

OHIO

SENATE

JOURNAL

TUESDAY, FEBRUARY 1, 2011

ELEVENTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, February 1, 2011, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Paul Burgeson, Jerusalem Evangelical Church, Columbiana, Ohio, followed by the Pledge of Allegiance to the Flag.

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

On the motion of Senator Faber the Senate advanced to the ninth Order of Business, Offering of Resolutions.

OFFERING OF RESOLUTIONS

Senator Faber offered the following resolution:

S. R. No. 14-Senator Faber.

Relative to the appointment of Cliff Hite, to fill the vacancy in the membership of the Senate created by the resignation of Steve Buehrer of the 1st Senatorial District.

WHEREAS, Section 11 of Article II, Ohio Constitution, provides for the filling of a vacancy in the Senate by appointment by the members of the Senate who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Steve Buehrer of the 1st Senatorial District has resigned as a member of the Senate effective January 9, 2011, thus creating a vacancy in the Senate; now therefore be it

RESOLVED, By the members of the Senate who are affiliated with the Republican party, that Cliff Hite (Republican), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the Senate from the 1st Senatorial District is hereby appointed, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the Senate from the 1st Senatorial District, to fill the vacancy created by Steve Buehrer; and be it further

RESOLVED, That a copy of this Resolution be spread upon the journal of the Senate together with the yeas and nays of the members of the Senate affiliated with the Republican party voting on the Resolution, and that the Clerk of the Senate shall certify the Resolution and the vote on its adoption to the Secretary of State.

The question being, "Shall the resolution, **S. R. No. 14**, be adopted?"

The yeas and nays were taken and resulted - yeas 20, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Daniels	Faber
Gillmor	Grendell	Hughes	Jones
Jordan	LaRose	Lehner	Manning
Oelslager	Patton	Schaffer	Seitz
Stewart	Wagoner	Widener	Niehaus-20.

So the resolution was adopted.

Senator Hite appeared at the bar of the Senate and was administered the oath of office by the Honorable Thomas Niehaus, President of the Ohio Senate.

Senator Faber offered the following resolution:

S. R. No. 15-Senator Faber.

Relative to the appointment of Larry Obhof, to fill the vacancy in the membership of the Senate created by the resignation of Bob Gibbs of the 22nd Senatorial District.

WHEREAS, Section 11 of Article II, Ohio Constitution, provides for the filling of a vacancy in the Senate by appointment by the members of the Senate who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Bob Gibbs of the 22nd Senatorial District has resigned as a member of the Senate effective December 31, 2010, thus creating a vacancy in the Senate; now therefore be it

RESOLVED, By the members of the Senate who are affiliated with the Republican party, that Larry Obhof (Republican), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the Senate from the 22nd Senatorial District is hereby appointed, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the Senate from the 22nd Senatorial District, to fill the vacancy created by Bob Gibbs; and be it further

RESOLVED, That a copy of this Resolution be spread upon the journal of the Senate together with the yeas and nays of the members of the Senate affiliated with the Republican party voting on the Resolution, and that the Clerk of the Senate shall certify the Resolution and the vote on its adoption to the Secretary of State.

The question being, "Shall the resolution, **S. R. No. 15**, be adopted?"

The yeas and nays were taken and resulted - yeas 21, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Daniels	Faber
Gillmor	Grendell	Hite	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Oelslager	Patton	Schaffer
Seitz	Stewart	Wagoner	Widener
			Niehaus-21.

So the resolution was adopted.

Senator Obhof appeared at the bar of the Senate and was administered the oath of office by the Honorable Alice Batchelder, Chief Judge of the United States Court of Appeals for the Sixth Circuit.

Senator Faber offered the following resolution:

S. R. No. 16-Senator Faber.

Relative to mileage reimbursement.

RESOLVED, Pursuant to section 101.27 of the Revised Code and S.R. No. 2--Senator Faber, Relative to mileage reimbursement, adopted January 3, 2011, the Clerk of the Senate is authorized to add the mileage for Cliff Hite of 210 miles round trip and Larry Obhof of 230 miles round trip.

The question being, "Shall the resolution, **S. R. No. 16**, be adopted?"

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

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Daniels	Faber	Gillmor	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Stewart	Tavares	Turner	Wagoner
Widener	Wilson		Niehaus-31.

So the resolution was adopted.

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

The title was agreed to.

Senator Faber offered the following resolution:

S. R. No. 17-Senator Faber.

To amend Senate Rules 20, 21, 27, 35, 37, 40, 42, 53, 54, 55, 93, 96, 97, 108, and 110 to change references to the Committee on Rules, and references to the Committee on Reference, to apply to the Committee on Rules and Reference.

That Senate Rules 20, 21, 27, 35, 37, 40, 42, 53, 54, 55, 93, 96, 97, 108, and 110 be amended to read as follows:

Rule 20. (Committee Chairperson; Expenses; Attendance of Witnesses.) The President shall designate a chairperson and vice-chairperson as well as a ranking minority member for each committee. The Minority Leader of the Senate may recommend the ranking minority member for each committee. In the absence of the chairperson or vice-chairperson, the committee may designate a chairperson.

The President may be substituted as a voting member of any committee and the committee records shall reflect such fact and the committee member for whom the President has been substituted. The Minority Leader shall be an ex-officio nonvoting member of each committee and the President may, at the Minority Leader's request, substitute the Minority Leader as a voting member of any committee and the committee records shall reflect such fact and the committee member for whom the Minority Leader has been substituted.

No committee or member thereof shall be permitted to incur any expenses without first receiving the written consent of the President or the Committee on Rules and Reference. Authorization by the Committee on Rules and Reference shall be signed by the Chairperson of the Committee on Rules and Reference.

When authorized by the President, the chairperson of a standing committee of the Senate, with respect to any pending or contemplated legislation, or with respect to any matter committed to the standing committee, or the chairperson of a select committee of the Senate, with respect to any matter committed to the select committee, may issue a subpoena under sections 101.41 to 101.46 of the Revised Code, or may issue an order under section 101.81 of the Revised Code, to compel the attendance of witnesses or the production of books, papers, or other tangible evidence.

Rule 21. (Committee Meetings, Called by, Rules, Record.) Each committee shall meet upon the call of its chairperson, and in case of the chairperson's absence, or refusal to call the committee together, a meeting may be called by a majority of the members of the committee. At least two days preceding the day bills or joint resolutions to propose a constitutional amendment are to be given a first hearing, the Clerk shall post in the Clerk's office the schedule of such bills and joint resolutions in each standing committee or subcommittee with the exception of the standing Committee on Rules and Reference. In a case of necessity, the notice of hearing may be given in a shorter period than two days by such reasonable method as shall be prescribed by the

Committee on Rules and Reference.

Where applicable, the rules of the Senate apply to the committee proceedings of the Senate. In addition, all committee meetings shall be governed by section 101.15 of the Revised Code. On any occasion when a majority or more of the members of a standing committee, select committee, or subcommittee of a standing or select committee of the Senate meet together for a prearranged discussion of the public business of the committee or subcommittee, the meeting shall be open to the public unless closed in accordance with Ohio Constitution, Article II, Section 13.

Rule 27. (Records to be Kept.) Each committee shall keep minutes of its proceedings, including a record of committee attendance and the names of all persons who speak before the committee, whether such persons are a proponent, opponent, or other interested party on the issue on which they appear, the names of the persons, firms, associations, or corporations in whose behalf such persons appear, and such other matters as may be directed by the Committee on Rules and Reference. A record of motions and the votes thereon shall be kept by the committee.

Rule 35. (Bills, Second Consideration and Committee on Rules and Reference, Public Hearing.) On the second reading of a bill, the Committee on Rules and Reference shall, if no motion or order be made to the contrary, refer the bill to the proper standing committee in regular order. Further, no bill shall be reported for a third reading and passage unless the same shall have been considered at a meeting of the committee to which the same has been referred.

All Senate bills and resolutions referred by the Committee on Rules and Reference on or before the first day of April in an even-numbered year shall be scheduled by the chairperson of the committee to which the same has been referred for a minimum of one public hearing.

Rule 37. (Recommitment of Bills.) At any time before its passage, a bill or resolution may be recommitted or rereferred by a majority vote of the Senate or the Committee on Rules and Reference.

Rule 40. (Bills Placed on Calendar, When.) Unless the Senate otherwise orders, all bills and resolutions reported by a committee with a recommendation for passage or adoption shall be placed on the calendar with an indication that the bills and resolutions have been recommended for passage or adoption by the designated committees. Bills and resolutions recommended by designated committees may be arranged on the calendar under the regular order of business by action of the Committee on Rules and Reference, pursuant to Rule 96.

Rule 42. (Carried Over to Succeeding Day.) When a bill which has been set for a third consideration on a particular day shall for any reason not be reached on that day, it shall stand for third consideration on the first succeeding day when bills for third consideration shall be reached in the regular order of business, except as may be otherwise provided by the Committee on Rules and Reference.

Rule 53. (Resolutions, How Offered; Special Committees by.)

Resolutions may be offered by a senator in the senator's individual capacity, or as a report of a committee in the regular order of business, or at any time on leave of the Senate. Any resolution proposing the creation of a special investigating committee shall be, upon its introduction, automatically referred to the Committee on Rules and Reference. This rule shall be dispensed with only by a two-thirds vote of the Senate.

Rule 54. (Resolutions, When Considered.) Resolutions to be introduced in the Senate shall be typewritten, shall be in quadruplicate, shall bear the name of the author and co-authors, if any, and shall be filed in the Clerk's office at least one hour prior to the next convening session of the Senate. All resolutions offered in the Senate shall be considered immediately by either being adopted or referred to the Committee on Rules and Reference, except as provided in Rules 53 and 55. If so referred, the Committee on Rules and Reference shall examine and otherwise consider the resolution, and may indefinitely postpone it, refer it to another standing committee, or report it back to the Senate.

All death, commemorative, and congratulatory resolutions shall be printed by title only unless otherwise ordered by a majority vote of the members elected.

Upon reading a resolution from the House, such resolution shall be considered immediately by either being adopted or referred to the Committee on Rules and Reference. If so referred, the Committee on Rules and Reference shall examine and otherwise consider the resolution, and may indefinitely postpone it, refer it to another standing committee, or report it back to the Senate.

It shall be a prerogative of the presiding officer to consolidate into a single motion for consideration by the Senate some or all commemorative and congratulatory resolutions offered for adoption on any particular legislative day. Should the presiding officer exercise this prerogative, which shall be called a President's Prerogative, the presiding officer shall direct the Clerk to supply a list entitled President's Prerogative Resolutions which identifies by title all resolutions proposed to be adopted by a single vote. This list shall be supplied to all members prior to a vote on said resolutions. The presiding officer shall put the following question: "Shall the resolutions listed under the President's Prerogative be adopted?"

Rule 55. (Concurrent Resolutions, Agency Rule Review.) The Chairperson or Vice-Chairperson of the Joint Committee on Agency Rule Review shall offer under the ninth order of business listed in Rule 7, all concurrent resolutions recommended by that committee for adoption by the Senate. The resolution shall be offered within three Senate legislative days after the date of recommendation by the joint committee, and shall that day be referred to the Committee on Rules and Reference, which shall place the resolution on the Senate calendar for consideration within twelve calendar days; but the resolution shall be offered and taken up for consideration on an earlier legislative day if necessary to permit its adoption within the period of time

specified by section 119.03 of the Revised Code for invalidating a proposed rule, amendment, rescission, or any part thereof.

Rule 93. (If under Consideration When Adjourned.) A bill or resolution under consideration when adjournment is taken shall be, when its order of business on the succeeding day is reached, the first question before the Senate in that order of business, except as otherwise provided by the Committee on Rules and Reference.

Rule 96. (Committee on Rules and Reference.) The standing Committee on Rules and Reference shall have the power to prescribe the order of business of the Senate and shall arrange and post the calendar at least one calendar day in advance, so that all matters shall appear thereon for the consideration of the Senate with reference to their importance. Measures expected to be reported by committee may be placed conditionally on the calendar for consideration by the Senate in the regular order of business, and may be carried over to a succeeding legislative day, subject to favorable action by committee. In a case of necessity, the Chairperson of the Committee on Rules and Reference may call a special meeting upon proper notice to add a bill to the calendar upon a majority vote. One day's notice shall not be required for calendars during the first week after an adjournment of more than five calendar days.

EXECUTIVE APPOINTMENTS

Rule 97. (Executive Appointments.) When executive appointments are received by the Senate they shall, unless the Senate otherwise orders, be referred to the Committee on Rules and Reference. The Committee on Rules and Reference may refer the appointments to another committee.

Rule 108. (Press Privileges, How Obtained.) Representatives of the press desiring the privileges of the press area of the Senate floor shall make application to the President of the Senate and shall state in writing for what paper or papers or legislative information services, magazines, or their affiliates they are employed; and shall further state that they are not engaged in the prosecution of claims pending before the General Assembly and will not become so engaged while allowed the privileges of the floor; and that they are not in any sense the agents or representatives of persons or corporations having legislation before the General Assembly, and will not become either while retaining their privileges. Visiting newspaper writers and editors may be allowed, temporarily, the privileges herein mentioned, but they must conform to the restrictions prescribed.

The application required by the above rule shall be authenticated in a manner that shall be satisfactory to the Executive Committee of the Ohio Legislative Correspondents' Association, who shall see that the privileges of the floor be granted to representatives of the press association serving newspapers of general circulation, bona fide correspondents of reputable standing in their profession who represent newspapers of general circulation or magazines, or representatives of daily legislative information services of known standing and integrity, or their affiliates; organized for that one purpose and not controlled by

or connected with an association, firm, corporation, or individual representing any trade, profession, or other commercial enterprise, and which have been in continuous and bona fide operation for such a period of years immediately prior to the date of making application for floor privileges as will have made possible the establishment of a reputation for honesty and integrity; and it shall be the duty of the Executive Committee of the Ohio Legislative Correspondents' Association, at its discretion, to report violations of the privileges herein granted, to the Committee on Rules and Reference.

Rule 110. (Privileges, How Revoked.) Upon complaint that any person has abused the privileges granted the person under Rule 108 or 109, such complaint shall be submitted to the standing Committee on Rules and Reference for investigation, and such Committee shall notify the person so charged of the time and place for hearing, and if such accusation be sustained, such person or persons, upon the report of the Committee, shall be debarred from the privileges theretofore granted.

The question being, "Shall the resolution, , be adopted?"

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

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Daniels	Faber	Gillmor	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Stewart	Tavares	Turner	Wagoner
Widener	Wilson		Niehaus-31.

So the resolution was adopted.

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

The title was agreed to.

Senator Widener offered the following concurrent resolution:

S. C. R. No. 2-Senator Widener.

Cosponsors: Senators Bacon, Beagle, Brown, Cafaro, Daniels, Faber, Grendell, Hughes, Lehner, Jones, LaRose, Manning, Niehaus, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Stewart, Tavares, Turner, Wagoner, Wilson.

To urge the President of the United States and the Administrator of the National Aeronautics and Space Administration to select the National Museum of the United States Air Force at Wright-Patterson Air Force Base near Dayton, Ohio, for public display of a space shuttle orbiter.

The question being, "Shall the concurrent resolution, **S. C. R. No. 2**, be adopted?"

On the motion of Senator Faber, **S. C. R. No. 2**, was referred to the Committee on Rules and Reference.

Senators Schiavoni and Sietz offered the following resolution:

S. C. R. No. 3-Senators Schiavoni, Seitz.

Cosponsors: Senators Smith, Sawyer.

To urge the Government of Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate.

The question being, "Shall the concurrent resolution, **S. C. R. No. 3**, be adopted?"

On the motion of Senator Faber, **S. C. R. No. 3**, was referred to the Committee on Rules and Reference.

Senator Grendell offered the following joint resolution:

S. J. R. No. 1-Senator Grendell.

Cosponsors: Senators Faber, Jones, Wagoner, Cates, Schaffer, Bacon, Daniels, LaRose, Jordan.

Proposing to enact Section 21 of Article I of the Constitution of the State of Ohio to preserve the freedom of Ohioans to choose their health care and health care coverage.

The question being, "Shall the joint resolution, **S. J. R. No. 1**, be adopted?"

On the motion of Senator Faber, **S. J. R. No. 1**, was referred to the Committee on Rules and Reference.

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

S. R. No. 18-Senator Grendell.

Honoring Jean Miller Latimer on her One Hundredth Birthday.

S. R. No. 19-Senator Hughes.

Cosponsors: Senators Bacon, Beagle, Brown, Cafaro, Cates, Daniels, Faber, Gillmor, Grendell, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Stewart, Tavares, Turner, Wagoner, Widener, Wilson.

Honoring The Ohio State University football team on winning a 2010 Big

Ten Conference Co-Championship.

S. R. No. 20-Senator Hughes.

Cosponsors: Senators Bacon, Beagle, Brown, Cafaro, Cates, Daniels, Faber, Gillmor, Grendell, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Stewart, Tavares, Turner, Wagoner, Widener, Wilson.

Honoring The Ohio State University football team on winning the 2011 Sugar Bowl.

S. R. No. 21-Senator Patton.

Honoring the City of Brecksville on its Bicentennial.

S. R. No. 22-Senator Wagoner.

Honoring Becky Minger as the 2010 Miss Ohio.

S. R. No. 23-Senator Faber.

Honoring Drew Lovejoy on placing first in the 14-15 age group at the 2010 All Ireland Irish Dance Competition.

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

So the resolutions were adopted.

On the motion of Senator Faber the Senate reverted to the eighth Order of Business, Introduction and First Consideration of Bills.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 1-Senator Wagoner.

To authorize the Governor to create JobsOhio, a nonprofit economic development corporation.

S. B. No. 2-Senator Hughes.

To amend sections 103.0511, 111.15, 117.20, 119.03, 121.39, 122.08, 122.081, 122.94, and 1710.02; to enact sections 108.11, 108.12, 108.13, 108.21, 108.22, 108.23, 121.81, 121.82, 121.83, and 121.91; and to repeal section 121.24 of the Revised Code to adopt a new small business rule review

procedure.

S. B. No. 3-Senator Faber.

To formally state the General Assembly's intent to make changes to the laws governing the state retirement systems as necessary to modernize, update, and improve the actuarial soundness of the systems.

S. B. No. 4-Senator Schaffer.

To amend section 117.13 and to enact sections 117.46, 117.461, 117.47, 117.471, and 117.472 of the Revised Code to require performance auditing by the Auditor of State of a minimum of four state agencies each biennium, to establish the Leverage for Efficiency, Accountability, and Performance Fund, and to make an appropriation.

S. B. No. 5-Senator Jones.

To formally state the General Assembly's intentions to revise the collective bargaining law.

S. B. No. 6-Senator Patton.

Cosponsors: Senators Niehaus, Stewart, Grendell, Bacon, Beagle.

To amend sections 122.171, 718.151, 5725.98, 5729.98, 5733.0610, 5733.98, 5747.058, 5747.98, 5751.50, and 5751.98 of the Revised Code to authorize a refundable job retention tax credit.

S. B. No. 7-Senator Obhof.

To amend section 5701.11 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since December 15, 2010, into Ohio law, and to declare an emergency.

S. B. No. 8-Senators Grendell, Gillmor.

Cosponsors: Senators Faber, Wagoner, Schaffer, Seitz, Jordan, Jones.

To amend section 2919.121 of the Revised Code to revise the procedures governing a hearing by which a court may permit a pregnant minor to consent to an abortion or by which a court may give judicial consent for a pregnant minor to have an abortion and to require a court to make its findings with respect to such a hearing by clear and convincing evidence.

S. B. No. 9-Senator Manning.

Cosponsors: Senators Bacon, Beagle, Cates, Grendell, Jones, Jordan, Patton, Schaffer, Seitz, Wagoner.

To amend sections 3306.01, 3321.01, and 3321.05 of the Revised Code and to repeal Section 265.70.70 of Am. Sub. H.B. 1 of the 128th General Assembly and Section 9 of Sub. H.B. 318 of the 128th General Assembly to eliminate the requirement that school districts offer all-day kindergarten and to allow public schools to continue charging tuition for all-day kindergarten.

S. B. No. 10-Senators Seitz, Smith.

To amend sections 109.42, 307.93, 309.18, 341.12, 926.99, 1333.99, 1707.99, 1716.99, 2743.191, 2909.03, 2909.05, 2909.11, 2913.01, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.40, 2913.401, 2913.42, 2913.421, 2913.43, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2913.61, 2915.05, 2917.21, 2917.31, 2917.32, 2919.21, 2921.13, 2921.34, 2921.41, 2923.31, 2925.01, 2925.03, 2925.05, 2925.11, 2929.01, 2929.13, 2929.14, 2929.20, 2929.26, 2929.34, 2930.16, 2930.17, 2950.99, 2951.041, 2967.05, 2967.14, 2967.193, 2967.28, 2981.07, 4507.51, 5120.07, 5120.10, 5120.111, 5120.59, 5120.60, 5120.66, 5149.01, 5149.10, 5149.33, and 5149.34 and to enact sections 307.932, 2967.19, 5120.035, and 5120.113 of the Revised Code to increase from \$500 to \$1,000 the threshold amount for determining increased penalties for theft-related offenses and for certain elements of "vandalism" and "engaging in a pattern of corrupt activity"; to increase by 50% the other threshold amounts for determining increased penalties for those offenses; to revise and clarify the law regarding prosecution of multiple theft, Medicaid fraud, workers' compensation fraud, and similar offenses and the valuation of property or services involved; to include workers' compensation fraud as a theft offense; to provide that if "nonsupport of dependents" is based on an abandonment of or failure to support a child or a person to whom a court order requires support and is a felony the sentencing court generally must first consider placing the offender on one or more community control sanctions; to eliminate the difference in criminal penalties for crack cocaine and powder cocaine; to revise some of the penalties for trafficking in marijuana or hashish and for possession of marijuana, cocaine, or hashish; to revise procedures for notification of victims when violent offenders escape from the Department of Rehabilitation and Correction; to modify the number of Parole Board members required to conduct a full Board hearing; to limit a member of the Parole Board who is not the Chairperson or a victim representative to two six-year terms; to revise the eligibility criteria for, and procedures governing, intervention in lieu of conviction; to revise the eligibility criteria for judicial release; to reduce the penalty for the offense of "escape" when it involves certain conduct by a person under supervised release by the Department; to revise the procedure for prisoners in state correctional institutions to earn days of credit for productive participation in specified prison programs and the number of days of credit that may be earned; to require GPS monitoring of a prisoner placed on post-release control who was released early from prison due to earning 60 or more days of credit; to enact a new mechanism for the possible release with

sentencing court approval of certain Department inmates who have served at least 85% of their prison term; to expand the membership of a county's local corrections planning board; to expand the authorization to transfer certain Ohio prisoners for pretrial confinement to a contiguous county in an adjoining state to also apply to postconviction confinement and confinement upon civil process; to make changes regarding halfway houses and community residential centers and authorize reentry centers; to allow placement in a skilled nursing facility for care of an inmate who is released on indefinite parole due to being in imminent danger of death, medically incapacitated, or terminally ill; to provide for the establishment and operation of community alternative sentencing centers for misdemeanants sentenced directly to the centers under a community residential sanction or an OVI term of confinement not exceeding 30 days; to change the membership of the Ex-offender Reentry Coalition by reducing the number and functions of members from the Governor's office and adding the Director of Veterans Services; to remove judges from the membership of a corrections commission and instead have them form an advisory board; to require the Department to develop a reentry plan for each inmate committed to the Department who was not sentenced to a term of life without parole or a sentence of death and who is expected to be imprisoned for more than 30 days; to revise the procedures governing the Department's issuance of an inmate identification card upon an inmate's release and the use of such a card to obtain a state identification card; to authorize, instead of require, the Department to discontinue subsidy payment to a political subdivision that reduces local funding for corrections by the amount of a community-based corrections subsidy or that uses a subsidy for capital improvements; to require the Department, together with the Department of Alcohol and Drug Addiction Services, to develop an implementation plan related to funding through the federal Second Chance Act related to community reentry of offenders; and to specify that the report and recommendations of the Council of State Governments' Justice Reinvestment in Ohio Study is to be considered in the bill.

S. B. No. 11-Senator Cafaro.

To amend sections 103.051, 103.0511, 121.24, 122.08, 122.081, and 127.18 and to enact sections 121.81, 121.811, 121.812, 121.813, 121.814, 121.815, 121.82, 122.084, and 3745.016 of the Revised Code to enact the Common Sense Regulation Act to improve state agency regulatory processes, especially as they relate to small businesses, to require state departments to develop customer service training programs, and to require the Director of Environmental Protection to provide environmental regulatory compliance assistance to small businesses.

S. B. No. 12-Senator Kearney.

To enact section 125.083 of the Revised Code to generally require that state

agencies set aside a certain amount of purchases for which only small business enterprises may compete.

S. B. No. 13-Senator Schiavoni.

To amend section 4141.29 and to enact sections 4141.293 and 4141.302 of the Revised Code to allow an individual to receive unemployment compensation benefits for unemployment related to domestic abuse or compelling family circumstances, to allow an individual to receive unemployment training extension benefits under specified conditions, and to create the Unemployment Modernization Review Task Force.

S. B. No. 14-Senator Skindell.

To amend sections 109.572, 1181.05, 1181.21, and 1321.52 and to enact sections 1323.01 to 1323.20 and 1323.99 of the Revised Code to require registration of residential mortgage servicers, to regulate residential mortgage servicers, and to adopt civil and criminal penalties for violations of the bill's provisions.

S. B. No. 15-Senator Turner.

To require the State Board of Education to recommend performance standards for dropout programs operated by school districts.

S. B. No. 16-Senator Wilson.

To amend section 5731.15 of the Revised Code to exempt from the gross estate the value of real property subject to agricultural or conservation easements for the purpose of calculating a decedent's estate tax liability.

S. B. No. 17-Senator Schaffer.

Cosponsors: Senators Jones, Faber, Cafaro, Jordan, Grendell, Daniels, Beagle, Seitz, Wilson, Widener, Oelslager, Manning.

To amend sections 2923.121, 2923.128, and 2923.16 of the Revised Code to permit a concealed carry licensee to possess a firearm in liquor permit premises, or an open air arena, for which a D permit has been issued if the licensee is not consuming liquor or under the influence of alcohol or a drug of abuse and to modify the offense of improperly handling firearms in a motor vehicle as it applies to concealed carry licensees.

S. B. No. 18-Senator Grendell.

Cosponsors: Senators Bacon, Cates, Manning, Beagle, Stewart, Schaffer.

To amend sections 3313.482 and 3317.01 of the Revised Code to excuse up

to five, instead of three, school calamity days for the 2010-2011 school year; to modify the manner in which schools may make up excess calamity days; and to declare an emergency.

S. B. No. 19-Senator Hughes.

Cosponsors: Senators Grendell, Kearney, Manning, Patton, Seitz.

To amend sections 4510.31 and 4510.311 of the Revised Code to permit a judge to elect to order the Registrar of Motor Vehicles not to suspend the probationary driver's license, restricted license, or temporary instruction permit of certain juvenile repeat traffic violators, and to require the Registrar to establish standards for advanced juvenile driver improvement programs.

S. B. No. 20-Senator Grendell.

Cosponsor: Senator Schaffer.

To amend sections 145.27, 145.56, 145.561, 145.82, 145.95, 742.41, 742.46, 742.47, 742.64, 2329.66, 2929.192, 3305.07, 3305.08, 3305.20, 3305.22, 3307.20, 3307.41, 3307.42, 3309.22, 3309.66, 3309.661, 3309.82, 3309.95, 5505.04, 5505.22, and 5505.34 and to enact sections 145.573, 742.464, 2929.193, 3305.12, 3307.373, 3309.673, and 5505.263 of the Revised Code regarding termination of the disability benefit of a state retirement system member convicted of certain felonies committed while serving in a position of honor, trust, or profit.

S. B. No. 21-Senator Wagoner.

Cosponsors: Senators Cafaro, Grendell, Manning, Seitz, Patton, Sawyer, Gillmor, Schaffer, Brown.

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.

S. B. No. 22-Senator Schaffer.

Cosponsors: Senators Sawyer, Seitz, Patton, Beagle, Gillmor, Stewart.

To enact section 6111.60 of the Revised Code to require the Director of Environmental Protection to consider, to the extent allowable under the Federal Water Pollution Control Act, specified factors before issuing NPDES permits for sewerage systems, requiring and approving long-term control plans for wet weather discharges from sewerage systems, and enforcing provisions of that Act as applied to sewerage systems.

S. B. No. 23-Senator Tavares.

To amend section 5111.851 and to enact section 173.405 of the Revised

Code to provide that a terminally ill individual with an anticipated life expectancy of five years or less who is on a waiting list for the PACE program or a Medicaid waiver program providing home and community-based services is to have priority over other individuals on such a waiting list.

S. B. No. 24-Senator Tavares.

To enact section 5101.345 of the Revised Code to create the Ohio Family Stability Commission and to repeal section 5101.345 of the Revised Code four years after the effective date of that section.

S. B. No. 25-Senator Tavares.

To amend sections 3901.38, 3901.383, and 3901.3814 and to repeal section 5111.178 of the Revised Code to specify that the Ohio prompt payment law applies to payment of claims by Medicaid managed care organizations.

S. B. No. 26-Senator Tavares.

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

S. B. No. 27-Senator Tavares.

To enact section 4511.702 of the Revised Code to prohibit smoking in a motor vehicle in which a child under six years of age is a passenger.

S. B. No. 28-Senator Tavares.

To enact sections 1739.23, 1751.69, 3923.235, and 5111.026 of the Revised Code regarding insurance and Medicaid coverage of telemedicine services.

S. B. No. 29-Senator Tavares.

To amend section 4511.21 of the Revised Code to double the fine for a speeding violation that occurs in a school zone during restricted hours.

S. B. No. 30-Senator Tavares.

To amend sections 4112.02, 4112.05, 4112.08, and 4112.14 of the Revised Code to specify that discrimination by an employer against any person because of the person's credit history is an unlawful discriminatory practice under the Ohio Civil Rights Law.

S. B. No. 31-Senator Tavares.

To amend section 1739.05 and to enact sections 1751.69 and 3923.85 of the Revised Code to require certain insurers that provide coverage for cancer chemotherapy treatment to provide coverage for certain prescribed, orally administered anticancer medication on a basis no less favorable than intravenously administered or injected cancer medications that are covered under the policy.

S. B. No. 32-Senator Tavares.

To make an appropriation for the provision of state matching funds for federal TRIO programs at Ohio institutions of higher education for FY 2011 and FY 2012.

S. B. No. 33-Senator Tavares.

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. 34-Senator Tavares.

To amend section 3901.21 of the Revised Code to prohibit an insurer's use of a credit score, credit history, or credit report in fixing a premium rate for, or the terms and conditions of, an insurance policy, or in determining whether to issue, continue, or renew an insurance policy.

S. B. No. 35-Senator Tavares.

To amend sections 4510.01 and 4511.093 and to enact section 4511.204 of the Revised Code to prohibit driving a vehicle while using a handheld or manually operated mobile communication device and to establish the violation as a secondary traffic offense.

S. B. No. 36-Senator Hughes.

Cosponsors: Senators Bacon, LaRose, Lehner, Sawyer, Schaffer.

To enact section 4511.454 of the Revised Code to allow emergency personnel in public safety vehicles to report traffic law violations under certain circumstances.

S. B. No. 37-Senator Hughes.

Cosponsors: Senators Bacon, Grendell, Sawyer, Seitz.

To enact section 5501.70 of the Revised Code to require the Director of

Transportation to designate portions of state highways, county or township roads, or streets or highways located within municipal corporations as memorial highways in honor of each State Highway Patrol trooper, county sheriff, deputy sheriff, township constable, or police officer of a township police department or district or law enforcement agency of a municipal corporation who is or has been killed in the line of duty.

S. B. No. 38-Senator Hughes.

Cosponsors: Senators Brown, Jones, Kearney, Manning, Schaffer, Seitz, Smith, Stewart, Tavares.

To enact section 5.2266 of the Revised Code to designate May as "ALS Awareness Month."

S. B. No. 39-Senator Kearney.

To enact section 3701.67 of the Revised Code to create the Ohio Bed Bug Infestation Task Force to study bed bug infestation in Ohio.

S. B. No. 40-Senator Kearney.

Cosponsors: Senators Cafaro, Brown, Sawyer, Smith, Wagoner, Manning.

To enact sections 5.2267 and 3701.137 of the Revised Code to designate November as "Complex Regional Pain Syndrome Awareness Month" and to require the Department of Health to include on its web site information regarding the syndrome.

S. B. No. 41-Senator Kearney.

To amend sections 5126.021 and 5126.022 of the Revised Code to increase the membership of county boards of developmental disabilities.

S. B. No. 42-Senator Kearney.

To amend sections 4112.01 and 4112.05 and to enact sections 2933.84 and 4112.024 of the Revised Code to specify that it is an unlawful discriminatory practice that is within the jurisdiction of the Ohio Civil Rights Commission for any law enforcement agency or officer in Ohio to engage in racial profiling; to require the Commission to compile data from law enforcement agencies regarding routine or spontaneous investigatory activities of the agencies' officers and analyze the data for significantly significant disparities related to the race, ethnicity, national origin, or gender of the subjects of the activities; to provide for Commission access to LEADS to obtain the data and require law enforcement agencies to enter the data on LEADS; and to require law enforcement agencies to maintain a policy designed to eliminate racial profiling by the agency and its officers and to cease existing practices by the

agency and its officers that permit or encourage racial profiling.

S. B. No. 43-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.

S. B. No. 44-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.

S. B. No. 45-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.

S. B. No. 46-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.

S. B. No. 47-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.

S. B. No. 48-Senator Kearney.

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

S. B. No. 49-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.

S. B. No. 50-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.

S. B. No. 51-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.

S. B. No. 52-Senator Kearney.

To request the Supreme Court to amend Rule 68 of the Ohio Rules of Civil Procedure regarding offers of judgment.

S. B. No. 53-Senator Kearney.

To amend section 2927.12 of the Revised Code to include in the offense of ethnic intimidation the commission of specified offenses by reason of disability of the victim.

S. B. No. 54-Senator Tavares.

To amend sections 2151.353, 2151.354, and 2152.19 and to enact section 3109.90 of the Revised Code to require that any privately run non-Ohio agency, home, school, camp, institution, or other entity or residential facility to which Ohio abused, neglected, dependent, unruly, or delinquent children are committed comply with the same standards that are applicable to in-state agencies, homes, schools, camps, institutions, or other entities or residential facilities.

S. B. No. 55-Senator Tavares.

To enact sections 1751.76, 3923.71, and 3923.74 of the Revised Code to prohibit health insurers from denying payment for a service during or after the performance of the service if the insurer provided prior written authorization for the service.

S. B. No. 56-Senator Tavares.

To amend section 2967.14 of the Revised Code to require an operator of a halfway house or community residential center to notify the Adult Parole Authority when a resident who is under the Authority's supervisory authority leaves the facility without permission, cannot be located, or does not return to the facility at the time required from a scheduled appointment or work assignment; to require notice to the Adult Parole Authority before a halfway house or community residential center may evict a resident who is under the Authority's supervisory authority; and to require the Division of Parole and Community Services to annually review the licensure standards for halfway houses and community residential centers.

S. B. No. 57-Senator Tavares.

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. 58-Senator Tavares.

To amend sections 5733.98 and 5747.98 and to enact sections 5733.421 and 5747.391 of the Revised Code to create a tax credit for the employment of individuals who have been convicted of felonies.

S. B. No. 59-Senator Tavares.

To amend sections 109.572, 2929.12, 2929.22, 2951.041, 3719.121, 3719.70, 4715.30, 4717.05, 4717.14, 4723.28, 4730.14, 4730.25, 4730.31, 4730.48, 4731.22, 4731.223, 4731.281, 4734.31, 4760.06, 4760.13, 4760.15, 4761.09, 4762.06, 4762.13, 4762.15, 4765.112, 4774.06, 4774.13, 4774.15, 5111.032, 5111.033, and 5111.034 and to enact sections 2951.042, 2951.043, 2951.044, and 2951.045 of the Revised Code relative to treatment for certain drug offenders and to make an appropriation.

S. B. No. 60-Senator Tavares.

To enact section 4743.04 of the Revised Code to require certain health care professionals to complete instruction in cultural competency.

MOTIONS

Senator Jones moved that Senators absent the week of Sunday, January 30, 2011, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

On the motion of Senator Faber, the Senate adjourned until Wednesday, February 2, 2011 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.