

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, JUNE 22, 2011

SIXTY-SIXTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, June 22, 2011, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, St. Catharine's Church, Bexley, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Faber submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **Am. Sub. H. B. No. 194**-Representatives Mecklenborg, Blessing, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Faber.

YES - 6: KEITH L. FABER, TIMOTHY J. GRENDELL, GAYLE MANNING, CHRIS WIDENER, CLIFF HITE, KRIS JORDAN.

NO - 3: SHIRLEY A. SMITH, CHARLETA B. TAVARES, MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. H. B. No. 64**-Representatives Ruhl, Burke, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Turner, Kearney.

YES - 9: TIMOTHY J. GRENDELL, LARRY OBHOF, FRANK LAROSE, PEGGY B. LEHNER, SCOTT OELSLAGER, MARK D. WAGONER, NINA TURNER, ERIC H. KEARNEY, JOSEPH SCHIAVONI.

NO - 0.

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

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Am. Sub. H. B. No. 86**-Representatives Blessing, Heard, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6:      TIMOTHY J. GRENDPELL, LARRY OBHOF, FRANK LAROSE, PEGGY B. LEHNER, SCOTT OELSLAGER, MARK D. WAGONER.

NO - 3:      NINA TURNER, ERIC H. KEARNEY, JOSEPH SCHIAVONI.

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

The report of the committee was accepted.

Senator Patton submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 187**-Senator Grendell, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Patton, LaRose, Coley, Jordan, Lehner, Wilson, Turner, Schiavoni.

YES - 8:      TOM PATTON, FRANK LAROSE, BILL COLEY, KRIS JORDAN, PEGGY B. LEHNER, JASON H. WILSON, NINA TURNER, JOSEPH SCHIAVONI.

NO - 0.

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

The report of the committee was accepted.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 86**-Representatives Blessing, Heard.

Cosponsors: Representatives Uecker, Slaby, Amstutz, Anielski, Antonio, Barnes, Beck, Blair, Boose, Boyd, Brenner, Bulp, Buchy, Carney, Celeste, Clyde, Coley, Combs, Derickson, Dovilla, Driehaus, Duffey, Fedor, Foley, Garland, Gonzales, Grossman, Hackett, Hagan, C., Henne, Luckie, Mallory, Martin, McClain, McGregor, McKenney, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Peterson, Pillich, Ramos, Schuring, Sears,

Sprague, Sykes, Szollosi, Thompson, Winburn, Yuko, Speaker Batchelder.

To amend sections 109.42, 307.93, 309.18, 341.12, 926.99, 1333.99, 1707.99, 1716.99, 2151.23, 2151.55, 2151.551, 2151.552, 2151.553, 2151.554, 2152.02, 2152.021, 2152.12, 2152.13, 2152.14, 2152.17, 2152.22, 2301.27, 2301.30, 2743.51, 2743.56, 2743.59, 2743.60, 2901.08, 2903.01, 2903.11, 2903.12, 2903.13, 2905.01, 2905.02, 2907.21, 2907.22, 2907.323, 2909.03, 2909.05, 2909.11, 2911.12, 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, 2919.22, 2921.13, 2921.34, 2921.41, 2923.01, 2923.31, 2923.32, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2925.36, 2929.01, 2929.11, 2929.13, 2929.14, 2929.15, 2929.19, 2929.191, 2929.20, 2929.26, 2929.34, 2929.41, 2930.12, 2930.16, 2930.17, 2935.041, 2937.36, 2941.141, 2941.142, 2941.143, 2941.144, 2941.145, 2941.146, 2941.1411, 2941.1412, 2941.1414, 2941.1415, 2941.1421, 2941.1422, 2941.1423, 2950.99, 2951.041, 2951.08, 2953.08, 2967.14, 2967.193, 2967.28, 2971.03, 2981.07, 3719.99, 4507.51, 4511.091, 4729.99, 5120.031, 5120.07, 5120.111, 5120.16, 5120.331, 5120.48, 5120.59, 5120.60, 5120.66, 5139.01, 5139.06, 5139.18, 5139.20, 5139.43, 5139.52, 5149.01, 5149.10, 5149.31, 5149.32, 5149.33, 5149.34, and 5149.36 and to enact sections 307.932, 2151.555, 2152.121, 2152.51, 2152.52, 2152.53, 2152.54, 2152.55, 2152.56, 2152.57, 2152.58, 2152.59, 2301.271, 2743.601, 2929.143, 2950.17, 2951.022, 2961.21, 2961.22, 2961.23, 2961.24, 2967.19, 5120.036, 5120.113, 5120.114, 5120.115, and 5149.311 of the Revised Code and to amend Section 3 of Am. Sub. H.B. 130 of the 127th General Assembly, 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, for possession of marijuana, cocaine, or hashish, and for all third degree felony drug offenses that currently have mandatory prison terms; to prohibit a convicted sex offender from possessing a photograph of the offender's victim while the offender is serving a term of confinement for that offense and to prohibit a child-victim offender from possessing a photograph of any minor child while the child-victim offender is serving a term of confinement for that offense; to 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 appointed after the bill's effective date 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 judges who sentence an offender to a prison term to include in the sentence notice to the offender that the offender may be eligible to earn such days of credit; 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 80% 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 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 60 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 requiring, 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 adopt a single validated risk assessment tool to be used by courts at their option and by probation departments and the Department of Rehabilitation and Correction to evaluate risk levels of offenders; to provide judges the option of risk reduction sentencing to allow for early release of certain prisoners who complete treatment and programming while incarcerated; to generally require offenders convicted of or pleading guilty to a felony of the fourth or fifth degree that is not a specified offense to serve community control sanctions when the conviction or plea did not occur in

specified circumstances; to create the offense of trespass in a habitation of a person when any person other than an accomplice of the offender is present or likely to be present; to change the sentencing structure for felonies of the first degree and for felonies of the third degree that are not specified types of offenses; to require the Department of Rehabilitation and Correction to adopt specified types of standards regarding sentencing to community-based correctional facilities and community corrections programs; to reduce duplication of probation supervision resources; to require the Department of Rehabilitation and Correction to establish and administer the probation improvement grant and the probation incentive grant; to encourage a county and the Juvenile Court that serves the county to use the moneys in the county treasury's Felony Delinquent Care and Custody Fund to research-supported, outcome-based programs and services; to expand the circumstances in which a delinquent child committed to the Department of Youth Services may be granted a judicial release; to establish procedures for determining the competency to participate in the proceeding of a child who is the subject of a complaint alleging that the child is a delinquent child and procedures for a child to attain competency if the child is found to be incompetent; to establish an interagency task force to investigate and make recommendations on how to most effectively treat delinquent youth who suffer from serious mental illness or emotional and behavioral disorders; to establish a new mechanism, which may involve transfer back to a juvenile court, for determining the sanction for certain children who are convicted of a crime in criminal court after their case is transferred under a specified mandatory transfer provision; to revise the provision regarding commitment of a delinquent child to the Department of Youth Services for being complicit in the commission of an act by another that constitutes a firearm specification; to modify the required content of complaints alleging chronic or habitual truancy; to revise the time for notification of bail forfeiture proceedings regarding recognizance's; to require the Department of Rehabilitation and Correction to conduct a study of assaults by inmates; to modify the Ohio Criminal Sentencing Law based on the Ohio Supreme Court's decisions in *State v. Foster* and *State v. Hodge*; to prohibit the arrest, charging, or conviction of a person for speeding based on a peace officer's unaided visual estimation of the speed of the vehicle; to modify the notifications that must be given before a child is placed in foster care if the child is an exceptional behavioral needs child or has been adjudicated a delinquent child for committing a felonious act; to require the Department of Rehabilitation and Correction to thoroughly review the cases of all parole-eligible inmates who are sixty-five years of age or older; to authorize libraries, museums, archival institutions, and merchants to detain a suspected shoplifter, etc., to offer pretrial diversion and inform the suspect of other available options; to provide for certificates of achievement and employability for certain Department of Rehabilitation and Correction prisoners to be used by the recipient prisoner to generally obtain relief from mandatory civil impacts that would affect a potential job for which the prisoner trained; and to revise certain provisions of the Crime Victims Reparations Law, was

considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 86**, pass?"

Senator Grendell moved to amend as follows:

In line 219, delete "2151.55, 2151.551,"

In line 220, delete "2151.552, 2151.553, 2151.554,"

In line 240, delete "2151.555,"

Delete lines 1471 through 1604

In line 19111, delete "2151.55,"

In line 19112, delete "2151.551, 2151.552, 2151.553, 2151.554,"

In line 3 of the title, delete "2151.55, 2151.551, 2151.552, 2151.553, 2151.554,"

In line 31 of the title, delete "2151.555,"

In line 198 of the title, delete everything after the semicolon

Delete lines 199 through 202 of the title

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 86**, pass?"

Senator Grendell moved to amend as follows:

In lines 15254 and 15256, delete " incompetence or"

In line 15259, delete " employer was reckless" and insert " person having hiring and firing responsibility for the employer had actual knowledge that the employee was dangerous and was willful"

In line 15260, delete " incompetence or"

In line 15261, after " dangerousness" insert " of which the person had actual knowledge"

In lines 15567 and 15579, delete " (3)" and insert " (2)"

In line 15598, after the period insert " Days of credit provisionally earned by a prisoner shall be finalized and awarded by the department subject to administrative review by the department of the prisoner's conduct."

Delete lines 15599 through 15632

In line 15633, delete " (3)" and insert " (2)"

In line 15635, delete " division (A)(1) of"

In line 15637, delete " division (A)(2) of"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 86**, pass?"

Senator Skindell moved to amend as follows:

In line 221, after "2301.30," insert "2717.01,"

Between lines 3523 and 3524, insert:

**"Sec. 2717.01.** (A) A person desiring a change of name may file an application in the probate court of the county in which the person resides. The application shall set forth that the applicant has been a bona fide resident of that county for at least one year prior to the filing of the application, the cause for which the change of name is sought, and the requested new name. The application shall require the applicant to state whether the applicant has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for identity fraud or has a duty to comply with section 2950.04 or 2950.041 of the Revised Code because the applicant was convicted of, pleaded guilty to, or was adjudicated a delinquent child for having committed a sexually oriented offense or a child-victim oriented offense.

Notice of the application shall be given once by publication in a newspaper of general circulation in the county at least thirty days before the hearing on the application. The notice shall set forth the court in which the application was filed, the case number, and the date and time of the hearing.

~~Upon~~ Except as provided by division (C) of this section, upon proof that proper notice was given and that the facts set forth in the application show reasonable and proper cause for changing the name of the applicant, the court may order the change of name.

(B) An application for change of name may be made on behalf of a minor by either of the minor's parents, a legal guardian, or a guardian ad litem. When application is made on behalf of a minor, in addition to the notice and proof required pursuant to division (A) of this section, the consent of both living, legal parents of the minor shall be filed, or notice of the hearing shall be given to the parent or parents not consenting by certified mail, return receipt requested. If there is no known father of the minor, the notice shall be given to the person who the mother of the minor alleges to be the father. If no father is so alleged, or if either parent or the address of either parent is unknown, notice pursuant to division (A) of this section shall be sufficient as to the father or parent.



Any additional notice required by this division may be waived in writing by any person entitled to the notice.

(C)(1) The court shall not order a change of name under division (A) of this section if the person applying for a change of name or for whom the application for a change of name is made has a duty to comply with section 2950.04 or 2950.041 of the Revised Code because the applicant or the person on whose behalf the application for a change of name is made was convicted of, pleaded guilty to, or was adjudicated a delinquent child for having committed a sexually oriented offense or a child-victim oriented offense.

(2) The court shall not order a change of name under division (A) of this section if the person applying for a change of name or for whom the application for a change of name is made has pleaded guilty to, been convicted of, or been adjudicated a delinquent child for committing a violation of section 2913.49 of the Revised Code unless the guilty plea, conviction, or adjudication has been reversed on appeal.

(3) As used in this division, "sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code."

In line 19113, after "2301.30," insert "2717.01,"

In line 5 of the title, after "2301.30," insert "2717.01,"

In line 216 of the title, after the semicolon insert "to prohibit a court from ordering a statutory change of name for a person convicted of identity fraud or having a duty to register under the SORN Law;"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 86**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 3, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Gillmor	Grendell
Hite	Jones	Jordan	Kearney
LaRose	Lehner	Manning	Obhof
Oelslager	Patton	Sawyer	Schiavoni
Seitz	Skindell	Smith	Stewart
Tavares	Turner	Wagoner	Widener
Wilson			Niehaus-30.

Senators Faber, Hughes, and Schaffer voted in the negative-3.

So the bill passed.

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

Senator Grendell moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Coley, Daniels, Hite, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Sawyer, Schiavoni, Seitz, Smith, Tavares, Turner, Wagoner, Widener, Wilson."

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

The motion was agreed to and the title so amended.

**Am. Sub. H. B. No. 92**-Representatives Martin, Beck.

Cosponsors: Representatives Derickson, Boose, Blair, Pillich, Okey, Murray, Slesnick, Maag, Johnson, Letson, Szollosi, McKenney, Bubp, Stinziano, Huffman, Coley, Adams, J., Anielski, Antonio, Baker, Barnes, Blessing, Brenner, Buchy, Burke, Butler, Carey, Carney, Celeste, Combs, DeGeeter, Dovilla, Driehaus, Fedor, Fende, Foley, Gardner, Garland, Gentile, Gerberry, Gonzales, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Heard, Hottinger, Luckie, Lundy, Mallory, McClain, Mecklenborg, Milkovich, Newbold, O'Brien, Patmon, Peterson, Phillips, Ramos, Reece, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Sprague, Stebelton, Thompson, Uecker, Wachtmann, Weddington, Winburn, Young, Yuko, Speaker Batchelder. Senators Coley, Tavares.

To amend sections 3107.02 and 5103.16 of the Revised Code to allow an adult to be adopted if the adult is the child of the spouse of the adoption petitioner, is totally or permanently disabled, had established a kinship caregiver relationship with the petitioner, or was in a planned permanent living arrangement with a public children services or private child placing agency, and the adult consents to the adoption and to extend to a grandparent's spouse the exemption from certain adoptive placement requirements, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 92**, 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
Coley	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 Oelslager moved to amend the title as follows:

Add the names: "Bacon, Beagle, Daniels, Gillmor, Hite, Hughes, Jones, Kearney, Lehner, Niehaus, Obhof, Oelslager, Patton, Sawyer, Seitz, Smith, Stewart, Wagoner, Widener, Wilson."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 194**-Representatives Mecklenborg, Blessing.

Cosponsors: Representatives Combs, Anielski, Baker, Boose, Brenner, Bulp, Buchy, Coley, Grossman, Hackett, Huffman, Maag, Martin, Newbold, Slaby, Uecker, Speaker Batchelder. Senator Faber.

To amend sections 3.02, 7.101, 302.09, 305.02, 503.24, 511.27, 733.31, 1545.21, 1901.10, 2101.44, 2301.02, 3501.01, 3501.02, 3501.05, 3501.051, 3501.053, 3501.10, 3501.11, 3501.13, 3501.14, 3501.17, 3501.18, 3501.20, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.301, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3501.38, 3503.02, 3503.06, 3503.14, 3503.15, 3503.16, 3503.18, 3503.19, 3503.21, 3503.24, 3503.26, 3503.28, 3504.02, 3504.04, 3504.05, 3505.07, 3505.08, 3505.11, 3505.13, 3505.16, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 3511.11, 3511.13, 3511.14, 3513.02, 3513.05, 3513.12, 3513.131, 3513.18, 3513.19, 3513.21, 3513.262, 3513.30, 3513.31, 3515.04, 3517.01, 3517.012, 3517.014, 3517.015, 3517.10, 3517.102, 3517.103, 3517.106, 3717.107, 3517.1011, 3517.11, 3517.153, 3517.154, 3517.155, 3517.992, 3519.01, 3519.16, 3599.03, 3599.07, 3599.17, 3599.19, and 3599.31, to enact new section 3504.01 and sections 3501.111, 3501.302, 3501.40, 3501.50, 3503.05, 3503.20, 3503.22, 3505.05, 3506.021, 3509.051, 3517.211, and 3599.30, and to repeal sections 3503.29, 3504.01, 3506.16, 3517.016, and 3517.1010 of the Revised Code to revise the Election Law, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 194**, pass?"

On the motion of Senator Faber, **Sub. H. B. No. 194** was informally passed and retained its place on the calendar.

**Sub. S. B. No. 187**-Senator Grendell.

Cosponsors: Senators Patton, LaRose, Coley, Jordan, Lehner, Wilson, Turner, Schiavoni.

To amend section 5533.374 and to enact sections 5533.622 and 5533.623 of the Revised Code to designate a portion of United States Route 322 within Geauga County only the "Chief Warrant Officer Christopher R. Thibodeau Memorial Highway," to designate a portion of Interstate Route 71 within Franklin County only the "Deputy Marty Martin Memorial Highway," and to rename the "Heath Warner Memorial Highway" the "U.S.M.C. Pvt. Heath Warner Memorial Highway", was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 187**, 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
Coley	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 Grendell moved to amend the title as follows:

Add the names: "Beagle, Brown, Cafaro, Daniels, Faber, Hite, Hughes, Jones, Manning, Obhof, Oelslager, Sawyer, Schaffer, Seitz, Skindell, Stewart, Tavares, Wagoner, Widener."

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, June 19, 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.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred

in the Senate amendments to:

**Am. Sub. H. B. No. 133** -Representative Adams, J. - et al.

Attest:

Laura P. Clemens,  
Clerk.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

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

Cosponsors: Senators Skindell, Kearney, Wagoner, Bacon, Beagle, Daniels, Hughes, Jones, LaRose, Obhof, Patton, Sawyer, Seitz, Smith, Stewart, Wilson  
Representatives Garland, Winburn, Coley, Slaby, Anielski, Bubp, Carney, Combs, Letson, Patmon, Yuko, Speaker Batchelder

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.

Attest:

Laura P. Clemens,  
Clerk.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

**Sub. H. B. No. 25** -Representative Combs

Cosponsors: Representatives Derickson, Grossman, Patmon, Pillich, Beck, Stinziano, Dovilla, Maag, Blair, Stebelton, Rosenberger, Hackett, Ashford,

Winburn, Garland, Williams, Weddington, Bulp, Blessing, Hayes, Slaby, Antonio, Brenner, DeGeeter, Duffey, Fedor, Gerberry, Goyal, Hagan, C., Hagan, R., Heard, Hottinger, Letson, Lundy, Mallory, Mecklenborg, O'Brien, Szollosi, Uecker, Yuko, Speaker Batchelder

To amend sections 959.99, 2152.19, 2903.213, 2903.214, 2919.26, 3113.31, 4732.141, and 4757.33 and to enact section 4731.284 of the Revised Code to revise the penalties and sentencing provisions regarding violations of the cruelty to animals statutes and to include the protection of companion animals in temporary protection orders, domestic violence protection orders, anti-stalking protection orders, and related protection orders.

**H. B. No. 167** -Representatives Derickson, Mallory

Cosponsors: Representatives Grossman, Thompson, Blessing, Combs, Boose, Hall, McGregor, McClain, Beck, Damschroder, Pillich, Clyde, Reece, Yuko, Fedor, Antonio, Weddington, Szollosi, Garland, Letson, Barnes, Blair, Dovilla, Fende, Hayes, Milkovich, Stautberg, Winburn, Amstutz, Anielski, Boyd, Brenner, Bulp, Buchy, Carey, Carney, Conditt, Driehaus, Duffey, Gardner, Goodwin, Goyal, Hackett, Hagan, C., Hagan, R., Heard, Johnson, Kozlowski, Landis, Luckie, Lundy, Maag, Mallory, Martin, McKenney, Mecklenborg, Murray, O'Brien, Patmon, Phillips, Ramos, Slesnick, Stinziano, Sykes, Uecker, Wachtmann, Williams, Young, Speaker Batchelder

To amend section 5747.01 of the Revised Code to authorize an income tax deduction for the otherwise taxable portion of a federal Pell grant or Ohio College Opportunity grant used to pay room and board for a post-secondary student.

Attest:

Laura P. Clemens,  
Clerk.

Said bills were considered the first time.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

**Am. H. B. No. 116** -Representative Barnes

Cosponsors: Representatives Patmon, Fedor, Yuko, Letson, Antonio, Luckie, Beck, Buchy, Carney, Driehaus, Duffey, Foley, Garland, Goyal, Mallory, Milkovich, O'Brien, Ramos, Reece, Weddington, Winburn, Speaker

Batchelder

To amend sections 3313.666 and 3313.667 of the Revised Code to enact the School Day Security and Anti-Bullying Act to require age-appropriate instruction, to the extent that federal or state funds are appropriated for this purpose, and parental notification of public schools' policies prohibiting harassment, intimidation, or bullying.

Attest:

Laura P. Clemens,  
Clerk.

Said bill was considered the first time.

### 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. 16** -Representatives Butler, Rosenberger

Cosponsors: Representatives Adams, J., Adams, R., Balderson, Blair, Boose, Brenner, Bubb, Burke, Carey, Combs, Damschroder, DeGeeter, Derickson, Dovilla, Duffey, Fende, Garland, Gerberry, Gonzales, Goyal, Grossman, Huffman, Johnson, Landis, Martin, McClain, Mecklenborg, Newbold, O'Brien, Pillich, Roegner, Ruhl, Slaby, Stebelton, Thompson, Wachtmann, Yuko, Hagan, C., Amstutz, Barnes, Beck, Boyd, Buchy, Budish, Carney, Driehaus, Fedor, Gardner, Hackett, Hall, Hayes, Heard, Henne, Hottinger, Kozlowski, Letson, Luckie, Lundy, Maag, Mallory, McKenney, Milkovich, Schuring, Sears, Slesnick, Stautberg, Stinziano, Sykes, Szollosi, Uecker, Weddington, Young, Speaker Batchelder

To commend and honor the members of the United States Armed Forces, including the United States Special Forces, the United States national security agencies, and the United States intelligence community in conducting the successful operation against Osama bin Laden on Sunday May 1, 2011.

Attest:

Laura P. Clemens,  
Clerk.

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

On the motion of Senator Faber, **H. C. R. No. 16**, was referred to the Committee on Rules and Reference.

On the motion of Senator Faber, the Senate recessed until 4:45 p.m.

The Senate met pursuant to the recess.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

#### **Sub. H. B. No. 231** -Representative Wachtmann

Cosponsors: Representatives Boose, Peterson, Beck, Blair, Blessing, Brenner, Buchy, Damschroder, Dovilla, Hackett, Hall, Hottinger, Huffman, Johnson, Kozlowski, Maag, Martin, McClain, Newbold, Roegner, Sears, Slaby, Thompson, Young, Speaker Batchelder

To amend sections 1501.32, 1501.33, 1521.04, 1522.03, and 1522.05, to enact sections 1522.10, 1522.101, and 1522.11 to 1522.20, and to repeal section 1522.07 of the Revised Code to establish a program for the issuance of permits for the withdrawal and consumptive use of waters from the Lake Erie basin.

Attest:

Laura P. Clemens,  
Clerk.

Said bill was considered the first time.

### **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 bills:

**Am. Sub. H. B. No. 133** -Representative Adams, J. - et al.

**Am. Sub. H. B. No. 163** -Representative Balderson - et al.

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



Attest:

Laura P. Clemens,  
Clerk.

The President signed said bills.

On the motion of Senator Patton, the Senate adjourned until Thursday, June 23, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.