHANNON JONES, BILL
SEITZ, CHRIS WIDENER, TIMOTHY O. SCHAFFER.

NO - 4: JOSEPH SCHIAVONI, FRED STRAHORN, NINA
TURNER, ERIC H. KEARNEY.

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

The report of the committee was accepted.

Senator Buehrer submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. R. No. 223**-Senator Buehrer, having had the same under consideration, reports it back and recommends its adoption.

YES - 11: STEPHEN BUEHRER, KEITH L. FABER, JOSEPH
SCHIAVONI, NINA TURNER, CHRIS WIDENER, BILL
SEITZ, TIMOTHY O. SCHAFFER, SHANNON JONES,
KAREN GILLMOR, FRED STRAHORN, ERIC H.
KEARNEY.

NO - 0.

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

The report of the committee was accepted.

Senator Husted submitted the following report:

The standing committee on Government Oversight, to which was referred **S. B. No. 263**-Senator Faber, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: TOM NIEHAUS, JON A. HUSTED, KEITH L. FABER, MARK D. WAGONER, SHANNON JONES, BILL SEITZ, TIMOTHY J. GREDELLE.

NO - 3: TERESA FEDOR, ERIC H. KEARNEY, SHIRLEY A. SMITH.

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

The report of the committee was accepted.

On the motion of Senator Niehaus, the Senate recessed until 4:01 p.m.

The Senate met pursuant to the recess.

RESOLUTIONS REPORTED BY COMMITTEE

S. R. No. 223-Senator Buehrer.

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

WHEREAS, Canada is the largest foreign trade partner for the United States, the largest foreign trade partner for 35 states, and the second-largest foreign trade partner for ten states; and

WHEREAS, Canada is Ohio's top export market; and

WHEREAS, Ohio's bilateral trade with Canada for the year 2008 was \$35.8 billion; and

WHEREAS, An estimated 267,500 jobs in Ohio are supported by United States-Canada trade; and

WHEREAS, Canadians made more than 605,300 visits to Ohio during 2008, spending more than \$138 million; and

WHEREAS, Approximately 54% of United States-Canada trade moves by truck and about half (approximately 45.5%) of the trucks use the Detroit and Port Huron border crossings; and

WHEREAS, Plans are underway to build an additional international border crossing system over the Detroit River, known as the Detroit River International Crossing, consisting of a six-lane bridge with three lanes bound for the United States and three lanes bound for Canada, connected to new United States and Canadian inspection plazas; and

WHEREAS, The Detroit River International Crossing will have an enormous economic impact on the U.S. economy, creating 10,000 construction

jobs and more than 30,000 indirect jobs during the construction period in the United States; and

WHEREAS, The State of Michigan and Transport Canada are pursuing a public-private partnership to finance and deliver the Detroit River International Crossing; and

WHEREAS, The partnership will be in the form of a long-term concession agreement that will seek to maximize private sector participation and financing by allowing for public ownership of the bridge and private financing, construction, operation, and maintenance of the bridge while protecting the public interest; and

WHEREAS, The State of Michigan needs legislative authority to enter into the public-private partnership and to enter into an agreement with Canada to build the Detroit River International Crossing; and

WHEREAS, A modern border crossing that can support the ever-increasing amount of trade and travel between the United States and Canada is essential to the economies of Ohio, the Midwest, and the United States; now therefore be it

RESOLVED, That members of the Ohio Senate do hereby fully support the new Detroit River International Crossing project and any legislation that will allow for its construction and creation of a public-private partnership to finance and deliver the new border crossing; and be it further

RESOLVED, That the members of the Ohio Senate encourage initiatives that bring investments in communities hosting the Detroit River International Crossing project and the entire multistate region, including job creation, environmental improvement, increased trade, and other benefits that improve the quality of life of residents; and be it further

RESOLVED, That the members of the Ohio Senate recognize that the Detroit River International Crossing will have an immeasurable economic impact on the State of Ohio and will lay the foundation for future productivity, growth, and economic stability of local economies within Ohio; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the Michigan Senate, the Minority Leader of the Michigan Senate, the Speaker of the Michigan House of Representatives, the Minority Leader of the Michigan House of Representatives, the Governor of Michigan, and the Consul General of Canada in Detroit, Michigan.

The question being, "Shall the resolution, **S. R. No. 223**, be adopted?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Buehrer
Faber

Cafaro
Fedor

Carey
Gibbs

Cates
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.

So the resolution was adopted.

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

Senator Buehrer moved to amend the title as follows:

Add the names: "Carey, Faber, Fedor, Gibbs, Gillmor, Harris, Hughes, Kearney, Miller, D., Morano, Patton, Schiavoni, Schuring, Strahorn, Turner, Wagoner, Widener, Seitz, Smith, Husted, Cafaro, Cates."

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. 50-Representative Domenick.

Cosponsors: Representatives Williams, B., Harris, Huffman, Brown, Murray, Oelslager, Okey, Bolon, Winburn, Harwood, Phillips, Hottinger, McGregor, Bacon, Balderson, Batchelder, Blair, Boose, Boyd, Bubb, Burke, Carney, Combs, DeBose, Derickson, Dyer, Evans, Fende, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Hagan, Heard, Lehner, Letson, Luckie, Mallory, Martin, McClain, Moran, Morgan, Patten, Pillich, Pryor, Ruhl, Sayre, Sears, Slesnick, Snitchler, Stebelton, Stewart, Uecker, Wachtmann, Weddington, Williams, S., Yuko, Zehringer. Senators Turner, Fedor.

To amend sections 4503.19 and 4561.15 of the Revised Code to require a motor vehicle certificate of registration to have a supplemental portion that contains all the information contained in the main portion of the certificate except for the address of the person to whom the certificate is issued and to modify the prohibition against a pilot carrying passengers unless the pilot has a specified certification, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 50**, 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 Patton moved to amend the title as follows:

Add the names: "Buehrer, Harris, Hughes, Miller, D., Morano, Patton, Sawyer, Schiavoni, Strahorn, Wagoner, Smith."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 204-Senator Wagoner.

Cosponsors: Senators Carey, Gibbs, Grendell, Husted, Jones, Morano, Niehaus, Patton, Schaffer, Widener, Schuring, Kearney.

To amend sections 4517.01, 4517.52, 4517.54, 4517.55, and 4517.59 and to enact sections 4517.541 and 4517.542 of the Revised Code relative to the termination of franchises and prohibited acts under the Motor Vehicle Dealers Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 204**, pass?"

Senator Buehrer moved to amend as follows:

In line 367, delete " this"; after " section" insert " 4517.541 of the Revised Code"

In line 502, delete " (F)" and insert " (C)"

In lines 521 and 540, after " section" insert " and section 4517.541 of the Revised Code"

In line 547, after " section" insert " or section 4517.541 of the Revised Code"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 204**, 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 Wagoner moved to amend the title as follows:

Add the names: "Buehrer, Harris, Hughes, Miller, D., Sawyer, Seitz, Turner, Wilson."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 263-Senator Faber.

Cosponsors: Senators Niehaus, Goodman.

To amend sections 101.70, 102.02, 102.03, 109.572, 109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 2915.01, 2915.02, 2915.091, 3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 5703.70, 5747.01, and 5747.02, and to enact sections 121.54, 3517.1015, 3772.01 to 3772.03, 3772.031, 3772.032, 3772.033, 3772.034, 3772.04, 3772.05, 3772.051, 3772.06, 3772.061, 3772.062, 3772.07 to 3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 3772.112, 3772.12, 3772.121, 3772.13, 3772.131, 3772.14 to 3772.34, 3772.99, 3793.032, 5753.01 to 5753.06, 5753.061, and 5753.07 to 5753.10 of the Revised Code to create the Ohio Casino Control Commission and related provisions and to set forth casino gaming statutes under Ohio Constitution, Article XV, Section 6(C), was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 263**, pass?"

Senator Miller, D. moved to amend as follows:

In line 4393, delete "one" and insert "two"

Between lines 7555 and 7556, insert:

"Section 3. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of moneys in the state treasury to the credit

of the designated fund that are not otherwise appropriated. For all appropriations in this act, the amounts in the first column are for fiscal year 2010 and the amounts in the second column are for fiscal year 2011.

Section 4. CAC CASINO CONTROL COMMISSION

State Special Revenue

5Hs0 955321 Casino Control - \$ 0 \$ 8,000,000

Operating

TOTAL SSR State Special Revenue \$ 0 \$ 8,000,000

Fund Group

TOTAL All BUDGET FUND GROUPS \$ 0 \$ 8,000,000

Should proceeds from application fees be available before June 30, 2010, the Director of Budget and Management may seek Controlling Board approval to establish such funds and appropriations as are necessary to carry out the provisions of this act."

In line 7556, delete "3" and insert "5"

In line 7560, delete "4" and insert "6"

In line 15 of the title, delete "and" and insert a comma

In line 17 of the title, after "(C)" insert ", and to make an appropriation"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Sawyer	Schiavoni
Smith	Strahorn	Turner	Wilson-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 263**, pass?"

Senator Miller, D. moved to amend as follows:

In line 20, after "2915.091," insert "3770.03,"

Between lines 2963 and 2964, insert:

"Sec. 3770.03. (A) The state lottery commission shall promulgate rules under which a ~~statewide lottery may~~ including games providing immediate prize determinations for participants through the use of video lottery terminals located at commercial horse racing tracks authorized under Chapter 3769. of the Revised Code, shall be conducted. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules shall include, but need not be limited to, the following:

(1) The type of lottery to be conducted;

(2) The prices of ~~tickets in the~~ lottery ~~;~~ products;

(3) The ~~number,~~ nature ~~;~~ and value of prize awards, the manner and frequency of prize drawings and determinations, and the manner in which prizes shall be awarded ~~to holders of winning tickets~~.

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a ~~statewide lottery and~~ statewide joint lottery games may ~~and~~ lotteries, including games providing immediate prize determinations through the use of video lottery terminals located at commercial horse racing tracks authorized under Chapter 3769. of the Revised Code shall be conducted. Subjects covered in these rules shall include, but not be limited to, the following:

(1) The locations at which lottery ~~tickets~~ products may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery ~~tickets~~ products by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents or, under the rules adopted under this section, video lottery sales

agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid licensed lottery sales agents and video lottery sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses , or the licenses of video lottery sales agents, consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent or video lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

~~(6)~~ (6) The manner in which lotteries that use video lottery terminals must be conducted and the security, licensing, and enforcement procedures necessary to ensure the integrity of those lotteries;

(7) Licensing requirements and fees for key gaming employees of video lottery sales agents or agents' contractors that employ key gaming employees; provided that the maximum initial or yearly fee for a license issued by the commission and fees associated therewith shall be set by rule by the commission;

(8) Any other subjects the commission determines are necessary for the conduct of lotteries, including those that use video lottery terminals.

(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries conducted pursuant to this chapter or the rules adopted under it.

(D) The commission may conduct lotteries simulating card games, spinning-wheel games, or cast object games by video lottery terminals pursuant to the rules adopted under this section.

(E) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of advertising displayed on lottery tickets and on those other items shall be considered, for purposes of section 3770.06 of the Revised Code, to be related proceeds in connection with

the statewide lottery or gross proceeds from statewide joint lottery games, as applicable.

~~(D)~~ (F)(1) The commission shall meet with the director at least once each month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report each month, showing the total revenues, prize disbursements, and operating expenses of the state lottery for the preceding month. As soon as practicable after the end of each fiscal year, the commission shall prepare and transmit to the governor and the general assembly a report of lottery revenues, prize disbursements, and operating expenses for the preceding fiscal year and any recommendations for legislation considered necessary by the commission."

In line 7553, after "2915.091," insert "3770.03,"

In line 3 of the title, after "2915.091," insert "3770.03,"

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

Senator Niehaus moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

Cafaro	Fedor	Kearney	Miller D
Miller R	Morano	Sawyer	Schiavoni
Smith	Strahorn	Turner	Wilson-12.

The amendment was laid on the table.

The question being, "Shall the bill, **Sub. S. B. No. 263**, pass?"

Senator Fedor moved to amend as follows:

Between lines 3012 and 3013, insert:

" (J) "Goods and services" does not include the following: utilities; taxes; financing costs, mortgages, loans, or other debt; medical insurance; fees and payments to a parent or affiliated company of a casino operator, other than fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for use or benefit of the casino operator; and rents for real property or payments constituting the price of an interest in real property as a result of a real estate transaction."

In line 3013, delete " (J)" and insert " (K)"

In line 3019, delete " (K)" and insert " (L)"

In line 3024, delete " (L)" and insert " (M)"

In line 3045, delete " (M)" and insert " (N)"

In line 3071, delete " (N)" and insert " (O)"

In line 3075, delete " (O)" and insert " (P)"

In line 3083, delete " (P)" and insert " (Q)"

In line 3087, delete " (Q)" and insert " (R)"

In line 3092, delete " (R)" and insert " (S)"

In line 3103, delete " (S)" and insert " (T)"

In line 3108, delete " (T)" and insert " (U)"

In line 3117, delete " (U)" and insert " (V)"

In line 3121, delete " (V)" and insert " (W)"

In line 3123, delete " (W)" and insert " (X)"

Between lines 4462 and 4463, insert:

" (8) The applicant's plan and process to purchase goods and services from Ohio."

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

Senator Niehaus moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Coughlin	Faber
Gibbs	Gillmor	Goodman	Grendell
Hughes	Husted	Jones	Niehaus

Patton Stewart	Schaffer Wagoner	Schuring Widener	Seitz Harris-20.
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Those who voted in the negative were: Senators

Cafaro Miller R Smith	Fedor Morano Strahorn	Kearney Sawyer Turner	Miller D Schiavoni Wilson-12.
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The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 263**, pass?"

Senator Jones moved to amend as follows:

In line 4659, after the underlined period insert "If the commission determines that a central system is necessary and adopts rules authorizing a central system, casino operators shall be responsible for the costs of the central system as it relates to casino facilities."

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

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

The question recurred, "Shall the bill, **Sub. S. B. No. 263**, pass?"

The yeas and nays were taken and resulted - yeas 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

Buehrer Gibbs Hughes Patton Stewart	Carey Gillmor Husted Schaffer Wagoner	Coughlin Goodman Jones Schuring Widener	Faber Grendell Niehaus Seitz Harris-20.
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Those who voted in the negative were: Senators

Cafaro
Miller R
Smith

Fedor
Morano
Strahorn

Kearney
Sawyer
Turner

Miller D
Schiavoni
Wilson-12.

So the bill passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Harris, Wagoner."

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

The motion was agreed to and the title so amended.

OFFERING OF RESOLUTIONS

Senators Grendell and Seitz offered the following joint resolution:

S. J. R. No. 11-Senators Grendell, Seitz.

Cosponsors: Senators Patton, Wagoner, Faber, Goodman, Cates, Schaffer.

Proposing to amend Section 13 of Article IV of the Constitution of the State of Ohio to make an appointment to fill a vacancy on the Supreme Court subject to the advice and consent of the Senate.

The question being, "Shall the joint resolution, **S. J. R. No. 11**, be adopted?"

On the motion of Senator Niehaus, **S. J. R. No. 11**, was referred to the Committee on Reference.

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, Thomas J. Stickrath, from Westerville, Franklin County, Ohio, as Director of the Department of Public Safety for a term beginning May 26, 2010 and continuing at the pleasure of the Governor, replacing Cathy Collins-Taylor, who transferred to another position.

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

[Seal]

Ted Strickland,
Governor.

Said appointment was referred to the Committee on Rules.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, May 27, 2010 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.