

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 15, 2012

ONE HUNDRED FORTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 15, 2012, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Cedarville Baptist Church, Cedarville, Ohio, followed by the Pledge of Allegiance to the Flag.

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

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House has appointed as managers on the part of the House on matters of difference between the two Houses on:

Sub. S. B. No. 223 -Senator Bacon - et al.

Slaby, Blessing and Winburn

Attest:

Jennifer E. Woodring,
Clerk.

On the motion of Senator Faber, the Senate recessed until 2:55 p.m.

The Senate met pursuant to the recess.

**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:

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

To amend section 4731.293 of the Revised Code to specify requirements for obtaining and renewing a clinical research faculty certificate and to declare an emergency.

To the Committee on Health, Human Services and Aging.

S. B. No. 298-Senator Cafaro, et al.

To amend section 4303.29 and to enact section 4301.82 of the Revised Code to establish local entertainment districts in municipal corporations or unincorporated areas of counties of specified populations for the purpose of the issuance of D-1, D-2, and D-5 liquor permits under specified conditions.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 299-Senator Jordan, et al.

To amend section 2953.31 of the Revised Code to define "final discharge" for purposes of the law governing the sealing of criminal records when used in connection with an offender who was convicted of an offense involving misconduct in public office.

To the Committee on Judiciary.

S. B. No. 300-Senators Manning, Wagoner, et al.

To enact section 5533.181 of the Revised Code to designate the bridge spanning the Vermillion River, that is part of State Route 113, as the "Staff Sgt. James P. Hunter Memorial Bridge."

To the Committee on Highways and Transportation.

YES - 8: KEITH L. FABER, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, ERIC H. KEARNEY.

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 Daniels submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **S. B. No. 271**-Senator LaRose, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 12: TOM PATTON, FRANK LAROSE, TIMOTHY O. SCHAFFER, SHANNON JONES, BILL COLEY, TROY BALDERSON, DAVID T. DANIELS, BILL SEITZ, JOSEPH SCHIAVONI, THOMAS SAWYER, SHIRLEY A. SMITH, LOU GENTILE.

NO - 0.

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

The report of the committee was accepted.

Senator Hughes submitted the following report:

The standing committee on Financial Institutions, to which was referred **S. B. No. 281**-Senator Beagle, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Skindell, Brown, Obhof, Hughes.

YES - 9: MICHAEL J. SKINDELL, LOU GENTILE, EDNA BROWN, BILL COLEY, LARRY OBHOF, BILL BEAGLE, JIM HUGHES, DAVID T. DANIELS, KEVIN BACON.

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 **S. B. No. 263**-Senator Coley, et al., having had the same under consideration, reports it back and recommends its passage.

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

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 **S. C. R. No. 20**-Senator Obhof, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 5: TIMOTHY O. SCHAFFER, BILL BEAGLE, KEVIN BACON, GAYLE MANNING, TOM PATTON.

NO - 3: CHARLETA B. TAVARES, MICHAEL J. SKINDELL, LOU GENTILE.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which were referred the appointments by the Governor of:

Dale H. Fellows, from Willoughby Hills, Lake County, Ohio, as a Member of the Ohio Business Gateway Steering Committee for a term beginning September 9, 2011 and continuing at the pleasure of the Governor, replacing Adriana Sfalcin.

Steven L. Grose, from Hartville, Portage County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning November 16, 2011 and ending at the close of business January 31, 2014, replacing Jerry D. Jordan, whose term expired.

Michael H. Keenan, Republican, from Dublin, Franklin County, Ohio, as a Member of the Ohio Air Quality Development Authority for a term beginning September 8, 2011 and ending at the close of business June 30, 2019, replacing David Benjamin, whose term expired.

Marc McQuaid, from Dublin, Franklin County, Ohio, as a Member of the Ohio Parks and Recreation Council for a new term beginning September 29, 2011 and ending at the close of business January 30, 2014.

Stephen A. Schumaker, from Springfield, Clark County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a new term beginning November 3, 2011 and ending at the close of business on September 20, 2014.

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

YES - 9: KEITH L. FABER, TOM PATTON, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, ERIC H. KEARNEY.

NO - 0.

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

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Daniels
Eklund	Faber	Gentile	Hite
Hughes	Jones	Jordan	Kearney
LaRose	Lehner	Manning	Obhof
Oelslager	Patton	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Tavares
Turner	Wagoner	Widener	Niehaus-32.

So the Senate advised and consented to said appointments.

REPORTS OF CONFERENCE COMMITTEES

Senator Bacon submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Sub. S.B. 223, Senator Bacon – et al., having had the same under consideration, recommends to the respective houses as follows: The bill as passed by the House with the following amendments:

In line 51, after "(B)" insert " If an offender commits a violation of division (A) of this section and the violation occurs as part of a course of conduct involving other violations of division (A) of this section or violations of, attempts to violate, conspiracies to violate, or complicity in violations of section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in determining the degree of the offense pursuant to division (C) of this section, may aggregate the value of the benefit obtained by the offender or of the detriment to the victim of the fraud in the violations involved in that course of conduct. The course of conduct may involve one victim or more than one victim.

(C)"; reinsert "Whoever"; delete the balance of the line

Delete lines 52 through 63

In line 64, delete " section, whoever"

Delete lines 83 through 102

In line 5 of the title, delete the comma and insert "and"

In line 6 of the title, after "fraud" delete the balance of the line

Delete line 7 of the title

In line 8 of the title, delete everything before the period

Managers on the Part of the	Managers on the Part of the
Senate	House of Representatives

/S/ KEVIN BACON
KEVIN BACON

/S/ LOUIS W. BLESSING, JR.
LOUIS W. BLESSING, JR.

/S/ MARK D. WAGONER, JR.
MARK D. WAGONER, JR.

/S/ LYNN C. SLABY
LYNN C. SLABY

/S/ MICHAEL J. SKINDELL
MICHAEL J. SKINDELL

/S/ ROLAND WINBURN
ROLAND WINBURN

Pursuant to Senate Rule No. 44, Senator Faber moved that the report of the Committee of Conference be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the report of the Committee of Conference be agreed to?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Daniels
Eklund	Faber	Gentile	Hite
Hughes	Jones	Jordan	Kearney
LaRose	Lehner	Manning	Obhof
Oelslager	Patton	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Tavares
Turner	Wagoner	Widener	Niehaus-32.

So the report of Committee of Conference was agreed to.

BILLS FOR THIRD CONSIDERATION

S. B. No. 263-Senator Coley.

Cosponsor: Senator Bacon.

To amend section 5739.02 of the Revised Code to remove the requirement that certain telecommunications equipment used in direct marketing must be purchased by a direct marketing vendor in order for the equipment to be exempt from the sales tax, was considered the third time.

The question being, "Shall the bill, **S. B. No. 263**, pass?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Daniels
Eklund	Faber	Gentile	Hite
Hughes	Jones	Jordan	Kearney
LaRose	Lehner	Manning	Obhof
Oelslager	Patton	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill passed.

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

Senator Coley moved to amend the title as follows:

Add the names: "Balderson, Burke, Daniels, Eklund, Faber, Hite, Hughes, Jones, LaRose, Manning, Niehaus, Patton, Schaffer, Wagoner."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 271-Senator LaRose.

Cosponsors: Senators Seitz, Jones, Manning, Widener, Eklund, Burke, Coley, Sawyer, Patton, Jordan, Schaffer, Beagle, Hite, Wagoner.

To amend sections 4927.07, 4927.08, 4927.11, and 4927.12 and to enact sections 4927.071 and 4927.10 of the Revised Code to establish certain exemptions, including permitting the withdrawal of services, for incumbent local exchange carriers determined to be fully competitive, and, regarding the provision of basic local exchange service, for other telephone companies operating in the same areas, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 271**, pass?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Daniels	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Sawyer	Schaffer	Schiavoni
Seitz	Smith	Turner	Wagoner
Widener			Niehaus-30.

Senators Cafaro, Skindell, and Tavares voted in the negative-3.

So the bill passed.

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

Senator LaRose moved to amend the title as follows:

Add the names: "Bacon, Daniels, Hughes, Lehner, Niehaus."

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

The motion was agreed to and the title so amended.

S. B. No. 281-Senator Beagle.

Cosponsors: Senators Lehner, Cafaro, Hite, Seitz, Jones, Skindell, Widener, LaRose, Schaffer, Manning, Oelslager, Brown, Obhof, Hughes.

To amend sections 135.631, 135.73, 135.74, and 135.75 of the Revised Code to modify the Agricultural Linked Deposit Program with respect to the maximum amount the Treasurer of State may invest in agricultural linked deposits, the interest rate at which loans are made under the Program, and the maximum loan amount, was considered the third time.

The question being, "Shall the bill, **S. B. No. 281**, pass?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Daniels
Eklund	Faber	Gentile	Hite
Hughes	Jones	Jordan	Kearney
LaRose	Lehner	Manning	Obhof
Oelslager	Patton	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill passed.

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

Senator Beagle moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Daniels, Eklund, Faber, Gentile, Kearney, Niehaus, Patton, Sawyer, Schiavoni, Smith, Tavares, Turner, Wagoner."

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 12, 2012, 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. 301-Senators Burke, Cafaro.

Cosponsors: Senators Lehner, Seitz, Jones.

To amend sections 3719.41, 4715.033, 4715.034, 4715.30, 4715.301, 4715.302, 4723.487, 4725.092, 4729.16, 4729.162, 4729.291, 4729.51, 4729.552, 4729.57, 4729.79, 4729.80, 4729.86, 4730.53, 4731.054, 4731.055, 4731.22, and 4731.39 of the Revised Code regarding enforcement powers of certain health care professional licensing boards, regulation of pain management clinics, limits on prescriber-furnished controlled substances, and classifications of certain controlled substances.

S. B. No. 302-Senator Manning.

Cosponsors: Senators Coley, Patton, Seitz.

To amend sections 3734.41 and 3734.42 of the Revised Code to revise requirements governing background investigations for purposes of the Solid, Hazardous, and Infectious Wastes Law.

S. B. No. 303-Senator Oelslager.

Cosponsors: Senators Cafaro, Schiavoni, Wagoner, Brown, Seitz, Jones, Beagle, LaRose.

To enact section 5533.322 of the Revised Code to designate a portion of State Route 44 within Stark County as the "First Lt. Ashley White Stumpf Memorial Highway."

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 196-Senator Tavares.

Recognizing March 4-10, 2012, as National Consumer Protection Week.

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

So the resolution was adopted.

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:

Am. Sub. S. B. No. 83 -Senator Oelslager

Cosponsors: Senators Tavares, Cafaro, Brown, Coley, Daniels, Hughes, Niehaus, Sawyer, Schiavoni, Turner, Wilson Representatives Goodwin, Fende, Antonio, Barnes, Gardner, Garland, Hackett, Hagan, R., Hill, Ramos, Yuko, Amstutz, Anielski, Blessing, Brenner, Celebrezze, Celeste, Cera, Damschroder, Driehaus, Fedor, Foley, Gerberry, Hagan, C., Heard, Hottinger, Huffman, Kozlowski, Letson, Luckie, Milkovich, Murray, O'Brien, Okey, Pillich, Reece, Ruhl, Sears, Slaby, Szollosi, Weddington, Williams, Winburn, Speaker Batchelder

To amend sections 3719.06, 4723.28, 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 and to authorize the Board of Nursing to take disciplinary actions for self-administration of schedule I controlled substances.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 483, delete " facility" and insert " agency"

Attest:

Jennifer E. Woodring,
Clerk.

Pursuant to Senate Rule No. 44, Senator Faber moved that the amendments of the House of Representatives to Am. Sub. S. B. No. 83 be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Daniels
Eklund	Faber	Gentile	Hite
Hughes	Jones	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

Senator Jordan voted in the negative-1.

So the Senate concurred in the amendments of the House of Representatives.

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:

S. C. R. No. 11 -Senator Lehner - et al.

Attest:

Jennifer E. Woodring,
Clerk.

The President signed said concurrent resolution.

On the motion of Senator Faber, the Senate adjourned until Thursday, February 16, 2012 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.