

OHIO

SENATE

JOURNAL

SECOND CORRECTED VERSION
TUESDAY, JUNE 1, 2010

ONE HUNDRED NINETY-SECOND DAY
Senate Chamber, Columbus, Ohio
Tuesday, June 1, 2010, 1:00 o'clock p.m.

The Senate met pursuant to adjournment.

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

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

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

Sub. H. B. No. 13-Representatives Garrison, Harris, et al.

To amend sections 2907.06, 2950.13, and 2950.99 and to enact sections 2950.035 and 2950.044 of the Revised Code to prohibit Tier III sex offender/child victim offenders who have committed specified offenses against a victim under 16 years of age from knowingly being present on school premises or preschool or child day-care center premises and to increase the penalty for a first offense of sexual imposition to a misdemeanor of the first degree in specified circumstances.

To the Committee on Judiciary - Criminal Justice.

Am. H. B. No. 55-Representatives Williams, B., Combs, et al.

To amend sections 955.11, 959.99, 2152.19, 2903.213, 2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 and to enact section 4731.284 of the Revised Code to revise the penalties and sentencing provisions regarding violations of the cruelty to animals statutes, to include the protection of companion animals in temporary protection orders, domestic violence protection orders, anti-stalking protection orders, and related protection orders, and to remove pit bulls from the definition of "vicious dog" in state law.

To the Committee on Judiciary - Criminal Justice.

Am. Sub. H. B. No. 357-Representative Carney, et al.

To amend sections 3734.02, 4117.10, 4729.29, 4765.11, 4765.35, 4765.37, 4765.38, 4765.39, 4765.49, 5502.21, and 5502.41 and to enact sections 121.25, 124.394, 124.395, 3345.042, 3701.147, and 3701.148 of the Revised Code to modify the laws governing the Intrastate Mutual Aid Compact, to

authorize the Governor to declare the existence of a health exigency, to permit state agencies to require their employees to leave their workplaces when they demonstrate symptoms related to a health exigency, to specify that certain persons involved with infectious wastes may be exempt from regulation under the environmental protection laws, to authorize certain emergency medical services personnel to deliver drugs during an emergency that affects the public health, and to modify the conditions under which certain emergency medical services may be provided.

To the Committee on Health, Human Services and Aging.

Sub. H. B. No. 473-Representative Pillich, et al.

To amend sections 2151.022, 2152.02, and 2907.323 and to enact section 2907.324 of the Revised Code to prohibit a minor, by use of a telecommunications device, from knowingly sharing, exchanging, sending, or posting a photograph, video, or other material that shows a minor in a state of nudity and to define a state of nudity for purposes of this prohibition, to limit the offense of "illegal use of a minor in a nudity-oriented material or performance" to acts committed by persons 18 years of age or older, and to prohibit a minor from committing by means other than a telecommunications device delinquent acts that would be the offense of "illegal use of a minor in a nudity-oriented material or performance" if committed by an adult.

To the Committee on Judiciary - Criminal Justice.

H. B. No. 482-Representative Garland, et al.

To amend section 755.14 and to enact section 755.141 of the Revised Code to authorize a joint recreation district operating on the site of the United States Christopher Columbus Quincentenary Jubilee to issue revenue bonds, maintain lines of credit, and enter into lease purchase agreements for property; to expand the district's powers with respect to its own property; and to make certain appointments to the district's board permissive rather than mandatory.

To the Committee on Finance and Financial Institutions.

Am. Sub. H. B. No. 519-Representatives Yuko, Book, et al.

To amend sections 101.70, 102.02, 102.03, 109.32, 109.572, 109.71, 109.77, 109.79, 121.60, 1705.48, 2915.01, 2915.02, 2915.061, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.093, 2915.10, 2915.101,

2915.13, 3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 5703.70, 5747.02, and 5747.98, to enact sections 121.54, 122.014, 122.045, 122.09, 2915.083, 2915.14, 3517.1015, 3769.081, 3772.01 to 3772.03, 3772.031, 3772.032, 3772.033, 3772.034, 3772.04, 3772.05, 3772.051, 3772.06, 3772.061, 3772.062, 3772.07, 3772.08, 3772.081, 3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 3772.12, 3772.121, 3772.13, 3772.131, 3772.14 to 3772.32, 3772.99, 3793.032, 5747.063, 5753.01 to 5753.06, 5753.061, and 5753.07 to 5753.10, and to repeal section 2915.06 of the Revised Code to create the Ohio Casino Control Commission and related provisions and to set forth casino gaming statutes under Ohio Constitution, Article XV, Section 6(C), to make changes to bingo and instant bingo laws, to create charity card rooms, to create an online small business resource center on the Department of Development's internet web site, to allow the Director of Development to compile a report of companies with at least one hundred employees that relocated outside Ohio in 2010, and to make an appropriation.

To the Committee on Government Oversight.

Am. H. J. R. No. 15-Representatives Letson, Garrison, et al.

Proposing to amend Sections 1, 2, 6, 12, 13, and 15 of Article XI, to amend, for the purpose of adopting new section numbers as indicated in parentheses, Sections 6 (3), 12 (6), 13 (7), and 15 (9) of Article XI, to enact new Sections 4, 5, and 8 of Article XI, and to repeal Sections 3, 4, 5, 7, 8, 9, 10, 11, and 14 of Article XI of the Constitution of the State of Ohio to revise the process for apportioning the state for General Assembly districts.

To the Committee on Rules.

S. B. No. 272-Senator Miller, R., et al.

To make an appropriation for the provision of state matching funds for federal TRIO programs at Ohio institutions of higher education for the FY 2010-FY 2011 biennium.

To the Committee on Finance and Financial Institutions.

YES - 4: TOM NIEHAUS, BILL HARRIS, DAVID GOODMAN,
SHIRLEY A. SMITH.

NO - 0.

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

The report of the committee was accepted.

Said bills and joint resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Schaffer submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **S. C. R. No. 27**-Senator Gibbs, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Cates.

YES - 5: JIMMY STEWART, GARY W. CATES, BOB GIBBS,
TOM NIEHAUS, TIMOTHY O. SCHAFFER.

NO - 1: SUSAN L. MORANO.

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

The report of the committee was accepted.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 273-Senators Turner, Seitz.

Cosponsors: Senators Cates, Sawyer, Miller, D., Smith.

To enact section 715.021 of the Revised Code to generally authorize municipal corporations and other political subdivisions to enter into agreements to perform services for one another.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Sub. S. B. No. 58 -Senator Hughes

Cosponsors: Senators Schaffer, Wagoner, Grendell, Gibbs, Harris, Husted, Patton, Stewart, Turner, Wilson Representatives Beck, Blair, Blessing, Bulp, Coley, Combs, Derickson, Dodd, Domenick, Evans, Garland, Gerberry, Grossman, Hackett, Harris, Harwood, Heard, Hottinger, Luckie, Mandel,

McGregor, Weddington, Zehringer

To amend sections 109.561, 1547.11, 2919.25, 2929.13, 2933.82, 4506.17, 4511.19, 4765.38, and 4765.39 and to enact section 2927.15 of the Revised Code to prohibit a person from collecting any bodily substance of another person without privilege or consent to do so, to correct erroneous cross-references in provisions enacted in Am. Sub. H.B. 280 of the 127th General Assembly regarding increased penalties for domestic violence committed against a pregnant woman, to permit emergency medical technicians-intermediate and emergency medical technicians-paramedic to withdraw blood for the purposes of the watercraft or vehicle OVI law or the commercial motor vehicle law, to require the office of the attorney general to administer and conduct preservation of biological evidence training, and to add a representative from the Division of Criminal Justice Services to the Biological Evidence Task Force.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Tom Sherman,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. Sub. S. B. No. 110 -Senator Niehaus

Cosponsors: Senators Cafaro, Fedor, Harris, Kearney, Sawyer, Schaffer, Schiavoni, Seitz, Turner, Miller, D., Strahorn, Smith, Miller, R., Morano
Representatives Bulp, Chandler, DeBose, Domenick, Garland, Hagan, Harwood, Letson, Luckie, Mallory, Reece, Uecker, Walter, Weddington, Williams, B., Winburn, Yuko

To amend sections 711.05, 711.10, 3718.01, 3718.02, 3718.03, 3718.04, 3718.05, 3718.06, 3718.09, and 6117.51 and to enact sections 3718.011, 3718.012, 3718.023, 3718.024, 3718.025, 3718.041, and 3718.11 of the Revised Code to revise the Household Sewage and Small Flow On-Site Sewage Treatment Systems Law, and to amend Section 3 of Am. H.B. 416 of the 127th General Assembly to extend the date by which the report of the Great Lakes-St. Lawrence River Basin Water Resources Compact Advisory Board is due.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 590, delete everything after the underlined period

Delete lines 591 through 602

Attest:

Tom Sherman,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Sub. S. B. No. 181 -Senator Stewart

Cosponsors: Senators Goodman, Schaffer, Seitz, Niehaus, Faber, Gibbs, Gillmor, Harris, Hughes, Patton, Wagoner, Wilson, Carey Representatives Weddington, Boyd, DeBose, Domenick, Driehaus, Evans, Garland, Hagan, Letson, Luckie, Mallory, Reece, Sayre, Williams, B., Williams, S., Winburn, Yuko

To amend sections 122.12, 135.143, 148.06, 926.31, 1501.04, 1517.23, 3302.03, 3313.44, 4928.01, 5709.62, 5709.63, 5709.632, 5739.02, 5751.08, 5751.09, 6109.22, and 6111.036, to enact sections 1513.372, 1517.03, 1517.04, and 5709.084 of the Revised Code, to amend Sections 265.30.40 and 265.40.60 of Am. Sub. H.B. 1 of the 128th General Assembly, to amend Section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly, as subsequently amended, and to repeal Sections 6 and 7 of Sub. H.B. 318 of the 128th General Assembly to provide immunity from liability for eligible landowners who provide access to abandoned mine land located on their land for purposes of acid mine drainage abatement and to provide immunity from liability for nonprofit organizations that provide funding or services for such acid mine drainage abatement, to designate that methane gas emitted from an abandoned coal mine constitutes a renewable energy resource rather than an advanced energy resource for purposes of the law governing the promotion of renewable energy usage, electricity supplied from renewable energy sources, and renewable energy credits, to reestablish the Ohio Natural Areas Council, and to expand the purposes for which the Water Supply Revolving Loan Account in the Drinking Water Assistance Fund and the Water Pollution Control Loan Fund may be used; to revise the performance ratings for school districts and buildings; to require the Director of Budget and Management, upon the request of the Director of Natural Resources and beginning July 1, 2010, and ending January 1, 2012, to transfer an amount not to exceed \$1.2

million from the Natural Areas and Preserves Fund to the Departmental Projects Fund for the purpose of supporting permanent employees of the Division of Natural Areas and Preserves through January 1, 2012; to require the Administrator of the Bureau of Workers' Compensation, beginning July 1, 2010, and ending December 31, 2010, to transfer a portion of the investment earnings of the Coal-Workers Pneumoconiosis Fund to the Strip Mining Administration Fund; to include NASCAR races, certain Olympic-style boxing competitions, and the Air New Zealand Golden Oldies World Rugby Festival as sporting events for which state grants may be awarded to a county or municipal corporation; to alter the authority of the Treasurer of State to invest in single-issuer debt; to authorize regional water and sewer districts to offer additional deferred compensation plans; to modify the law governing which entities are subject to testing of agricultural commodities; to exempt from taxation property leased by a school district for a term of at least fifty years; to exempt convention centers in large-population counties from property taxation and to exempt, for one year, construction materials incorporated into such convention centers from sales and use taxation; to extend enterprise zone authority for one year; to permanently authorize the Tax Commissioner to refund erroneously made commercial activity tax payments made by persons not required to pay the tax; to expressly permit consensual extensions of the four-year time limit on assessments and refund requests for the commercial activity tax; to reauthorize and make appropriations for the Department of Development's Job Ready Sites Program for fiscal years 2011 and 2012; to reauthorize and make appropriations for the Department of Development's Clean Ohio Revitalization Program for fiscal years 2011 and 2012; and to provide for adjustments to payments to schools, to provide for adjustments to payments to nonpublic schools, and to make an appropriation.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Tom Sherman,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 50 -Representative Domenick - et al.

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

Am. Sub. H. B. No. 238 -Representative Harwood - et al.

Attest:

Tom Sherman,
Clerk.

The President signed said bills.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule No. 19, the President of the Senate makes the following temporary change to the following Standing Committee:

Removes Senator Kevin Coughlin from the Standing Committee on State & Local Government & Veterans Affairs.

Appoints Senator Gary Cates to the Standing Committee on State & Local Government & Veterans Affairs.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule No. 19, the President of the Senate makes the following change to the following Standing Committee:

Removes Senator Bill Harris from the Standing Committee on Judiciary-Criminal Justice.

Appoints Senator David Goodman to the Standing Committee on Judiciary-Criminal Justice.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 103.71 of the Ohio Revised Code, the President of the Senate makes the following appointment changes to the Correctional Institution Inspection Committee:

Removes Senator Faber

Appoints Senator Grendell

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rules No. 19, the President of the Senate makes the following appointment changes to the following Standing Committees:

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

Appoints Senator Stewart to the Standing Committee on Judiciary – Criminal

Justice.

On the motion of Senator Carey, the Senate adjourned until Wednesday, June 2, 2010 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.