

OHIO

SENATE

JOURNAL

WEDNESDAY, JUNE 2, 2010

ONE HUNDRED NINETY-THIRD DAY
Senate Chamber, Columbus, Ohio
Wednesday, June 2, 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 yesterday 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 bill, standing in order for second consideration, be referred to committee as recommended:

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

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.

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

YES - 5: KEITH L. FABER, TOM NIEHAUS, BILL HARRIS,
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 bill was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 260**-Senator Goodman, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: TIMOTHY J. GRENDALL, JIM HUGHES, KEITH L.

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FABER, JIMMY STEWART, BILL SEITZ, DAVID
GOODMAN.

NO - 3: NINA TURNER, JOSEPH SCHIAVONI, SHIRLEY A.
SMITH.

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

The report of the committee was accepted.

Senator Hughes submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 95**-Senators Hughes, Cates, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: JIMMY STEWART, BILL SEITZ, GARY W. CATES,
TERESA FEDOR, RAY MILLER, NINA TURNER, JIM
HUGHES.

NO - 1: JOHN A. CAREY.

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

The report of the committee was accepted.

Senator Hughes submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **Sub. H. B. No. 393**-Representatives Gerberry, Blessing, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Fedor, Grendell, Turner.

YES - 9: JIMMY STEWART, JOHN A. CAREY, BILL SEITZ,
JIM HUGHES, TERESA FEDOR, RAY MILLER,
TIMOTHY J. GRENDALL, NINA TURNER, GARY W.
CATES.

NO - 0.

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

The report of the committee was accepted.

Senator Hughes submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **Sub. H. B. No. 449**-Representative Ujvagi, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Carey, Fedor, Turner.

YES - 9: JIMMY STEWART, JOHN A. CAREY, TIMOTHY J. GRENDALL, BILL SEITZ, JIM HUGHES, TERESA FEDOR, RAY MILLER, NINA TURNER, GARY W. CATES.

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:

Timothy D. Clarke, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a term beginning April 9, 2010 and ending at the close of business November 18, 2012, replacing Michael Long, whose term expired.

Thomas J. Denbow, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Water Advisory Council for a new term beginning April 27, 2010 and ending at the close of business February 1, 2012.

Melissa, G. Haney, Republican, from Copley, Summit County, Ohio, as a Member of the Ohio Water Advisory Council for a new term beginning April 27, 2010 and ending at the close of business February 1, 2012.

Dan Mullens, Democrat, from Sciotoville, Scioto County, Ohio, as a Member of the Waterways Safety Council for a term beginning April 27, 2010 and ending at the close of business January 1, 2012, replacing Jane Harf, who resigned.

Dana M. Oleskiewicz, Democrat, from Chagrin Falls, Geauga County, Ohio, as a Member of the Ohio Water Advisory Council for a new term beginning April 27, 2010 and ending at the close of business February 1, 2012.

Gary Sims, from Marion, Marion County, Ohio, as a Member of the Solid Waste Management Advisory Council for a term beginning April 12, 2010 and ending at the close of business June 23, 2011, replacing Antoinette Starkey, whose term expired.

Kathy L. Smith, Democrat, from Mansfield, Morrow County, Ohio, as a Member of the Forestry Advisory Council for a new term beginning April 9, 2010 and ending at the close of business February 28, 2014.

Dawn R. Spurlock, Democrat, from Grand Rapids, Wood County, Ohio, as a Member of the Recycling and Litter Prevention Advisory Council for a new term beginning February 3, 2010 and ending at the close of business November 18, 2012.

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.

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

YES - 7: BILL HARRIS, TOM NIEHAUS, KEITH L. FABER,
JON A. HUSTED, JOHN A. CAREY, RAY MILLER,
SHIRLEY A. SMITH.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	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-31.

So the Senate advised and consented to said appointments.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

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

Cosponsors: Senators Schaffer, Wagoner, Grendell, Gibbs, Harris, Husted, Patton, Stewart, Turner, Wilson. Representatives Beck, Blair, Blessing, Bubp, 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, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 58**?"

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gillmor	Goodman
Grendell	Hughes	Husted	Jones
Kearney	Miller R	Morano	Niehaus
Patton	Sawyer	Schaffer	Schiavoni
Schuring	Seitz	Smith	Stewart
Strahorn	Turner	Wagoner	Widener
Wilson			Harris-30.

Senator Miller D voted in the negative-1.

So the Senate concurred in the amendments of the House of Representatives.

The amendments of the House of Representatives to:

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, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 110?**"

The yeas and nays were taken and resulted - yeas 6, nays 25, as follows: Senators Fedor, Miller D, Miller R, Sawyer, Smith, and Turner voted in the affirmative-6.

Those who voted in the negative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Gillmor	Goodman	Grendell
Hughes	Husted	Jones	Kearney
Morano	Niehaus	Patton	Schaffer
Schiavoni	Schuring	Seitz	Stewart
Strahorn	Wagoner	Widener	Wilson
			Harris-25.

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

The amendments of the House of Representatives to:

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, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 181**?"

The yeas and nays were taken and resulted - yeas 12, nays 19, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

Buehrer	Carey	Cates	Faber
Gillmor	Goodman	Grendell	Hughes
Husted	Jones	Niehaus	Patton
Schaffer	Schuring	Seitz	Stewart
Wagoner	Widener		Harris-19.

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

On the motion of Senator Niehaus, the Senate recessed until 8:10 p.m.

The Senate met pursuant to the recess.

On the motion of Senator Niehaus the Senate reverted to the Second Order of Business, Reports of Standing and Select Committees.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Husted submitted the following report:

The standing committee on Government Oversight, to which was referred **Am. Sub. H. B. No. 519**-Representatives Yuko, Book, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Niehaus.

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

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

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

The report of the committee was accepted.

Senator Seitz submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **S. B. No. 251**-Senators Seitz, Schiavoni, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Kearney.

YES - 9: BILL SEITZ, DAVID GOODMAN, STEPHEN BUEHRER, KEITH L. FABER, TIMOTHY J. GRENDALL, J. KIRK SCHURING, ERIC H. KEARNEY, JOSEPH SCHIAVONI, DALE MILLER.

NO - 0.

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

The report of the committee was accepted.

Senator Seitz submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **Sub. H. B. No. 338**-Representatives Book, Uecker, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: BILL SEITZ, DAVID GOODMAN, STEPHEN BUEHRER, KEITH L. FABER, TIMOTHY J. GRENDALL, J. KIRK SCHURING, ERIC H. KEARNEY, JOSEPH SCHIAVONI, DALE MILLER.

NO - 0.

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

The report of the committee was accepted.

Senator Seitz submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **Am. H. B. No. 431**-Representatives Okey, Huffman, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: BILL SEITZ, DAVID GOODMAN, STEPHEN BUEHRER, KEITH L. FABER, J. KIRK SCHURING, ERIC H. KEARNEY, JOSEPH SCHIAVONI.

NO - 2: TIMOTHY J. GRENDALL, DALE MILLER.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION**Sub. H. B. No. 330**-Representative Patten.

Cosponsors: Representatives Chandler, DeGeeter, Domenick, Evans, Fende, Foley, Garland, Harris, Letson, Okey, Phillips, Pryor, Skindell, Weddington, Williams, B., Yuko, Hagan, Mallory, Bolon, Combs, Balderson, McClain, Ruhl, Adams, R., Bacon, Baker, Batchelder, Belcher, Boose, Brown, Bubp, Burke, Carney, Celeste, Coley, Daniels, DeBose, Derickson, Dodd, Driehaus, Dyer, Gardner, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Hite, Hottinger, Huffman, Jordan, Koziura, Luckie, Lundy, Maag, Mandel, Martin, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Pillich, Sayre, Slesnick, Snitchler, Stewart, Szollosi, Uecker, Ujvagi, Wagner, Winburn, Zehringer.

To amend sections 4511.21, 4513.61, and 5513.01 and to enact section 5577.043 of the Revised Code to authorize the director of transportation to include school districts in purchase contracts for machinery, materials, supplies, and other articles; to establish prima-facie speed limits of 35 and 40 miles per hour on certain streets within the municipal corporation of Marblehead; to prohibit a sheriff or police chief from charging to file an affidavit related to disposing of a vehicle the sheriff or chief ordered into storage; and to allow, in counties with a specified population, the operation on local roads of vehicles weighing up to 120,000 pounds under certain circumstances, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 330**, pass?"

Senator Jones moved to amend as follows:

After line 752, insert:

"Section 3. That Section 509.10 of Am. Sub. H.B. 1 of the 128th General Assembly be amended to read as follows:

Sec. 509.10. (A) There is hereby created the Budget Planning and Management Commission, consisting of six members. The Speaker of the House of Representatives shall appoint three members of the House of Representatives, not more than two of whom shall be members of the same political party, and the President of the Senate shall appoint three members of the Senate, not more than two of whom shall be members of the same political party. The initial appointments shall be made not later than ninety days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments.

(B) The commission shall complete a study and make recommendations that are designed to provide relief to the state during the current difficult fiscal

and economic period. In developing the recommendations, the commission shall develop a strategy for balancing the state budget for fiscal years 2012 and 2013.

(C) The commission shall appoint two of its members to serve as co-chairpersons for the commission. One co-chairperson shall be a member of the majority party of the House of Representatives, and one co-chairperson shall be a member of the majority party of the Senate. Commission meetings shall take place at the call of the co-chairpersons of the commission. The commission shall conduct meetings during the period of July 1, 2009, through November 30, 2010, and shall meet at least six times during the period of July 1, 2010, through November 30, 2010.

(D) Not later than November 30, 2010, the commission shall submit a written report of its recommendations to the Speaker of the House of Representatives, the President of the Senate, and the Governor. The commission ceases to exist upon submission of its report.

(E) The Legislative Service Commission shall provide technical, professional, and clerical support necessary for the Budget Planning and Management Commission to perform its duties.

Section 4. That existing Section 509.10 of Am. Sub. H.B. 1 of the 128th General Assembly is hereby repealed.

Section 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to establish recommendations for providing relief to the state during a difficult fiscal and economic period and to develop a strategy for fulfilling the constitutional mandate of balancing the state budget. Therefore, this act shall go into immediate effect."

In line 2 of the title, after "Code" insert ", and to amend Section 509.10 of Am. Sub. H.B. 1 of the 128th General Assembly"

In line 12 of the title, delete "and"

In line 15 of the title, after "circumstances" insert "; to prescribe a minimum number of meetings for the Budget Planning and Management Commission; and to declare an emergency"

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

The motion was agreed to.

The question being, "Shall the section, Section 5, 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 1, as follows:

Those who voted in the affirmative were: Senators

Buehrer
Fedor

Cafaro
Gibbs

Carey
Gillmor

Faber
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-31.

Senator Cates voted in the negative-1.

So the section, Section 5, 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 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
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.

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

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

Senator Patton moved to amend the title as follows:

Add the names: "Gillmor, Schuring, Wagoner, Harris, Gibbs, Strahorn, Fedor, Jones."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 519-Representatives Yuko, Book.

Cosponsors: Representatives Luckie, Celeste, Garland, Weddington, Driehaus, Boyd, DeBose, Foley, Harris, Letson, Mallory, Reece, Stewart, Szollosi, Williams, B., Winburn. Senator Niehaus.

To amend sections 101.70, 102.02, 102.03, 109.31, 109.572, 109.71, 109.77, 109.79, 121.41, 121.60, 1705.48, 2915.01, 2915.02, 2915.091, 2915.101, 3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 5703.70, 5747.01, 5747.02, 5747.20, and 5747.98 and to enact sections 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, 3772.08, 3772.09, 3772.091, 3772.10, 3772.11, 3772.111, 3772.112, 3772.12, 3772.121, 3772.13, 3772.131, 3772.14 to 3772.33, 3772.99, 3793.032, 5747.063, 5753.01 to 5753.06, 5753.061, and 5753.07 to 5753.10 of the Revised Code to create the Ohio Casino Control Commission and related provisions and to set forth casino gaming statutes under Ohio Constitution, Article XV, Section 6(C), to make changes to bingo and instant bingo laws, and to allow raffles of free prizes at professional sporting events, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 519**, pass?"

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

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	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.

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: "Faber, Goodman, Harris."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 117-Senators Miller, D., Coughlin.

Cosponsors: Senators Turner, Strahorn, Miller, R., Smith, Schuler, Schiavoni, Morano.

To enact section 5.2239 of the Revised Code to designate the month of May as "Multiple Chemical Sensitivity Awareness Month, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 117**, pass?"

Senator Niehaus moved that **Sub. S. B. No. 117**, be informally passed and that it retain its place on the calendar.

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

The motion was agreed to.

Sub. S. B. No. 260-Senator Goodman.

Cosponsor: Senator Hughes.

To amend section 107.40 and to enact section 5503.031 of the Revised Code to ban the use of prison labor at the Governor's residence and to provide that, in general, no executive order and no policy, rule, or practice may require prior approval, control, or management of State Highway Patrol Investigations by the Governor, Director of Public Safety or other official of the Department, or legal counsel, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 260**, pass?"

The yeas and nays were taken and resulted - yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Carey	Cates	Faber
Fedor	Gibbs	Gillmor	Goodman
Grendell	Hughes	Husted	Jones
Morano	Niehaus	Patton	Schaffer
Schuring	Seitz	Stewart	Strahorn
Wagoner	Widener	Wilson	Harris-24.

Senators Cafaro, Kearney, Miller D, Miller R, Sawyer, Schiavoni, Smith, and Turner voted in the negative-8.

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the names: "Cates, Grendell, Harris, Patton, Schaffer, Stewart."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 243-Senator Buehrer.

Cosponsors: Senators Carey, Coughlin, Faber, Gibbs, Grendell, Jones, Schaffer.

To amend section 3701.99 and to enact section 3701.95 of the Revised Code to prohibit the creation, transportation, or receipt of a human-animal hybrid, the transfer of a nonhuman embryo into a human womb, and the transfer of a human embryo into a nonhuman womb, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 243**, pass?"

Senator Buehrer moved to amend as follows:

Delete lines 24 and 25 and insert:

" (g) A nonhuman life form engineered with the intention of generating functional human gametes within the body of a nonhuman life form;"

In line 27, delete " or predominately"

In line 40, delete " either" and insert " any"

In line 45, delete " other than animal embryos" and insert " , including animals at any stage of development prior to birth, so long as the xenotransplantation does not violate a prohibition in division (B) of this section;"

(3) An individual from receiving organs, tissues, or cells delivered from outside of this state"

In line 59, delete " five years" and insert " one year"

In line 61, delete " one million" and insert " two hundred fifty thousand"

Delete line 62

In line 63, delete " pecuniary gain if that amount is"; delete " one million" and insert " five hundred thousand"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 243**, pass?"

The yeas and nays were taken and resulted - yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Faber	Fedor	Gibbs	Gillmor
Goodman	Grendell	Hughes	Husted
Jones	Kearney	Niehaus	Patton
Schaffer	Schuring	Seitz	Stewart
Wagoner	Widener	Wilson	Harris-24.

Senators Miller D, Miller R, Morano, Sawyer, Schiavoni, Smith, Strahorn, and Turner voted in the negative-8.

So the bill passed.

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

Senator Buehrer moved to amend the title as follows:

Add the names: "Cates, Harris, Hughes, Niehaus, Patton, Schuring,

Wagoner, Widener, Seitz."

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. 274-Senator Miller, R.

Cosponsors: Senators Miller, D., Smith, Strahorn.

To amend sections 124.391 and 4117.10 and to enact section 325.192 of the Revised Code to authorize a county employee to donate paid leave to another employee of the same county.

S. B. No. 275-Senator Miller, R.

Cosponsor: Senator Miller, D.

To amend section 3719.41 of the Revised Code to add synthetic cannabinoids commonly known as K2 or Spice to the list of Schedule I controlled substances.

S. B. No. 276-Senator Miller, R.

Cosponsor: Senator Smith.

To amend section 3517.21 of the Revised Code to prohibit the use of a sample ballot as campaign materials if the ballot would mislead voters into believing a candidate has received a party endorsement.

S. B. No. 277-Senator Jones.

Cosponsors: Senators Gibbs, Stewart.

To enact new sections 5111.07 and 5111.071 and sections 5111.072 and 5111.085, to repeal sections 5111.07 and 5111.071 of the Revised Code, and to repeal Section 309.30.76 of Am. Sub. H.B. 1 of the 128th General Assembly regarding the Medicaid reimbursement rate for estimated acquisition cost pharmaceuticals, the Medicaid dispensing fee, and the number of brand name drugs available at one time under the Medicaid program without prior authorization.

OFFERING OF RESOLUTIONS

Senators Schaffer and Stewart offered the following concurrent resolution:

S. C. R. No. 29-Senator Schaffer.

Cosponsor: Senator Stewart.

To recognize Utica, the home of Velvet Ice Cream, as the Ice Cream Capital of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 29**, be adopted?"

On the motion of Senator Niehaus, **S. C. R. No. 29**, was referred to the Committee on Reference.

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

S. R. No. 249-Senator Schuring.

Honoring Renee Powell as one of Golf Digest's top women golf teachers.

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

So the resolution was adopted.

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. 210 -Senators Coughlin, Kearney

Cosponsors: Senators Cafaro, Goodman, Harris, Husted, Miller, D., Miller, R., Morano, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner, Fedor
Representatives Bacon, Belcher, Boyd, Carney, Celeste, Chandler, Driehaus, Evans, Garrison, Goyal, Hackett, Hagan, Harris, Heard, Koziura, Letson, Luckie, Murray, Pillich, Reece, Skindell, Sykes, Weddington, Williams, B., Winburn

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

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 passed the following bill in which the concurrence of the Senate is requested:

Sub. H. B. No. 220 -Representative Chandler

Cosponsors: Representatives Blair, Brown, Derickson, Gardner, Hagan, Harwood, Letson, Skindell, Weddington, Williams, B., Yuko, Boose, Domenick, Driehaus, Foley, Garland, Garrison, Goyal, Harris, Koziura, Luckie, Mallory, Newcomb, Phillips, Ruhl, Wagner

To amend sections 7.10, 7.11, 7.12, 118.17, 131.23, 133.18, 133.55, 135.05, 301.02, 301.15, 301.28, 306.35, 306.43, 306.70, 307.022, 307.041, 307.10, 307.12, 307.676, 307.70, 307.79, 307.791, 307.81, 307.82, 307.83, 308.13, 317.20, 319.11, 319.54, 321.18, 322.02, 322.021, 323.08, 323.73, 324.02, 324.021, 343.08, 345.03, 349.03, 501.07, 503.05, 503.162, 503.41, 504.02, 504.03, 504.12, 504.21, 505.108, 505.17, 505.264, 505.28, 505.373, 505.55, 505.73, 511.23, 511.25, 511.28, 511.34, 513.14, 515.04, 517.12, 517.22, 521.03, 705.16, 711.35, 715.011, 715.47, 718.09, 718.10, 719.012, 719.05, 721.03, 721.15, 721.20, 723.07, 727.011, 727.012, 727.08, 727.14, 727.46, 729.08, 729.11, 731.141, 731.20, 731.21, 731.211, 731.22, 731.23, 731.24, 731.25, 735.05, 735.20, 737.32, 745.07, 747.05, 747.11, 747.12, 755.41, 755.42, 755.43, 759.47, 951.11, 1515.08, 1515.24, 1545.09, 1545.12, 1547.302, 1711.05, 1711.07, 1711.18, 1711.30, 1728.06, 2105.09, 2329.26, 3311.21, 3311.213, 3311.214, 3311.50, 3311.53, 3311.73, 3313.41, 3313.533, 3313.911, 3349.29, 3354.12, 3355.09, 3375.41, 3381.11, 3501.03, 3505.13, 3709.21, 3735.36, 3735.66, 4301.80, 4301.81, 4503.06, 4504.02, 4504.021, 4504.15, 4504.16, 4504.18, 4513.62, 4582.31, 4585.10, 4928.20, 4929.26, 4929.27, 4931.51, 4931.52, 4931.53, 5126.42, 5310.35, 5540.031, 5540.05, 5543.10, 5552.06, 5553.05, 5553.19, 5553.23, 5553.42, 5555.07, 5555.27, 5555.42, 5559.06, 5559.10, 5559.12, 5561.04, 5561.08, 5571.011, 5573.02, 5573.10, 5575.01, 5575.02, 5591.15, 5593.08, 5705.16, 5705.191, 5705.194, 5705.196, 5705.21, 5705.211, 5705.218, 5705.25, 5705.251, 5705.261, 5705.314, 5705.71, 5713.01, 5715.17, 5715.23, 5719.04, 5721.01, 5721.03, 5721.04, 5721.18, 5721.31, 5722.13, 5723.05, 5727.57, 5733.23, 5739.021, 5739.022, 5739.026, 5739.101, 5747.451, 5748.02, 5748.021, 5748.04, 5748.08, 6101.16, 6103.05, 6103.06, 6103.081, 6103.31, 6105.131, 6115.01, 6115.20, 6117.06, 6117.07, 6117.251, 6117.49, 6119.10, 6119.18, 6119.22, 6119.25, and 6119.58, to enact section 7.16, and to repeal sections 7.14 and 701.04 of the Revised Code to implement the recommendations of the Local Government Public Notice Task Force by generally authorizing legal publication to be made by local governments in a newspaper of general

circulation, eliminating certain publication and postal privilege requirements, reducing the number of times publication must be made, requiring newspapers to establish a government rate for publication, allowing publication of a summary of an ordinance rather than publishing it in its entirety, and allowing a flat fee to be charged delinquent tax payers for the costs of publishing delinquent real property tax lists.

Attest:

Tom Sherman,
Clerk.

Said bill was considered the first time.

Message from the House of Representatives

Mr. President:

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

Am. S. B. No. 183 -Senator Schaffer

Cosponsors: Senators Patton, Kearney, Buehrer, Harris, Husted, Wagoner, Wilson, Hughes, Miller, R., Gillmor Representatives Coley, Huffman, Mecklenborg, Stautberg, Stebelton, Bolon, Brown, Combs, Domenick, Evans, Garrison, Goyal, Harwood, Luckie, Oelslager

To amend section 4703.18 of the Revised Code to eliminate a grandfather exemption from the requirements of the Architects Law granted to certain corporations.

Attest:

Tom Sherman,
Clerk.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 215 -Representatives Letson, Mecklenborg - et al.

Sub. H. B. No. 292 -Representatives Letson, Oelslager - et al.

Attest: Tom Sherman,
Clerk.

Message from the House of Representatives

Mr. President:

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

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

and asks for a Committee of Conference.

Attest: Tom Sherman,
Clerk.

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

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Am. Sub. S.B. No. 110 of the 128th General Assembly:

Senator Niehaus
Senator Grendell
Senator Cafaro

Message from the House of Representatives

Mr. President:

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

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

and asks for a Committee of Conference.

Attest: Tom Sherman,
Clerk.

On the motion of Senator Niehaus, the Senate acceded to the request of the

House of Representatives.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Sub. S.B. No. 181 of the 128th General Assembly:

Senator Niehaus
Senator Cates
Senator D. Miller

On the motion of Senator Niehaus, the Senate adjourned until Thursday, June 3, 2010 at 10:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.