

OHIO

SENATE

JOURNAL

TUESDAY, MARCH 8, 2011

TWENTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, March 8, 2011, 11:30 a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Bishop Frederick F. Campbell, The Roman Catholic Diocese of Columbus, Columbus, 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, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 2-Representatives Snitchler, Stautberg, et al.

To enact sections 117.46, 117.461, 117.462, 117.463, 117.47, 117.471, and 117.472 of the Revised Code to require performance audits of most state agencies, to loan funds to state agencies and local public offices to pay for performance audits, and to make an appropriation.

To the Committee on Finance.

Sub. H. B. No. 22-Representative Bulp, et al.

To amend sections 951.02, 951.10, 951.11, 951.12, 951.13, 951.99, and 971.18 and to repeal section 951.01 of the Revised Code regarding the liability of owners of certain animals that are running at large.

To the Committee on Agriculture, Environment and Natural Resources.

S. B. No. 88-Senator Jordan, et al.

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.

To the Committee on Ways and Means and Economic Development.

S. B. No. 89-Senator Jordan, et al.

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.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 90-Senator Jordan, et al.

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.

To the Committee on Ways and Means and Economic Development.

S. B. No. 91-Senator Schaffer, et al.

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.

To the Committee on Health, Human Services and Aging.

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.

To the Committee on Highways and Transportation.

S. B. No. 93-Senators Schaffer, Sawyer, et al.

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.

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

S. B. No. 94-Senator Jordan, et al.

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.

To the Committee on Health, Human Services and Aging.

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."

To the Committee on Highways and Transportation.

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.

To the Committee on Agriculture, Environment and Natural Resources.

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."

To the Committee on Highways and Transportation.

S. B. No. 98-Senator Stewart, et al.

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.

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

S. B. No. 99-Senator Brown, et al.

To amend sections 4501.21 and 4503.701 of the Revised Code to establish a \$15 contribution for issuance of the Prince Hall Freemason special license plate, to be used by the Prince Hall Grand Lodge of Free and Accepted Masons of Ohio for scholarship purposes.

To the Committee on Highways and Transportation.

S. B. No. 100-Senator Patton.

To enact section 3350.15 of the Revised Code to establish an academic campus of the Northeastern Ohio Universities College of Medicine at Cleveland State University.

To the Committee on Finance.

S. B. No. 101-Senator Patton, et al.

To enact section 5.2266 of the Revised Code to designate May as "Substance Abuse Awareness and Education Month."

To the Committee on Health, Human Services and Aging.

S. B. No. 102-Senator Bacon.

To amend sections 3901.17, 3905.30, 3905.31, 3905.33, 3905.34, 3905.36, 3905.37, and 3905.38 and to enact section 3905.331 of the Revised Code to exempt state surplus lines insurance from regulation in Ohio when Ohio is not the home state of the insured and to make other changes to the law regulating

surplus lines insurance.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 103-Senator Stewart, et al.

To amend sections 3719.08, 4715.30, 4729.01, 4729.071, 4729.29, 4729.51, 4729.54, 4729.541, 4729.55, 4729.75, 4729.77, 4729.78, 4729.79, 4729.80, 4729.81, 4729.82, 4729.83, 4729.99, 4731.052, 4731.22, 4731.283, 4776.02, 4776.04, and 5111.172; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4729.79 (4729.80), 4729.80 (4729.81), 4729.81 (4729.82), 4729.82 (4729.83), 4729.83 (4729.84), and 4729.84 (4729.85); and to enact new section 4729.79 and sections 109.90, 313.212, 3793.22, 4121.50, 4715.302, 4723.487, 4725.092, 4729.162, 4729.291, 4729.552, 4729.561, 4729.571, 4729.69, 4729.86, 4730.53, 4731.054, 4731.055, 4731.241, 5111.085, 5111.179, and 5111.1710 of the Revised Code to establish and modify laws regarding the prevention of prescription drug abuse and to declare an emergency.

To the Committee on Health, Human Services and Aging.

S. B. No. 104-Senator Cafaro.

To enact section 5533.97 of the Revised Code to designate the portion of United States Route 322 within the municipal corporation of Orwell located in Ashtabula County, as the "Sgt. Kurt D. Schamberg Orwell Veterans Highway."

To the Committee on Highways and Transportation.

S. B. No. 105-Senator Cafaro.

To enact section 5533.97 of the Revised Code to designate the bridge spanning the Ashtabula Gulf, located in the city of Ashtabula and being part of West 46th Street and State Route 84, as the "Clifford McClure Memorial Bridge."

To the Committee on Highways and Transportation.

S. B. No. 106-Senator Beagle, et al.

To enact section 149.451 of the Revised Code to prohibit a law enforcement agency from making available to the general public on the internet a motor vehicle accident report that contains a minor's personal information without redacting or encrypting the personal information.

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

S. B. No. 107-Senator Skindell, et al.

To amend sections 121.083, 1349.61, 4111.02, 4111.14, 4113.15, 4115.03, 4121.01, 4123.01, 4123.026, 4141.01, and 5747.01 and to enact sections 4175.01 to 4175.18 and 4175.99 of the Revised Code to create a generally uniform definition of employee for specified labor laws and to create a uniform standard to determine whether an individual performing services for an employer is an employee of that employer.

To the Committee on Insurance, Commerce and Labor.

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

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Schaffer submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **S. B. No. 73**-Senator Manning, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Turner, Skindell, Tavares.

YES - 8: CHARLETA B. TAVARES, MICHAEL J. SKINDELL,
NINA TURNER, GAYLE MANNING, TOM PATTON,
BILL BEAGLE, TIMOTHY O. SCHAFFER, KEVIN
BACON.

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. 20**-Senator Grendell, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: CHARLETA B. TAVARES, MICHAEL J. SKINDELL,
SHIRLEY A. SMITH, BILL SEITZ, TIMOTHY J.
GRENDALL, CLIFF HITE, GAYLE MANNING, CHRIS
WIDENER.

NO - 0.

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

The report of the committee was accepted.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 108-Senator Jordan.

Cosponsor: Senator Faber.

To amend sections 123.01, 1505.07, 1531.06, and 3345.181, to enact sections 131.50, 1509.70, 1509.71, 1509.72, 1509.73, and 1509.74, and to repeal sections 5119.40, 5120.12, and 5123.23 of the Revised Code to create the Oil and Gas Leasing Board and to establish a procedure by which the Board may enter into leases for oil and gas production on land owned or under the control of a state agency for the purpose of providing funding for capital and operating costs for the agency.

S. B. No. 109-Senator Schiavoni.

Cosponsors: Senators Smith, Turner, Sawyer, Skindell, Beagle, Tavares, Cafaro.

To amend section 2911.21 and to enact section 2305.117 of the Revised

Code to provide that a person is not criminally or civilly liable for trespassing on certain abandoned land, blighted parcels, or similar places of public amusement if the person enters or remains on the land or parcel to beautify it.

S. B. No. 110-Senator Wilson.

Cosponsors: Senators Patton, Schaffer, Turner, Kearney.

To amend section 742.63 of the Revised Code to include the survivors of probation officers killed in the line of duty among those eligible to receive benefits from the Ohio Public Safety Officers Death Benefit Fund.

S. B. No. 111-Senator Oelslager.

Cosponsors: Senators Bacon, Schaffer, Widener, Tavares, Brown.

To amend section 2903.13 of the Revised Code to increase the penalty for assault to a felony of the fourth degree when the victim is a health care professional, health care worker, or security officer of a hospital who is engaged in the performance of the individual's duties.

Message from the House of Representatives

Mr. President:

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

Am. Sub. S. B. No. 2 -Senator Hughes - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

Message from the House of Representatives

Mr. President:

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

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

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 58 -Representative Beck - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

Message from the House of Representatives

Mr. President:

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

H. C. R. No. 5 -Representative Blessing

Attest:

Laura P. Clemens,
Clerk.

The President signed said concurrent resolution.

MESSAGE FROM THE PRESIDENT

Pursuant to House Concurrent Resolution No. 5, the President of the Senate appoints the following senators to serve on the Committee to Wait Upon the Governor:

Senator Faber
Senator Jones
Senator Stewart
Senator Bacon
Senator Cafaro
Senator Smith
Senator Brown
Senator Wilson

MESSAGE FROM THE PRESIDENT

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

Senator Manning

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3302.021(E)(1)(a) of the Ohio Revised Code, the President of the Senate appoints the following members to serve on the Ohio Accountability Task Force:

Senator Lehner (as Chair of the Senate Education Committee)

Senator Sawyer (as Ranking Minority member of the Senate Education Committee)

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3302.021(E)(1)(g) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the Ohio Accountability Task Force:

Chris Ferruso (representing business)

10 W. Broad St., Suite 2450

Columbus, OH 43215

(term beginning immediately and ending January 1, 2013)

On the motion of Senator Stewart, the Senate adjourned until Wednesday, March 9, 2011 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.