

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MARCH 2, 2011

TWENTY-THIRD DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, March 2, 2011, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Mark Wilds, New Lisbon Presbyterian 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 STANDING AND SELECT COMMITTEES**

Senator Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 5**-Senator Jones, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: KEVIN BACON, BILL BEAGLE, SHANNON JONES,  
KRIS JORDAN, TIMOTHY O. SCHAFFER, CLIFF  
HITE, KEITH L. FABER.

NO - 5: JIM HUGHES, EDNA BROWN, THOMAS SAWYER,  
ERIC H. KEARNEY, JOSEPH SCHIAVONI.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

Pursuant to Senate Rule No. 37, the standing committee on Rules and Reference recommends that **S. B. No. 80**-Senators Cates and Hughes, having been referred to the Standing Committee on Highways and Transportation, be re-referred to the Standing Committee on State and Local Government and Veterans Affairs.

YES - 8: THOMAS E. NIEHAUS, KEITH L. FABER, SHANNON  
JONES, EDNA BROWN, CAPRI S. CAFARO, MARK D.  
WAGONER, CHRIS WIDENER, JASON H. WILSON.

NO - 0.

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

The report of the committee was accepted.

**BILLS FOR THIRD CONSIDERATION****H. B. No. 89**-Representative Derickson.

Cosponsors: Representatives Murray, Boose, Weddington, Blessing, Gardner, Hackett, Adams, R., Snitchler, Letson, Combs, Mecklenborg, Hottinger, Garland, Balderson, Ruhl, Hall, McClain, Okey, Maag, Beck, Grossman, Blair, Reece, Thompson, Huffman, Brenner, Carey, McKenney, Stinziano, Martin, Peterson, Schuring, Fende, Buchy, Damschroder, Goodwin, Johnson, Clyde, Gentile, Heard, Mallory, O'Brien, Phillips, Coley, Landis, Stebelton, Adams, J., Kozlowski, Anielski, Ashford, Baker, Barnes, Bulp, Budish, Burke, Butler, Celeste, DeGeeter, Dovilla, Driehaus, Duffey, Fedor, Gerberry, Goyal, Hayes, Henne, Luckie, Lundy, McGregor, Milkovich, Patmon, Ramos, Roegner, Rosenberger, Sears, Slaby, Slesnick, Sprague, Stautberg, Szollosi, Uecker, Winburn, Young, Yuko, Speaker Batchelder. Senators Hite, Schaffer, Wilson, Brown, Schiavoni.

To enact section 5.2266 of the Revised Code to designate the second full week of March as Ohio Agriculture Week, was considered the third time.

The question being, "Shall the bill, **H. B. No. 89**, 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 Hite moved to amend the title as follows:

Add the names: "Bacon, Beagle, Cafaro, Daniels, Gillmor, Hughes, Jordan, Kearney, LaRose, Manning, Niehaus, Obhof, Oelslager, Sawyer, Smith, Stewart, Tavares, Turner, Wagoner, Widener, Patton, Cates, Jones."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 5-Senator Jones.**

To amend sections 9.90, 103.74, 122.64, 122.72, 124.134, 124.14, 124.15, 124.152, 124.181, 124.322, 124.325, 124.34, 124.38, 124.388, 124.39, 124.81, 124.82, 145.47, 306.04, 307.054, 339.06, 339.07, 340.04, 505.38, 505.49, 505.60, 709.012, 742.31, 749.082, 749.083, 927.69, 1545.071, 3306.01, 3307.27, 3307.77, 3309.47, 3311.19, 3313.12, 3313.202, 3313.23, 3313.24, 3313.33, 3313.42, 3314.10, 3316.07, 3317.01, 3317.018, 3317.11, 3317.13, 3319.01, 3319.011, 3319.02, 3319.06, 3319.08, 3319.084, 3319.085, 3319.088, 3319.09, 3319.10, 3319.11, 3319.13, 3319.14, 3319.141, 3319.17, 3319.172, 3319.18, 3319.63, 3326.18, 3332.03, 4117.01, 4117.02, 4117.03, 4117.05, 4117.06, 4117.07, 4117.08, 4117.09, 4117.10, 4117.11, 4117.12, 4117.13, 4117.14, 4117.15, 4117.18, 4117.20, 4117.21, 4725.46, 4906.02, 5107.26, 5123.51, 5126.24, 5139.02, 5503.03, and 5505.15, to enact sections 4113.80, 4117.081, 4117.104, 4117.105, 4117.106, 4117.107, 4117.108, 4117.109, 4117.26, and 4117.27, and to repeal sections 3317.12, 3317.14, 3319.131, 3319.142, 3319.143, 4117.16, 4117.22, and 4117.23 of the Revised Code to make various changes to laws concerning public employees, including collective bargaining, salary schedules and compensation, layoff procedures, and leave, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 5**, pass?"

Senator Skindell moved that the Clerk of the Senate read in full the bill, **Sub. S. B. No. 5**, in accordance to section 735 of the Mason's Legislative Manual.

The Chair ruled the point not well taken.

A roll call was requested which was properly supported.

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

The yeas and nays were taken and resulted - yeas 11, nays 22, as follows:

Those who voted in the affirmative were: Senators

Brown	Cafaro	Kearney	Oelslager
Sawyer	Schiavoni	Skindell	Smith
Tavares	Turner		Wilson-11.

Those who voted in the negative were: Senators

Bacon	Beagle	Cates	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Patton
Schaffer	Seitz	Stewart	Wagoner
Widener			Niehaus-22.

The motion was not agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 5**, pass?"

Senator LaRose moved to amend as follows:

In line 8633, after " or" delete the balance of the line

In line 8634, delete " thirty days" and insert " any other sanction in accordance with division (A) of section 2705.05 of the Revised Code"

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

Senator Smith moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 15, nays 18, as follows:

Those who voted in the affirmative were: Senators

Brown	Cafaro	Grendell	Hughes
Kearney	Oelsluger	Patton	Sawyer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner		Wilson-15.

Those who voted in the negative were: Senators

Bacon	Beagle	Cates	Daniels
Faber	Gillmor	Hite	Jones
Jordan	LaRose	Lehner	Manning
Obhof	Schaffer	Stewart	Wagoner
Widener			Niehaus-18.

The amendment was not laid on the table.

The question recurred, "Shall the amendment be agreed to?"

The yeas and nays were taken and resulted - yeas 19, nays 14, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Cates	Daniels
Faber	Gillmor	Hite	Jones
Jordan	LaRose	Lehner	Manning
Obhof	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-19.

Those who voted in the negative were: Senators

Brown	Cafaro	Grendell	Hughes
Kearney	Oelsluger	Patton	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-14.

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 5**, pass?"

Senator Smith moved that **Sub. S. B. No. 5** be recommitted to the Committee on Insurance, Commerce and Labor.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 16, nays 17, as follows:

Those who voted in the affirmative were: Senators

Brown	Cafaro	Grendell	Hughes
Kearney	LaRose	Oelslager	Patton
Sawyer	Schiavoni	Seitz	Skindell
Smith	Tavares	Turner	Wilson-16.

Those who voted in the negative were: Senators

Bacon	Beagle	Cates	Daniels
Faber	Gillmor	Hite	Jones
Jordan	Lehner	Manning	Obhof
Schaffer	Stewart	Wagoner	Widener
			Niehaus-17.

The motion to recommit was not agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 5**, pass?"

The yeas and nays were taken and resulted - yeas 17, nays 16, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Cates	Daniels
Faber	Gillmor	Hite	Jones
Jordan	LaRose	Lehner	Obhof
Schaffer	Stewart	Wagoner	Widener
			Niehaus-17.

Those who voted in the negative were: Senators

Brown	Cafaro	Grendell	Hughes
Kearney	Manning	Oelslager	Patton
Sawyer	Schiavoni	Seitz	Skindell
Smith	Tavares	Turner	Wilson-16.

Pursuant to Senate Rule No. 65, Senator Skindell demanded a verification of the vote.

The President directed the Clerk to read, first the names of those senators who voted in the affirmative, then of those who voted in the negative.

The Clerk preceded to read the names of those senators who voted in the affirmative, then of those who voted in the negative.

The roll call was verified and the results declared.

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

The title was agreed to.

### MOTIONS

Senator Jones moved that Senators absent the week of Sunday, February 27, 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. 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."

**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."

**S. B. No. 106**-Senator Beagle.

Cosponsors: Senators Lehner, Seitz, Grendell.

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.

**S. B. No. 107**-Senator Skindell.

Cosponsors: Senators Cafaro, Tavares, Schiavoni.

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.

### COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Mike Brooks, Republican, from Nelsonville, Athens County, Ohio, as a Member of the Hocking Technical College Board of Trustees for a term beginning February 24, 2011 and ending at the close of business August 26, 2011, replacing Steven L. Swart, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 24th day of February in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Mike Jacoby, from Zanesville, Muskingum County, Ohio, as a Member of the Development Financing Advisory Council for a term beginning February 25, 2011 and ending at the close of business December 31, 2011, replacing Kristi S. Tanner, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 25th day of February in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,  
Governor.



**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Lawrence J. Kidd, from Jackson, Jackson County, Ohio, as a Member of the Rio Grande Community College Board of Trustees for a term beginning February 15, 2011 and ending at the close of business October 10, 2015, replacing Thomas Karr, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 15th day of February in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Bruce A. Langos, from Dayton, Montgomery County, Ohio, as a Member of the Third Frontier Commission for a term beginning January 27, 2011 and ending at the close of business April 1, 2013, replacing William McCreary, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 27th day of January in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Darryl Mehaffie, from Greenville, Darke County, Ohio, as a Member of the Edison State Community College Board of Trustees for a new term beginning February 11, 2011 and ending at the close of business January 17, 2017.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused

the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of February in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, J. Thomas Pascoe, Republican, from Sandusky, Erie County, Ohio, as a Member of the Waterways Safety Council for a term beginning February 9, 2011 and ending at the close of business January 30, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 9th day of February in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Thomas Price, Republican, from Delaware, Delaware County, Ohio, as a Member of the Ohio Expositions Commission for a new term beginning February 24, 2011 and ending at the close of business December 1, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 24th day of February in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Todd A. Snitchler, Republican, from Uniontown, Stark County, Ohio, as a Member of the Public Utilities Commission of Ohio for a term beginning March 1, 2011 and ending at the close of business April 10, 2014, replacing Alan R. Schriber, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 1st day of March in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Doug White, Republican, from Manchester, Adams County, Ohio, as a Member of the Ohio Expositions Commission for a term beginning February 24, 2011 and ending at the close of business December 1, 2016, replacing Lee M. Smith, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 24th day of February in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,  
Governor.

Said appointments were referred to the Committee on Rules.

**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. 2** -Senator Hughes

Cosponsors: Senators Faber, Beagle, Daniels, Gillmor, Hite, Jones, Jordan, Bacon, Oelslager, Patton, Schaffer, Seitz, Stewart, Wagoner, Widener, Wilson, LaRose, Cates, Manning, Obhof Representatives Baker, Buchy, Anielski, Barnes, Dovilla, Driehaus, Gonzales, Grossman, Henne, Kozlowski, Landis, Newbold, Rosenberger, Thompson, Adams, R., Balderson, Blair,

Blessing, Boose, Brenner, Bubp, Butler, Carey, Coley, Combs, Derickson, Duffey, Gardner, Garland, Goodwin, Hackett, Hagan, C., Hall, Hayes, Hottinger, Huffman, Johnson, Lundy, Martin, McClain, McGregor, Mecklenborg, Milkovich, O'Brien, Peterson, Pillich, Roegner, Ruhl, Schuring, Sears, Slaby, Stautberg, Szollosi, Uecker, Wachtmann, Young, Speaker Batchelder

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.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 52, after " requires" insert " specific expenditures or"

In line 71, delete " favorable"

Attest:

Laura P. Clemens,  
Clerk.

Senator Faber moved that Senate Rule No. 44 be suspended and that **Am. Sub. S. B. No. 2** be brought up for a vote on concurrence.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 2**?"

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	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Stewart	Tavares	Turner	Wagoner
Widener	Wilson		Niehaus-31.

Senator Skindell voted in the negative-1.

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

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

The title was agreed to.

**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. 22** -Representative Bubp

Cosponsors: Representatives Letson, Stinziano, Mecklenborg, Huffman, Coley, McKenney, Adams, J., Adams, R., Antonio, Ashford, Baker, Balderson, Barnes, Beck, Blessing, Boose, Brenner, Bubp, Buchy, Burke, Butler, Carey, Carney, Clyde, Combs, Damschroder, Derickson, Dovilla, Driehaus, Duffey, Fende, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Hackett, Hagan, Hall, Hayes, Heard, Henne, Hottinger, Johnson, Landis, Luckie, Mallory, Martin, McClain, McGregor, Milkovich, Murray, O'Brien, Patmon, Peterson, Ramos, Roegner, Rosenberger, Ruhl, Slaby, Slesnick, Sprague, Stebelton, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Young, Speaker Batchelder

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.

Attest:

Laura P. Clemens,  
Clerk.

Said bill was considered the first time.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule 19, the President of the Senate makes the following appointment changes to the following Senate Standing Committee:

- **Removes** Senator Seitz from the Standing Committee on Insurance, Commerce and Labor.
- **Appoints** Senator Hite as a member of the Standing Committee on Insurance, Commerce and Labor.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule 19, the President of the Senate makes the following appointment changes to the following Senate Standing Committee:

- **Removes** Senator Oelslager from the Standing Committee on Rules and Reference.
- **Appoints** Senator Wagoner as a member of the Standing Committee on Rules and Reference.

On the motion of Senator Faber, the Senate adjourned until Thursday, March 3, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.