

**OHIO**

**SENATE**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, FEBRUARY 23, 2011**

TWENTIETH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, February 23, 2011, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father James Lang, St. George Catholic Church, Lisbon, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

Senator Niehaus reports for the Standing Committee on Rules and Reference, recommending that the following bills and resolution, standing in order for second consideration, be referred to committee as recommended:

**Sub. H. B. No. 30**-Representative Gardner, et al.

To amend sections 3301.07, 3301.16, 3302.05, 3302.07, 3306.01, 3306.02, 3306.05, 3306.06, 3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3315.18, 3315.19, 3316.06, 3316.16, 3317.018, 3317.024, 3321.01, and 3321.05; to enact section 3301.96; and to repeal sections 3306.18, 3306.25, 3306.29, 3306.291, 3306.292, 3306.30, 3306.31, 3306.33, 3306.34, 3306.35, 3306.40, 3313.821, 3313.822, 3315.17, 3315.171, and 3318.312 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 spending and reporting requirements related to the school funding system, to abolish the School Funding Advisory Council, to eliminate the prohibition on unit funding for gifted student services effective after fiscal year 2011, to eliminate the requirement that school districts offer all-day kindergarten, to eliminate the requirement that school districts annually set aside operating funds for textbooks and instructional materials, and to eliminate the requirement that school districts establish family and civic engagement teams except as required for implementation of federal "Race to the Top" grants.

To the Committee on Education.

**H. B. No. 89**-Representative Derickson, et al.

To enact section 5.2266 of the Revised Code to designate the second full week of March as Ohio Agriculture Week.

To the Committee on Agriculture, Environment and Natural Resources.

**S. B. No. 76**-Senator Skindell, et al.

To amend section 2717.01 of the Revised Code to prohibit a court from ordering a statutory change of name for a person who has committed identity fraud or who must register under the SORN Law for having committed a sexually oriented offense or child-victim oriented offense.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 77**-Senator Skindell, et al.

To enact section 4511.531 of the Revised Code to require bicycle operators and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.

To the Committee on Highways and Transportation.

**S. B. No. 78**-Senator Skindell, et al.

To amend section 1505.07 of the Revised Code to ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

To the Committee on Agriculture, Environment and Natural Resources.

**S. B. No. 79**-Senator Skindell, et al.

To amend section 3715.99 and to enact section 3715.93 of the Revised Code regarding prescription drug marketing disclosures.

To the Committee on Health, Human Services and Aging.

**S. B. No. 80**-Senators Cates, Hughes, et al.

To enact section 5533.686 of the Revised Code to designate a portion of United States Route 322 within Cleveland Heights the "Officer Thomas F. Patton II Memorial Highway."

To the Committee on Highways and Transportation.

**S. B. No. 81**-Senator Cates, et al.

To amend sections 3319.22 and 3319.223 and to enact section 3319.227 of the Revised Code to qualify Teach for America participants for a resident educator license.

To the Committee on Education.

**S. B. No. 82**-Senator Cates, et al.

To enact sections 125.61 and 3345.47 of the Revised Code to prohibit a state university from enrolling certain undergraduate students whose parents are not covered by life insurance policies designated for the students' education and to require the Department of Administrative Services to contract for such a policy to cover uninsured parents.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 83**-Senator Oelslager, et al.

To amend sections 3719.06, 4723.481, 4723.482, 4723.492, and 4723.50 of the Revised Code to modify the authority of certain advanced practice nurses to prescribe schedule II controlled substances.

To the Committee on Health, Human Services and Aging.

**S. B. No. 84**-Senator Oelslager.

To amend sections 1345.07, 1345.51, 1349.80, and 1349.81, to enact new section 1349.82, and to repeal section 1349.82 of the Revised Code to designate the offense of advertising or conducting a live musical performance or production in Ohio through the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group as an unfair or deceptive act or practice, to increase the civil penalty for violating a temporary restraining order preliminary injunction, or permanent injunction to restrain and prevent that act or practice, and to eliminate the duties of the attorney general regarding investigations of persons alleged to have committed that offense.

To the Committee on Judiciary - Civil Justice.

**S. B. No. 85**-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 Colleges of Medicine and Pharmacy as the Northeast Ohio Medical University.

To the Committee on Finance.

**S. B. No. 86**-Senator Sawyer, et al.

To enact section 3314.019 of the Revised Code to permit the establishment of a community school to serve adults of school age who are incarcerated or who have been released from the custody of the Department of Youth Services and to declare an emergency.

To the Committee on Education.

**S. B. No. 87**-Senators Tavares, Schiavoni, et al.

To amend sections 122.63, 5111.16, 5111.85, 5111.861, 5111.89, and 5111.891 and to enact sections 175.14, 2305.2310, 5111.161, 5111.862, and 5111.895 of the Revised Code to implement recommendations of the Unified Long-Term Care Budget Workgroup.

To the Committee on Health, Human Services and Aging.

**S. C. R. No. 5**-Senator Widener.

Declaring February 2011 as Career and Technical Education Month in Ohio.

To the Committee on Education.

YES - 8: THOMAS E. NIEHAUS, KEITH L. FABER, SHANNON JONES, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH, CAPRI S. CAFARO.

NO - 0.

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

The report of the committee was accepted.

Said bill and concurrent resolution were considered a second time and referred to committee as recommended.

### REPORTS OF STANDING AND SELECT COMMITTEES

Senator Jordan submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **S. B. No. 4**-Senator Schaffer, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Daniels, Hughes, LaRose, Brown, Turner.

YES - 8: KRIS JORDAN, DAVID T. DANIELS, TIMOTHY J. GRENDALL, JIM HUGHES, FRANK LAROSE, PEGGY B. LEHNER, EDNA BROWN, NINA TURNER.

NO - 0.

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

The report of the committee was accepted.

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **S. B. No. 18**-Senator Grendell, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Hite, Obhof.

YES - 7: PEGGY B. LEHNER, GAYLE MANNING, BILL BEAGLE, CLIFF HITE, LARRY OBHOF, CHARLETA B. TAVARES, GARY W. CATES.

NO - 0.

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

The report of the committee was accepted.

Senator Schaffer submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **Am. H. B. No. 58**-Representative Beck, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schaffer, Patton.

YES - 8: KAREN GILLMOR, GAYLE MANNING, TOM PATTON, CHARLETA B. TAVARES, MICHAEL J. SKINDELL, TIMOTHY O. SCHAFFER, BILL BEAGLE, CHRIS WIDENER.

NO - 0.

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

The report of the committee was accepted.

Senator Seitz submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **S. B. No. 2**-Senator Hughes, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: SHIRLEY A. SMITH, TIMOTHY J. GRENDALL, KRIS JORDAN, CLIFF HITE, MARK D. WAGONER, BILL SEITZ, CHRIS WIDENER, CHARLETA B. TAVARES, GAYLE MANNING.

NO - 1: MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

The Standing Committee on Rules & Reference to which was referred the appointment by the Governor of:

**Thomas N. Moe**, from Fairfield County, Ohio, as Director of the Department of Veterans Services for a term beginning January 10, 2011 and continuing at the pleasure of the Governor.

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

YES - 9: THOMAS E. NIEHAUS, KEITH L. FABER, SHANNON JONES, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH, CAPRI S. CAFARO, JIMMY STEWART.

NO - 0.

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

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			Niehaus-33.

So the Senate advised and consented to said appointment.

The Standing Committee on Rules & Reference to which was referred the appointment by the Governor of:

**Angela Thi Bennett**, from East Cleveland, Cuyahoga County, Ohio, as a Member of the State Board of Education for a term beginning February 9, 2011 and ending at the close of business December 31, 2012, replacing Martha Harris, whose appointment expired.

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

YES - 6: THOMAS E. NIEHAUS, KEITH L. FABER, SHANNON JONES, SCOTT OELSLAGER, JASON H. WILSON, JIMMY STEWART.

NO - 3: EDNA BROWN, SHIRLEY A. SMITH, CAPRI S. CAFARO.

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

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:



Those who voted in the affirmative were: Senators

Bacon	Beagle	Cates	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

So the Senate advised and consented to said appointment.

**RESOLUTIONS REPORTED BY COMMITTEE**

**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.

WHEREAS, The National Aeronautics and Space Administration (NASA) intends to select a limited number of museums for the display of the space shuttle orbiters that will be retired at the conclusion of the space shuttle program. The National Museum of the United States Air Force at Wright-Patterson Air Force Base near Dayton, Ohio, would be an excellent choice for the display of a space shuttle orbiter; and

WHEREAS, The Museum, the world's oldest and largest museum of military aviation, is the depository for the Air Force's National Historical Collection and features more than 400 aerospace vehicles, including Mercury, Gemini, and Apollo space capsules. With 1.3 million visitors each year, the Museum is the most visited free tourist destination in Ohio and is one of the most visited in the country; and

WHEREAS, The Museum is ready to accommodate a space shuttle orbiter with one million square feet of climate-controlled exhibit space and an adjacent runway that is approved for a landing of the shuttle carrier aircraft with a shuttle. In addition, the Museum employs professional aerospace vehicle restoration staff who are experienced in working with hazardous aerospace

materials such as those found on the shuttle and who will ensure the preservation of the shuttle to the highest museum standards; and

WHEREAS, The Museum is located near Dayton, Ohio, the birthplace of aviation and the home of the Wright Brothers, and in the National Aviation Heritage Area, an area designated by Congress that includes the Armstrong Air and Space Museum, Dayton Aviation Heritage National Historical Park, and National Aviation Hall of Fame. Finally, the Museum is easily accessible from major population centers and is within a 600-mile radius of 61% of the United States population; and

WHEREAS, The Department of Defense, especially the Department of the Air Force, collaborated extensively with NASA's space shuttle program, including influencing the basic shuttle design, providing many highly skilled shuttle astronauts, and saving the program in lean budget years during its development; and

WHEREAS, The Secretary of the Air Force has requested that the NASA Administrator transfer a space shuttle orbiter to the Air Force for placement in the Air Force's National Historical Collection through interagency transfer using existing statutes and regulations. This transfer will ensure that a taxpayer-funded space shuttle orbiter will be kept under the ownership and stewardship of the United States government and the American people; now therefore be it

RESOLVED, That we, the members of the 129th General Assembly of the State of Ohio, conclude that it is in the interest of the American people for a retired space shuttle orbiter to be preserved and exhibited at the National Museum of the United States Air Force at Wright-Patterson Air Force Base near Dayton, Ohio; and be it further

RESOLVED, That we, the members of the 129th General Assembly of the State of Ohio, urge the President of the United States and the Administrator of the National Aeronautics and Space Administration (NASA) to honor the request of the Department of the Air Force for an interagency transfer of an operational space shuttle orbiter so that it can be displayed at the National Museum of the United States Air Force as a national tribute to the American spirit of space exploration and to the indelible partnership between NASA and the Department of the Air Force, which helped make the space shuttle program possible; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Administrator of the National Aeronautics and Space Administration, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the Ohio Congressional delegation, and the news media of Ohio.

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

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			Niehaus-33.

So the concurrent resolution was adopted.

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

Senator Widener moved to amend the title as follows:

Add the names: "Hite, Jordan, Kearney, Obhof, Oelslager, Bacon, Tavares, Seitz."

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

The motion was agreed to and the title so amended.

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 58**-Representative Beck.

Cosponsors: Representatives Adams, J., Boose, Blair, Derickson, Hackett, Hollington, Martin, Uecker, Amstutz, Stautberg, Letson, McClain, Adams, R., Anielski, Ashford, Baker, Balderson, Brenner, Bulp, Buchy, Burke, Butler, Carey, Carney, Coley, Combs, Damschroder, DeGeeter, Dovilla, Duffey, Fedor, Garland, Gonzales, Goodwin, Grossman, Hall, Hayes, Henne, Huffman, Johnson, Landis, Lundy, Maag, Mallory, McKenney, Mecklenborg, Milkovich, Newbold, O'Brien, Peterson, Phillips, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Sprague, Stebelton, Thompson, Wachtmann, Young, Speaker Batchelder. Senators Schaffer, Patton.

To amend sections 122.171, 718.151, 5701.11, 5725.98, 5729.98, 5733.0610, 5733.98, 5747.058, 5747.98, 5751.50, and 5751.98 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since December 15, 2010, into Ohio law, to authorize a refundable job retention tax credit, to temporarily extend the look-back period from two years to three years for determining whether a state "on" indicator exists based on the total unemployment rate for purposes of state extended unemployment benefits, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 3, setting forth the

emergency features of the bill, stand as a part of the bill?"

Senator LaRose moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Smith voted in the negative-1.

So the section, Section 3, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

Senator LaRose moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Stewart	Tavares	Turner
Wagoner	Widener	Wilson	Niehaus-32.

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

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

Senator Daniels moved to amend the title as follows:

Add the names: "Daniels, Faber, Hite, Hughes, Jones, Obhof, Oelslager, Sawyer, Schaffer, Stewart, Wagoner, Widener, Wilson."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 2-Senator Hughes.**

To amend sections 103.0511, 111.15, 117.20, 119.03, 119.032, 121.39, 122.08, 122.081, 122.94, and 1710.02; to enact sections 107.51, 107.52, 107.53, 107.54, 107.55, 107.61, 107.62, 107.63, 121.81, 121.82, 121.83, and 121.91; and to repeal section 121.24 of the Revised Code to adopt a new business rule review procedure, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 2**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Smith	Stewart	Tavares	Turner
Wagoner	Widener	Wilson	Niehaus-32.

Senator Skindell voted in the negative-1.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Faber, Beagle, Daniels, Gillmor, Hite, Jones, Jordan, Bacon, Oelslager, Patton, Schaffer, Seitz, Stewart, Wagoner, Widener, Wilson, LaRose, Cates, Manning, Obhof."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 4-Senator Schaffer.**

Cosponsors: Senators Daniels, Hughes, LaRose, Brown, Turner.

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, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 4**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			Niehaus-33.

So the bill passed.

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Bacon, Beagle, Cates, Faber, Gillmor, Grendell, Hite, Jones, Jordan, Lehner, Manning, Niehaus, Obhof, Patton, Schaffer, Seitz, Stewart, Tavares, Wagoner, Widener, Wilson."

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

The motion was agreed to and the title so amended.

### MOTIONS

Senator Jones moved that Senators absent the week of Sunday, February 20, 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.

### INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

**S. B. No. 88**-Senator Jordan.

Cosponsors: Senators Bacon, Lehner, Obhof, Schaffer, Seitz, Hite.

To amend sections 109.572, 5725.98, 5729.98, 5733.01, 5733.98, and 5747.98 and to enact section 3310.30 of the Revised Code to authorize nonrefundable tax credits for donations to nonprofit entities providing scholarships to low-income students enrolling in chartered nonpublic schools.

**S. B. No. 89**-Senator Jordan.

Cosponsors: Senators Obhof, Schaffer, Seitz.

To amend sections 4116.01 to 4116.04 of the Revised Code to prohibit state agencies from requiring or prohibiting certain labor requirements as a condition of performing public works and to prohibit the appropriation of state funds for public works when political subdivisions require or prohibit certain labor requirements.

**S. B. No. 90**-Senator Jordan.

Cosponsors: Senators Faber, Hite, Obhof, Schaffer.

To amend sections 5731.02, 5731.19, and 5731.21 of the Revised Code to repeal the estate tax for the estates of individuals dying on or after January 1, 2011.

**S. B. No. 91**-Senator Schaffer.

Cosponsors: Senators Seitz, Beagle, Manning.

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

**S. B. No. 92**-Senator Schaffer.

To amend sections 4510.02, 4510.036, 4511.21, 4511.33, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.45, 4511.451, 4511.46, 4511.47, and 4513.39 and to enact section 4501.20 of the Revised Code to provide for increased penalties when a person violates the motor vehicle traffic law assured clear distance ahead provision or commits a failure to yield the right-of-way offense that results in serious physical harm or death to another person.

**S. B. No. 93**-Senator Schaffer.

Cosponsors: Senators Brown, Seitz, Stewart, Manning.

To enact sections 303.214, 519.214, 713.082, and 5502.031 of the Revised Code to codify federal restrictions on local zoning of amateur station antenna structures thereby preserving amateur radio service communications as a Homeland Security resource.

**S. B. No. 94**-Senator Jordan.

Cosponsors: Senators Faber, Grendell, Obhof, Schaffer, Wagoner.

To amend section 3701.99 and to enact sections 3701.94 and 3701.95 of the Revised Code to prohibit human cloning, the creation, transportation, or receipt of a human-animal hybrid, the transfer of a nonhuman embryo into a human womb, and the transfer of a human embryo into a nonhuman womb.

**S. B. No. 95**-Senator Stewart.

To enact section 5533.636 of the Revised Code to designate United States Route 33 between Nelsonville and Athens in Athens County the "Captain Robert C. Hess Jr. – Veterans Highway."

**S. B. No. 96**-Senator Stewart.

To amend section 6109.04 of the Revised Code to require a community water system's annual report to its customers to include information concerning the amount of water lost by the system during the transmission of water between the source waters utilized by the system to the consumers serviced by the system.

**S. B. No. 97**-Senator Stewart.

To enact sections 5533.602 and 5533.603 of the Revised Code to designate one bridge that is part of State Route 821 near the village of Caldwell in Noble County the "Sampson Harris Memorial Bridge" and to designate another bridge located on that state route, also near Caldwell, the "Freeman C. Thompson Memorial Bridge."

**S. B. No. 98**-Senator Stewart.

Cosponsors: Senators LaRose, Seitz, Schaffer, Jordan.

To enact section 109.45 of the Revised Code to direct the Attorney General to pursue a memorandum of agreement that permits the enforcement of federal immigration laws in this state by law enforcement officers.

**OFFERING OF RESOLUTIONS**

Senator Niehaus offered the following resolution:

**S. R. No. 35**-Senator Niehaus.

Permitting the use of the Ohio Senate Chambers by the Western Ohio National Forensic League on March 19, 2011.



WHEREAS, The members of the Senate of the 129th General Assembly of Ohio are pleased to grant permission for the Ohio Senate Chambers to be used by the Western Ohio National Forensic League for its Student Congress competition on March 19, 2011; and

WHEREAS, As part of its annual Student Congress competition, the Western Ohio National Forensic League will use the Ohio Senate Chambers on March 19, 2011, for a mock legislative debate. This activity will provide a unique opportunity for participants to experience firsthand rules and procedures similar to those of the state legislature and will help them to better understand the democratic process that is the cornerstone of our nation; and

WHEREAS, The knowledge that participants will gain through their involvement with the Western Ohio National Forensic League's Student Congress competition will not only enrich their total educational experience but will also prepare them to take a more active role in fulfilling their responsibilities as citizens of this great state and nation; and

WHEREAS, The Senate Chambers are an appropriate location for the Western Ohio National Forensic League's Student Congress activities. Following a true legislative format and held within the setting in which the lawmaking process normally takes place, the mock debates will provide the group's members with an excellent opportunity to engage in a simulation of government in action; therefore be it

RESOLVED, That we, the members of the Senate of the 129th General Assembly of Ohio, in adopting this Resolution, authorize the use of the Ohio Senate Chambers on March 19, 2011, by the Western Ohio National Forensic League for its Student Congress competition, contingent upon the availability of those facilities, and commend all those involved with this event on their civic responsibility; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the Western Ohio National Forensic League.

The question being, "Shall the resolution, **S. R. No. 35**, be adopted?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			Niehaus-33.

So the resolution was adopted.

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

Senator Faber moved to amend the title as follows:

Add the names: "Cafaro, Faber, Hite, Kearney, Manning, Sawyer, Schaffer, Stewart, Wilson, Jones, Patton, Daniels, Lehner, Obhof, Turner, Schiavoni."

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

The motion was agreed to and the title so amended.

Senator Niehaus offered the following resolution:

**S. R. No. 36**-Senator Niehaus.

Authorizing Ohio Hi-Y Youth in Government to use the Ohio Senate Chambers to conduct its 2011 model legislature.

WHEREAS, The members of the Senate of the 129th General Assembly of Ohio are pleased to have learned that Ohio Hi-Y Youth in Government has requested permission to use the Ohio Senate Chambers for its model legislature event, April 7-9, 2011; and

WHEREAS, A beneficial educational organization, Ohio Hi-Y Youth in Government provides students with the opportunity to better appreciate and understand government and its components, and the knowledge gained through this event will certainly be of value to all participants throughout their lifetime; and

WHEREAS, By utilizing the facilities that accommodate those involved in the state legislative process, Ohio Hi-Y Youth in Government will offer students an accurate depiction of state government and the manner in which legislation is created and processed; and

WHEREAS, Through participation in Ohio Hi-Y Youth in Government, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience the participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 129th General Assembly of Ohio, in adopting this Resolution, permit Ohio Hi-Y Youth in Government to use the Ohio Senate Chambers for its 2011 model legislature event, contingent upon the availability of those facilities, and salute its participants as conscientious young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to Ohio Hi-Y Youth in Government.

The question being, "Shall the resolution, **S. R. No. 36**, be adopted?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			Niehaus-33.

So the resolution was adopted.

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

Senator Faber moved to amend the title as follows:

Add the names: "Cates, Daniels, Faber, Hite, Kearney, Manning, Sawyer, Schaffer, Schiavoni, Stewart, Tavares, Turner, Wagoner, Bacon, Obhof, Smith."

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

The motion was agreed to and the title so amended.

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

**S. R. No. 33**-Senator Faber.

In memory of Specialist Nathan B. Carse.

**S. R. No. 34**-Senator Patton.

Honoring the St. Ignatius High School boys soccer team as the 2010 Division I State 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 adopted the following concurrent resolution in which the concurrence of the Senate is requested:

**H. C. R. No. 6** -Speaker Batchelder

Designating Peace Corps Day in Ohio, March 1, 2011.

Attest: Laura P. Clemens,  
Clerk.

The question being, "Shall the resolution, H. C. R. No. 6, be adopted?"

So the resolution was adopted.

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

The title was agreed to.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Section 103.11 of the Ohio Revised Code, the President of the Senate appoints the following members to serve on the Legislative Service Commission:

Senator Niehaus (Vice Chair)  
Senator Faber  
Senator Stewart  
Senator Jones  
Senator Cafaro  
Senator Sawyer

**MESSAGE FROM THE PRESIDENT**

Pursuant to Section 4906.02 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Power Siting Board:

Senator Daniels  
Senator Seitz (alternate)  
  
Senator Sawyer  
Senator Wilson (alternate)

**MESSAGE FROM THE PRESIDENT**

Pursuant to Section 9.901(J) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the Public Schools Health Care Advisory Committee:

Crystal A. Meyer  
24234 County Road B  
Archbold, OH 43502

(Representing health care consortium serving public schools-term beginning immediately and ending December 31, 2011, replacing Barbara Coriell)

On the motion of Senator Faber, the Senate adjourned until Thursday, February 24, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.