

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, OCTOBER 20, 2009

ONE HUNDRED SIXTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, October 20, 2009, 1:30 p.m.**

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Schuring was selected to preside according to the rule.

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 resolutions, standing in order for second consideration, be referred to committee as recommended:

**Am. H. B. No. 28**-Representative Gerberry, et al.

To amend section 311.01 of the Revised Code to change the education and experience requirements necessary for eligibility to be a candidate for the office of sheriff.

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

**Sub. H. B. No. 103**-Representatives Fende, Harwood, et al.

To amend sections 149.43, 2903.01, 2903.11, 2903.12, 2903.13, 2903.21, and 2929.04 and to enact section 2903.23 of the Revised Code to provide that residential and familial information of a probation officer is not a public record, to increase the penalties for certain offenses when a judge or magistrate is the victim, to prohibit a person from threatening a judge or magistrate, and to make the killing of a judge or magistrate an aggravating circumstance for the imposition of the death penalty for aggravated murder.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 174**-Senators Fedor, Wagoner, et al.

To amend section 4511.27 of the Revised Code to establish a safe passing distance between a motor vehicle and a bicycle.

To the Committee on Highways and Transportation.

**S. B. No. 175**-Senator Cates, et al.

To amend section 3318.31 of the Revised Code to transfer appointment of the executive director of the Ohio School Facilities Commission from the Commission to the Governor, with the advice and consent of the Senate.

To the Committee on Finance and Financial Institutions.

**S. B. No. 176**-Senator Fedor, et al.

To amend sections 2907.29, 3313.60, 3313.6011, 3314.03, 3326.11, and 4729.16; to enact sections 1751.69, 3701.048, 3701.137, 3727.60, 3727.601, 3727.602, 3923.85, 4729.43, and 4729.44; and to repeal section 3701.046 of the Revised Code regarding assistance for pregnancy prevention.

To the Committee on Health, Human Services and Aging.

**S. B. No. 177**-Senators Seitz, Cates, et al.

To amend section 5747.01 of the Revised Code and to amend Section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly to partially decouple Ohio law from recent federal tax law changes, and to amend the version of section 5747.01 of the Revised Code that is scheduled to take effect January 1, 2010, to continue the provisions of this act on and after that effective date, and to make appropriations.

To the Committee on Finance and Financial Institutions.

**S. B. No. 178**-Senator Schaffer, et al.

To enact section 9.71 of the Revised Code to establish a drug testing requirement for adults who apply for need-based programs that provide cash assistance, medical assistance, housing assistance, food assistance, or energy assistance.

To the Committee on Finance and Financial Institutions.

**S. B. No. 179**-Senators Grendell, Schaffer, et al.

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

To the Committee on Highways and Transportation.

**S. B. No. 180**-Senator Husted, et al.

To amend sections 3314.013, 3314.014, 3314.016, 3314.02, 3314.021, 3314.03, 3314.05, 3319.22, 3319.223, and 3319.61 and to enact section 3319.227 of the Revised Code to allow new Internet- or computer-based community schools to open under certain conditions, to require the use of student performance data in evaluating teachers and principals for licensure, and to qualify Teach for America participants for a professional educator license.

To the Committee on Education.

**S. B. No. 181**-Senator Stewart, et al.

To enact section 1513.151 of the Revised Code to provide immunity from liability for eligible landowners who provide access to abandoned mine lands located on the landowner's land for purposes of reclamation.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 182**-Senator Schaffer, et al.

To amend sections 323.151, 323.152, 323.153, 4503.065, and 4503.066 of the Revised Code to exempt from property taxation the primary residences of military veterans who are 100% disabled from a service-connected disability.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 183**-Senator Schaffer, et al.

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.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 184**-Senator Gibbs, et al.

To enact section 505.708 of the Revised Code to authorize townships to use road equipment and labor resources available to a township to plow certain private roads and driveways either at the expense of the township or for a fee charged to specified persons.

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

**S. B. No. 185**-Senator Jones, et al.

To amend section 127.14 and to enact section 126.231 of the Revised Code, and to amend Section 512.60 of Am. Sub. H.B. 1 of the 128th General Assembly to prohibit the transfer of cash from certain non-General Revenue Funds to the General Revenue Fund.

To the Committee on Finance and Financial Institutions.

**S. B. No. 186**-Senator Schuring, et al.

To amend sections 2915.01, 2915.08, and 2915.091 of the Revised Code to authorize a charitable organization to purchase, lease, and use instant bingo ticket dispensers, to specify that these dispensers are not slot machines, to change the fees charged for a license to conduct instant bingo, and to allow a charitable organization to spend a reasonable amount of its gross profit to pay property taxes and assessments on the premises where the organization conducts bingo.

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

**S. B. No. 187**-Senator Seitz, et al.

To enact sections 5312.01 to 5312.15 of the Revised Code to establish the Ohio Planned Community Law.

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

**S. C. R. No. 20**-Senators Buehrer, Coughlin.

To reaffirm the sister-state relationship that the State of Ohio has with Taiwan Province of the Republic of China.

To the Committee on Ways and Means and Economic Development.

**S. C. R. No. 21**-Senator Husted, et al.

To memorialize Congress to ensure military and overseas voters have the opportunity to vote and register to vote.

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

**S. R. No. 108**-Senator Carey, et al.

To urge the President of the United States to direct the United States Department of Energy to ensure the continuation of the uranium enrichment work being developed by USEC, Inc., at its Piketon, Ohio plant by granting USEC's application for a federal loan guarantee and to direct the Secretary of Energy to strongly consider providing federal funding assistance for the Clean Energy Park Demonstration Project.

To the Committee on Energy and Public Utilities.

YES - 5: BILL HARRIS, DAVID GOODMAN, CAPRI S. CAFARO, SHIRLEY A. SMITH, TOM NIEHAUS.

NO - 0.

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

The report of the committee was accepted.

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

**INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bills were introduced and considered the first time:

**S. B. No. 188**-Senators Wagoner, Fedor.

Cosponsors: Senators Goodman, Jones, Schiavoni, Strahorn, Patton.

To amend sections 323.78, 1724.03, 1724.04, and 5722.22 of the Revised Code to authorize a county with a population greater than 100,000, or a population between 78,000 and 81,000, to organize a county land reutilization corporation, to authorize a county treasurer of a county with such a corporation to utilize the alternative redemption period in actions to foreclose abandoned lands, and to immunize a county land reutilization corporation from liability for breach of a common law duty in connection with a parcel of land.

**S. B. No. 189-Senator Goodman.**

To amend sections 145.571, 742.462, 2151.23, 2151.231, 2151.352, 2919.21, 2919.231, 3103.031, 3105.85, 3107.01, 3107.06, 3107.061, 3107.064, 3107.07, 3107.11, 3109.12, 3109.19, 3111.02, 3111.03, 3111.33, 3111.35, 3111.381, 3111.64, 3111.66, 3111.72, 3111.78, 3111.80, 3111.821, 3119.01, 3119.961, 3119.962, 3125.28, 3305.21, 3307.371, 3309.671, 3705.09, 3705.24, 3727.17, 5103.16, and 5505.261; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3111.32 (3111.21), 3111.33 (3111.22), and 3111.35 (3111.23); and to repeal sections 2151.232, 3111.21, 3111.22, 3111.23, 3111.24, 3111.25, 3111.26, 3111.27, 3111.28, 3111.29, 3111.30, 3111.31, 3111.34, 3111.44, 3111.74, and 3705.091 of the Revised Code regarding adoption law, custody of an abused, neglected, or dependent child, and the elimination of acknowledgments of paternity.

**COMMUNICATIONS FROM THE GOVERNOR**

The President handed down the following message from the Governor which was read by the Clerk:

**TED STRICKLAND**  
GOVERNOR  
STATE OF OHIO  
October 6, 2009

The Honorable Bill Harris  
President, The Ohio Senate  
1 Capitol Square, Ohio Statehouse  
Columbus, Ohio 43215

Dear President Harris:

On August 8, 2005, Mr. Jack Morrison, Jr. was appointed by Governor Taft to a nine year term on the Board of Trustees of the University of Akron pursuant to ORC 3359.01. His appointment was confirmed by the Senate on

November 16, 2005.

On July 30, 2009, Mr. Morrison was convicted of violating ORC 102.02(D), knowingly filing a false financial disclosure statement with the Ohio Ethics Commission, and 2921.13(A)(7), knowingly making a false statement in writing on or in connection with a report or return that is required or authorized by law. After his indictment and again after his convictions, Mr. Morrison was asked to resign from the University of Akron's Board of Trustees. He has refused to do so.

Ohio law provides, at ORC 3.04, that I may remove, with advice and consent of the Senate, an individual appointed by the Governor with the advice and consent of the Senate when any of the following conditions have been met:

- If it is found that the appointee is inefficient or derelict in the discharge of his duties;
- If the Ohio Ethics Commission has found, based upon a preponderance of the evidence, that facts alleged in a complaint to the Commission constitute a violation of Chapter 102 of the Ohio Revised Code; or
- If the appointee falsely files a mandatory ethics financial disclosure form.

Although, under Ohio law, any one of these would justify the removal of a gubernatorial appointee, I believe that all three of them have occurred. Accordingly, with this letter, I seek the advice and consent of the Senate in my removal of Mr. Morrison from the Board of Trustees of the University of Akron.

Given Mr. Morrison's convictions, I ask that the Senate act to concur in Mr. Morrison's removal at its first opportunity to do so. Thank you in advance for your time and consideration in this matter.

Sincerely,  
/s/ **TED STRICKLAND**

Ted Strickland  
Governor, State of Ohio

Said communication from the Governor was referred to the Committee on Rules.

On the motion of Senator Hughes, the Senate adjourned until Thursday, October 22, 2009 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.