

OHIO

SENATE

JOURNAL

CORRECTED VERSION
TUESDAY, JUNE 8, 2010

ONE HUNDRED NINETY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, June 8, 2010, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

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

BILLS FOR THIRD CONSIDERATION

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", having been informally passed, 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 retain its place on the calendar.

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

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 278-Senator Husted.

Cosponsors: Senators Smith, Hughes, Wagoner, Buehrer, Miller, D., Jones, Strahorn, Miller, R.

To amend section 4731.36 of the Revised Code to authorize a licensed physician from another state to provide medical services to an out-of-state athletic team and accompanying individuals when the team is participating in a sporting event in Ohio.

S. B. No. 279-Senator Kearney.

To amend section 5747.01 of the Revised Code to exempt from taxation gains from the sale of Ohio property used in a trade or business and held for at least two years.

OFFERING OF RESOLUTIONS

S. C. R. No. 30-Senator Kearney.

To encourage schools to enroll students in the Presidential Active Lifestyle Award Program.

The question being, "Shall the concurrent resolution, **S. C. R. No. 30**, be adopted?"

On the motion of Senator Niehaus, **S. C. R. No. 30**, was referred to the Committee on Reference.

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

S. R. No. 252-Senator Gibbs.

Honoring Rachel Brown on winning the 2010 Ohio Right to Life Oratory Contest.

S. R. No. 253-Senator Schiavoni.

Honoring Dr. David C. Sweet on his retirement from Youngstown State University.

S. R. No. 254-Senator Jones.

Honoring the Madeira High School ninth- and tenth-grade JETS team as the 2010 JETS Division 3 National Champion.

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

So the resolutions were adopted.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 352 -Representative Bolon

Cosponsors: Representatives Fende, Luckie, Williams, B., Yuko

To amend sections 6109.24, 6109.31, and 6109.32 and to enact section 6109.99 of the Revised Code to require certain public water systems to submit technical, managerial, and financial capability plans under certain

noncompliance or public health risk conditions, to implement capability assurance plans, and to add prohibitions and penalties to the Safe Drinking Water Law.

Am. H. B. No. 505 -Representative Heard

Cosponsors: Representatives Winburn, Newcomb, Blair, Sears, Phillips, Domenick, Weddington, Walter, Pryor, Garland, Murray, Harris, Adams, R., Bacon, Beck, Bolon, Boyd, Bulp, Celeste, Chandler, Combs, Derickson, Evans, Gardner, Grossman, Hackett, Hagan, Harwood, Letson, Luckie, Mallory, McClain, Moran, Morgan, Reece, Ruhl, Snitchler, Stewart, Williams, B., Yuko, Zehringer

To amend sections 305.171 and 3917.04 of the Revised Code to authorize a board of county commissioners to provide for a health and wellness benefit program for its officers and employees, which may be offered through a cafeteria plan meeting the requirements of the Internal Revenue Code.

Sub. H. B. No. 521 -Representatives Goyal, Garland

Cosponsors: Representatives Williams, S., Pryor, Pillich, Lehner, Book, Moran, Harwood, Patten, Garrison, Letson, Phillips, Slesnick, Schneider, Domenick, Harris, Murray, Weddington, Brown, Belcher, Bolon, Boyd, Bulp, Celeste, Chandler, Dodd, Driehaus, Dyer, Gardner, Gerberry, Heard, Luckie, Lundy, Mallory, Newcomb, Oelslager, Reece, Ruhl, Stewart, Szollosi, Uecker, Williams, B., Winburn, Yuko

To enact sections 166.45 to 166.51 of the Revised Code to create the Small Business Working Capital Loan Program.

H. B. No. 406 -Representative Williams, S.

Cosponsors: Representatives Bacon, Belcher, Brown, Chandler, Combs, Derickson, Domenick, Foley, Goyal, Grossman, Hagan, Harris, Harwood, Heard, Hite, Letson, Luckie, Lundy, Mallory, Newcomb, Pryor, Reece, Skindell, Slesnick, Szollosi, Walter, Weddington, Williams, B., Winburn, Yuko

To enact sections 3701.781, 3701.782, 3701.783, 3701.784, 3701.785, and 3701.786 of the Revised Code to create the Lupus Education and Awareness Program.

Am. H. B. No. 475 -Representative Mallory

Cosponsors: Representatives Book, Brown, Otterman, Hagan, Letson, Domenick, Reece, Winburn, Williams, S., Gerberry, Lundy, Williams, B., Hite

To amend section 3773.32 of the Revised Code to exempt amateur boxing, kick boxing, karate, or wrestling events that benefit a charitable organization conducted under the supervision of the fraternal order of police of Ohio or the Ohio association of professional firefighters from regulation by the Ohio Athletics Commission.

Am. Sub. H. B. No. 323 -Representative Murray

Cosponsors: Representatives Chandler, Letson, Okey, Phillips, Koziura, Yuko, Domenick, Foley, Pillich, Driehaus, Luckie, Winburn, Stewart, Heard

To amend sections 323.47, 2303.20, 2323.07, 2329.01, 2329.02, 2329.09, 2329.191, 2329.20, 2329.26, 2329.31, 2329.33, 2329.36, 2329.52, 2909.05, and 5723.01 and to enact sections 2308.01 to 2308.09 of the Revised Code relative to residential foreclosure actions.

Am. H. B. No. 504 -Representatives Foley, Hagan

Cosponsors: Representatives Domenick, Gerberry, Koziura, Letson, Luckie, Patten, Pillich, Pryor, Walter, Winburn, Yuko

To amend sections 102.06 and 102.99 and to enact section 102.10 of the Revised Code to require a candidate for a statewide, nonjudicial office to file a sworn statement identifying the candidate's net worth, assets and liabilities, real property, and intangible personal property, and to require that statement to be accompanied by either a copy of the candidate's last four federal income tax returns or a sworn statement identifying the source and amount of the candidate's income for the past four years.

Attest:

Tom Sherman,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 495 -Representatives Book, Dodd

Cosponsors: Representatives Gerberry, Mallory, Belcher, Williams, B., Daniels, Adams, J., Grossman, Hite, Jordan, Stebelton, Bacon, Bolon, Boose, Carney, Combs, DeGeeter, Derickson, Domenick, Driehaus, Dyer, Evans, Foley, Garland, Garrison, Hackett, Hall, Harris, Harwood, Hottinger, Letson, McClain, McGregor, Moran, Morgan, Newcomb, Oelslager, Patten, Phillips, Pillich, Pryor, Wagner, Weddington, Winburn, Yuko, Zehringer

To amend sections 101.83, 101.84, 101.85, 101.86, 109.91, 121.084, 121.32, 127.14, 149.304, 173.03, 173.04, 901.90, 1349.71, 1506.22, 1506.23, 1506.24, 3301.90, 3302.021, 3302.10, 3311.71, 3312.01, 3312.09, 3313.6013, 3335.27, 3345.062, 3701.025, 3701.63, 3705.35, 3705.36, 3718.03, 3727.311, 3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 3737.88, 3743.54, 3746.04, 3769.083, 3769.085, 3769.086, 4121.03, 4121.121, 4121.77, 4123.341, 4123.342, 4123.35, 4169.02, 4169.03, 4169.04, 4169.05, 4169.06, 4503.52, 4503.77, 4723.61, 4723.63, 4723.69, 5104.39, and 5123.093; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1506.22 (6161.04), 1506.23 (6161.05), and 1506.24 (6161.06); to enact sections 125.835 and 6161.021; and to repeal sections 101.37, 122.98, 122.981, 125.833, 184.23, 184.231, 1501.25, 1733.329, 1733.3210, 2151.282, 2323.44, 3312.11, 3312.12, 3319.70, 3319.71, 3701.92, 3702.92, 3746.03, 3769.084, 4121.79, 4501.025, 4723.62, 4723.621, 4981.35, 5104.08, 5111.710, and 5902.15 of the Revised Code; to repeal section 101.38 of the Revised Code on December 31, 2011; to amend Section 203 of Am. Sub. H.B. 15 of the 128th General Assembly, Section 20 of Am. Sub. H.B. 554 of the 127th General Assembly, Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly as subsequently amended, and Section 15.02 of Am. Sub. H.B. 640 of the 123rd General Assembly; and to repeal Section 309.40.70 of Am. Sub. H.B. 1 of the 128th General Assembly, Section 3 of Am. H.B. 416 of the 127th General Assembly, Sections 265.70.20, 709.10, and 751.13 of Am. Sub. H.B. 1 of the 128th General Assembly, Sections 755.40, 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, 737.11, and 737.12 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 512.45 of Am. Sub. H.B. 100 of the 127th General Assembly as subsequently amended, 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, 503.12, and 560.03 of Am. Sub. H.B. 66 of the 126th General Assembly, Sections 3 and 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 Am. Sub. S.B. 311 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 3 of Sub. H.B. 204 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 5 of Sub. H.B. 57 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 8 of Am. Sub. S.B. 311 of the 126th General Assembly as subsequently amended, Section 152 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended, Section 59.29 of Am. Sub. H.B. 95 of the 125th General Assembly as subsequently amended, and Section 69 of H.B. 117 of the 121st General Assembly as subsequently amended to abolish, terminate, transfer, or renew 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.

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 agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Sub. H. B. No. 519 -Representatives Yuko, Book - 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 has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Sub. S. B. No. 181 -Senator Stewart - 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 has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Am. Sub. H. B. No. 5 -Representatives Okey, Dodd - 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 has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Am. Sub. S. B. No. 110 -Senator Niehaus - 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 has concurred in the Senate amendments to:

Sub. H. B. No. 338 -Representatives Book, Uecker - et al.

Attest:

Tom Sheman,
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. 393 -Representatives Gerberry, Blessing - 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 has concurred in the Senate amendments to:

Sub. H. B. No. 449 -Representative Ujvagi - et al.

Attest:

Tom Sherman,
Clerk.

Message from the House of Representatives

Mr. President:

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

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

Sub. H. B. No. 449 -Representative Ujvagi - et al.

Sub. H. B. No. 338 -Representatives Book, Uecker - et al.

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

Attest: Tom Sherman,
Clerk.

The President signed said bills.

Message from the House of Representatives

Mr. President:

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

Am. Sub. H. B. No. 5 -Representatives Okey, Dodd - et al.

Attest: Tom Sherman,
Clerk.

The President signed said bill.

CLERK'S NOTATION

The President Pro Tempore signed **Sub. H. B. No. 519** on June 4, 2010. **Sub. H. B. No. 519** was delivered to the Governor for his consideration on June 4, 2010.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, June 10, 2010 at 11:00 o'clock a.m.

Attest: VINCENT L. KEERAN,
Clerk.