

OHIO

SENATE

JOURNAL

WEDNESDAY, NOVEMBER 17, 2010

TWO HUNDRED FORTY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, November 17, 2010, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

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

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

Sub. H. B. No. 352-Representative Bolon, et al.

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.

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

Am. H. B. No. 505-Representative Heard, et al.

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.

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

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

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

To the Committee on Ways and Means and Economic Development.

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

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.

To the Committee on Health, Human Services and Aging.

Am. H. B. No. 475-Representative Mallory, et al.

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.

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

Am. Sub. H. B. No. 323-Representative Murray, et al.

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, 2941.47, and 5723.01 and to enact sections 2308.01 to 2308.09 of the Revised Code to permit the trial of a corporation in absentia in a criminal proceeding initiated by complaint and relative to residential foreclosure actions.

To the Committee on Judiciary - Civil Justice.

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

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.

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

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

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.

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

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

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

To the Committee on Education.

S. C. R. No. 31-Senator Schiavoni, et al.

To encourage law enforcement officers, firefighters, and emergency medical service workers in Ohio to receive training in the recognition of autism and other developmental disabilities.

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

S. C. R. No. 32-Senator Coughlin, et al.

To urge the Big Ten Conference to maintain the Ohio State-Michigan football game as the final game of the regular season.

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

S. B. No. 278-Senator Husted, et al.

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.

To the Committee on Health, Human Services and Aging.

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.

To the Committee on Ways and Means and Economic Development.

S. B. No. 280-Senators Grendell, Cafaro, et al.

To amend section 4511.091 of the Revised Code to prohibit a person from being arrested, charged, or convicted for speeding on a public street, highway, private road, or driveway based on a peace officer's unaided visual estimation of the speed of a motor vehicle, trackless trolley, or streetcar.

To the Committee on Highways and Transportation.

S. B. No. 281-Senator Morano, et al.

To enact section 4511.052 of the Revised Code to permit farm machinery to be operated on a portion of United States Route 20 within Huron County only.

To the Committee on Highways and Transportation.

S. B. No. 282-Senator Seitz, et al.

To amend sections 4501.01, 4501.13, 4503.04, 4503.21, 4503.22, 4503.544, 4507.11, 4511.01, 4511.53, 4519.01, and 4519.02 and to enact sections 4511.214 and 4511.215 of the Revised Code to establish conditions for the

operation of certain specialized motor vehicles, including low-speed and under-speed vehicles, mopeds and scooters, cab-enclosed motorcycles, and mini-trucks.

To the Committee on Highways and Transportation.

S. B. No. 283-Senators Morano, Stewart, et al.

To amend section 5111.20 of the Revised Code to revise the types of costs included in determining nursing facilities' Medicaid reimbursement rates.

To the Committee on Finance and Financial Institutions.

S. B. No. 284-Senator Kearney.

To amend section 5512.04 and to enact sections 122.09 and 166.051 of the Revised Code to require the Director of Development and the Transportation Review Advisory Council, when considering project incentive awards, to provide a point preference to projects located within two miles of a Center of Excellence in Higher Education or located in Ohio Hubs of Innovation and Opportunity or Heritage Ohio Main Street Program communities.

To the Committee on Ways and Means and Economic Development.

S. B. No. 285-Senator Kearney.

To amend section 5747.01 of the Revised Code to allow an income tax deduction for amounts spent by law enforcement officials for items used in furtherance of official law enforcement activities.

To the Committee on Ways and Means and Economic Development.

S. B. No. 286-Senator Kearney.

To amend sections 169.02, 1349.20, 4735.18, and 4735.24 of the Revised Code to require earnest money for the purchase of residential real estate to be deposited in an interest-bearing account to be used to fund foreclosure prevention programs.

To the Committee on Finance and Financial Institutions.

S. B. No. 287-Senator Schaffer, et al.

To amend section 3715.021 of the Revised Code to exclude manufacturers of wine from regulation as food processing establishments under the Pure Food and Drug Law.

To the Committee on Agriculture.

S. B. No. 288-Senator Kearney.

To amend section 5751.98 and to enact section 5751.54 of the Revised Code to authorize a commercial activity tax credit for underserved community grocery stores.

To the Committee on Ways and Means and Economic Development.

S. B. No. 289-Senator Buehrer.

To amend sections 4740.01, 4740.02, 4740.03, 4740.04, 4740.05, 4740.06, 4740.07, 4740.10, 4740.11, 4740.12, 4740.13, 4740.14, and 4740.16 of the Revised Code to license residential heating, ventilating, and air conditioning contractors, refrigeration contractors, electrical contractors, plumbing contractors, and hydronics contractors and to make changes to the law regulating those contractors.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 290-Senator Kearney.

To amend section 5747.01 of the Revised Code to allow an income tax deduction for amounts spent by teachers for instructional materials.

To the Committee on Ways and Means and Economic Development.

S. B. No. 291-Senator Smith, et al.

To amend sections 2937.06, 2947.07, 2953.32, 2953.321, 2953.33, 2953.35, 2953.36, 2953.52, 2953.53, 2953.54, and 2953.61 and to enact sections 2307.43 and 2953.322 of the Revised Code, under specified circumstances, to preclude a civil action against an employer that is based on the employer's

failure to do a criminal background investigation unless an investigation is required by statute; to modify the list of offenses the official records of which may not be sealed; to require a court to inform a defendant before accepting a guilty plea and before sentencing of the circumstances under which the official records in the case may be sealed; to require the sealing of the official records of a person who is found not guilty of an offense, who is the defendant named in a dismissed complaint, indictment, or information, or against whom a no bill is entered by a grand jury; to prohibit an employer from inquiring into the criminal history of a job applicant until the applicant has been selected for an interview except as otherwise required by statute; to prohibit an employer from refusing to hire a job applicant because the applicant committed an offense unrelated to the job except as otherwise provided by statute; to prohibit the release by private individuals or entities of information contained in sealed official records; and to permit certain offenders who are not first offenders to apply for an order sealing their official records.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 292-Senator Smith, et al.

To amend sections 3119.01, 3119.02, 3119.021, 3119.022, 3119.023, 3119.03, 3119.04, 3119.05, 3119.06, 3119.22, 3119.23, 3119.24, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3119.61, 3119.63, 3119.76, 3119.79, and 3119.89, to enact new section 3119.024 and sections 3119.025, 3119.026, 3119.027, 3119.041, 3119.051, and 3119.303, and to repeal section 3119.024 of the Revised Code to make changes to the laws governing child support; and to amend section 3119.021 of the Revised Code on March 1, 2013, to make conforming changes on that date.

To the Committee on Judiciary - Civil Justice.

S. B. No. 293-Senator Kearney.

To enact section 5501.35 of the Revised Code to require the Department of Transportation to survey each school district, community school, and STEM school regarding transportation safety and alternative transportation options for students living within two miles of school.

To the Committee on Highways and Transportation.

S. B. No. 294-Senator Morano, et al.

To amend sections 3702.30 and 3702.31 and to enact sections 3702.40, 3727.60, and 3727.601 of the Revised Code regarding the assignment of circulating nurses in hospitals and ambulatory surgical facilities.

To the Committee on Health, Human Services and Aging.

S. B. No. 295-Senator Patton, et al.

To amend Section 309.30.25 of Am. Sub. H.B. 1 of the 128th General Assembly, as subsequently amended, to revise the law governing Medicaid payments to nursing facilities for fiscal year 2011.

To the Committee on Finance and Financial Institutions.

S. B. No. 296-Senator Kearney.

To amend section 4303.292 of the Revised Code to prevent the issuance or transfer of a retail liquor permit if the place for which the permit is sought is so situated that it will substantially and adversely affect the normal, orderly conduct of a nursing home or childcare center and to prevent issuing or transferring the location of a retail liquor permit if the number of existing permits in the neighborhood is such that the issuance or transfer would be detrimental to and interfere with public morals, safety, or welfare.

To the Committee on Agriculture.

S. B. No. 297-Senator Seitz, et al.

To amend sections 121.22, 505.87, 709.02, 709.021, 709.023, 709.033, 725.02, 1728.10, 3735.66, 4906.06, 5571.14, 5709.40, 5709.41, 5709.62, 5709.632, 5709.78, and 5709.88 of the Revised Code to require township consent for certain economic development-motivated property tax exemptions in annexed but undetached township territory, to shield some township levies from such exemptions, to specify that political subdivisions owning property in unincorporated territory are counted for the purpose of determining whether the requisite number of owners have petitioned for annexation of that territory, to permit local authorities to hold closed meetings to discuss details and terms of pending economic development assistance, to expressly require applicants for Power Siting Board approval of major new utility facilities to notify affected townships of the application, and to shorten the time allowed for remediation of certain nuisances before abatement action can be taken by a township.

To the Committee on Ways and Means and Economic Development.

S. B. No. 298-Senator Kearney.

To amend section 5747.98 and to enact sections 149.312 and 5747.78 of the Revised Code to authorize a tax credit for the rehabilitation of owner-occupied homes built before 1950 and located in low-income census tracts.

To the Committee on Ways and Means and Economic Development.

S. B. No. 299-Senator Kearney.

To enact section 2950.17 of the Revised Code to prohibit a convicted sex offender from possessing a photograph of the offender's victim while the offender is serving a term of confinement for that offense and to prohibit a child-victim offender from possessing a photograph of any minor child while the child-victim offender is serving a term of confinement for that offense.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 300-Senator Turner, et al.

To amend section 2901.13 of the Revised Code to provide that there is no period of limitation for the prosecution of an offense of rape.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 301-Senator Sawyer, et al.

To amend sections 145.01, 145.011, 151.04, 154.01, 185.03, 185.05, 3304.30, 3305.01, 3333.045, 3333.11, 3333.111, 3333.611, 3334.01, 3345.04, 3345.12, 3345.121, 3345.17, 3345.201, 3345.28, 3345.281, 3345.31, 3345.32, 3345.34, 3345.50, 3345.51, 3345.71, 3350.10, 3350.11, 3350.12, 3350.13, and 3350.14 of the Revised Code and Sections 371.10, 371.20.80, and 371.40.90 of Am. Sub. H.B. 1 of the 128th General Assembly and Section 105.45.20 of Sub. H.B. 462 of the 128th General Assembly to rename the Northeastern Ohio Universities College of Medicine and Pharmacy as the Northeast Ohio Medical University.

To the Committee on Finance and Financial Institutions.

S. B. No. 302-Senator Carey, et al.

To amend sections 4765.07, 4765.43, and 4766.03 and to repeal section 4765.431 of the Revised Code to revise the requirements for staffing ambulances and the priorities for distributing grants for emergency medical services.

To the Committee on Health, Human Services and Aging.

S. B. No. 303-Senator Wagoner, et al.

To request the Congressional Joint Committee on the Library of Congress to approve the replacement of Ohio's statue of Governor William Allen in the National Statuary Hall Collection with a statue of Thomas Edison.

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

S. B. No. 304-Senator Kearney.

To amend sections 4301.022 and 4301.07 of the Revised Code to add two additional members to the Liquor Control Commission and to adjust the salaries of Commission members.

To the Committee on Agriculture.

S. B. No. 305-Senator Hughes, et al.

To amend section 5747.113 and to enact section 173.041 of the Revised Code to allow taxpayers to contribute a portion of their income tax refunds to the Alzheimer's Association.

To the Committee on Ways and Means and Economic Development.

S. B. No. 306-Senator Kearney.

To amend section 5139.03 of the Revised Code to require all meals served in institutions or facilities under the control of the Department of Youth Services to conform with the Dietary Guidelines for Americans jointly developed by the United States Department of Agriculture and the United States Department of Health and Human Services.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 307-Senator Kearney.

To enact section 9.54 of the Revised Code to establish language standards for signs containing the international symbol of access.

To the Committee on Ways and Means and Economic Development.

S. B. No. 308-Senator Schuring, et al.

To enact section 3319.80 of the Revised Code to authorize educational service centers to provide teacher professional development on dyslexia.

To the Committee on Education.

S. B. No. 309-Senator Miller, R.

To amend section 3702.31 and to enact sections 3701.94 and 3701.941 of the Revised Code to prohibit clinical laboratory services providers from inducing physicians to refer patients in exchange for remuneration and from placing laboratory personnel in physician offices.

To the Committee on Health, Human Services and Aging.

S. B. No. 310-Senator Kearney.

To amend section 5747.98 and to enact section 5747.85 of the Revised Code to authorize an income tax credit for residential landlords who improve a rental unit's energy efficiency.

To the Committee on Finance and Financial Institutions.

YES - 4: DAVID GOODMAN, BILL HARRIS, TOM NIEHAUS,
KEITH L. FABER.

NO - 0.

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

The report of the committee was accepted.

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

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 taken up.

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

On the motion of Senator Hughes, **Sub. S. B. No. 117** was informally passed and retained its place on the calendar.

COMMUNICATIONS FROM THE ATTORNEY GENERAL

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

November 16, 2010

The Honorable Bill Harris
President
Ohio Senate
Columbus, Ohio 43215

Dear Senate President Harris:

In accordance with Ohio Revised Code Section 4911.17, I have the honor to present to you for advice and consent of the Ohio Senate the appointment of Mr. Michael Watkins to the Ohio Consumers' Counsel Governing Board. Mr. Watkins would complete the term of Ms. Karen "Dee" Osterfeld who recently resigned.

Pursuant to statute, the Governing Board is comprised of nine members consisting of three representatives from each of the following groups: organized labor, residential consumers, and family farmers. Additionally, Ohio law requires that no more than five members of the Governing Board may be from the same political party. Mr. Watkins is a Republican representing organized labor. His resume is enclosed for your review.

The request for appointment is respectfully submitted to both you and the Ohio Senate for your advice and consent. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

/s/ **RICHARD CORDRAY**

Richard Cordray
Ohio Attorney General

Said appointment was referred to the Committee on Rules.

On the motion of Senator Hughes, the Senate adjourned until Monday,
November 22, 2010 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.