

OHIO

SENATE

JOURNAL

WEDNESDAY, MARCH 9, 2011

TWENTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 9, 2011, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Leonard Moore, First Christian Church, Salem, 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:

S. C. R. No. 6-Senator Patton.

Designating Primary Immunodeficiency Awareness Month in Ohio, April 2011.

To the Committee on Health, Human Services and Aging.

S. B. No. 108-Senator Jordan, et al.

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.

To the Committee on Agriculture, Environment and Natural Resources.

S. B. No. 109-Senator Schiavoni, et al.

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.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 110-Senator Wilson, et al.

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.

To the Committee on Health, Human Services and Aging.

S. B. No. 111-Senator Oelslager, et al.

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.

To the Committee on Judiciary - Criminal Justice.

YES - 9: KEITH L. FABER, JIMMY STEWART, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, 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 bills and resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Niehaus submitted the following report:

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

Robert Blair, from Fairfield County, Ohio, as Director of Administrative Services for a term beginning January 10, 2011 and continuing at the pleasure of the Governor.

McKinley E. Brown, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Casino Control Commission for a term beginning

February 22, 2011 and ending at the close of business February 21, 2015.

Stephen P. Buehrer, from Fulton County, Ohio, as Administrator of the Bureau of Workers' Compensation for a term beginning January 10, 2011 and continuing at the pleasure of the Governor.

Bonnie Kantor Burman, from Franklin County, Ohio, as Director of the Department of Aging for a term beginning January 19, 2011 and continuing at the pleasure of the Governor.

Thomas P. Charles, from Fairfield County, Ohio, as Director of the Department of Public Safety for a term beginning January 10, 2011 and continuing at the pleasure of the Governor.

Michael B. Colbert, from Green County, Ohio, as Director of the Department of Job and Family Services for a term beginning February 2, 2011 and continuing at the pleasure of the Governor.

Jo Ann Davidson, Republican, from Reynoldsburg, Franklin County, Ohio, as a Member of the Ohio Casino Control Commission for a term beginning February 22, 2011 and ending at the close of business February 21, 2014.

Billie Fiore, from Newark, Licking County, Ohio, as a Member of the Central Ohio Technical College Board of Trustees for a term beginning February 4, 2011 and ending at the close of business September 20, 2013, replacing Edna Branstool, whose term expired.

David Goodman, from Franklin County, Ohio, as Director of the Department of Commerce for a term beginning January 10, 2011 and continuing at the pleasure of the Governor.

Martin R. Hoke, Republican, from Lakewood, Cuyahoga County, Ohio, as a Member of the Ohio Casino Control Commission for a term beginning February 22, 2011 and ending at the close of business February 21, 2013.

Timothy S. Keen, from Franklin County, Ohio, as Director of the Office of Budget and Management for a term beginning January 10, 2011 and continuing at the pleasure of the Governor.

Stephen E. Lehecka, from Westfield Center, Medina County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning February 18, 2011 and ending at the close of business June 11, 2013, replacing Charles A. Bryan, whose term expired.

Randall J. Meyer, from Clinton County, Ohio, as the Inspector General for a term beginning January 10, 2011 and continuing at the pleasure of the Governor.

Gary C. Mohr, from Ross County, Ohio, as Director of the Department of Rehabilitation and Correction for a term beginning January 10, 2011 and continuing at the pleasure of the Governor.

Mark J. Palmer, from Bexley, Franklin County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning

February 18, 2011 and ending at the close of business June 11, 2013, replacing Allison L. Falls, whose term expired.

Peter R. Silverman, Democrat, from Toledo, Lucas County, Ohio, as a Member of the Ohio Casino Control Commission for a term beginning February 22, 2011 and ending at the close of business February 21, 2013.

John S. Steinhauer, Republican, from Akron, Summit County, as a Member of the Ohio Casino Control Commission for a term beginning February 22, 2011 and ending at the close of business February 21, 2015.

Dewey R. Stokes, from Columbus, Franklin County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning February 18, 2011 and ending at the close of business June 11, 2013, replacing James W. Harris, whose term expired.

June Elizabeth Taylor, Democrat, from Beachwood, Cuyahoga County, Ohio, as a Member of the Ohio Casino Control Commission for a term beginning February 22, 2011 and ending at the close of business February 21, 2015.

Mary Taylor, from Summit County, Ohio, as Superintendent of the Department of Insurance for a term beginning January 10, 2011 and continuing at the pleasure of the Governor.

Jerry Wray, from Licking County, Ohio, as Director of the Department of Transportation for a term beginning January 10, 2011 and continuing at the pleasure of the Governor.

Theodore E. Wymyslo, from Miami County, Ohio, as Director of the Department of Health for a term beginning February 14, 2011 and continuing at the pleasure of the Governor.

Nicholas W. Zuk, from Westerville, Franklin County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning February 18, 2011 and ending at the close of business June 11, 2013, replacing William Lhota, whose term expired.

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

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

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 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 appointments.

Senator Niehaus submitted the following report:

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

Ranjan Manoranjan, Independent, from Upper Arlington, Franklin County, Ohio, as a Member of the Ohio Casino Control Commission for a term beginning February 22, 2011 and ending at the close of business February 21, 2014.

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

YES - 5: MARK D. WAGONER, CHRIS WIDENER, SHANNON JONES, JIMMY STEWART, KEITH L. FABER.

NO - 4: CAPRI S. CAFARO, SHIRLEY A. SMITH, EDNA BROWN, JASON H. WILSON.

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.

BILLS FOR THIRD CONSIDERATION

H. B. No. 29-Representative Mecklenborg.

Cosponsors: Representatives Combs, Blessing, Gardner, Huffman, Dovilla, Grossman, Young, Buchy, Hite, Adams, J., Stinziano, Gerberry, Patmon, Amstutz, Beck, Bulp, Carey, Derickson, Driehaus, Maag, Mallory, Milkovich, Slaby, Stautberg, Thompson, Uecker. Senators Seitz, Wagoner, Kearney.

To amend section 1901.07 of the Revised Code to increase the number of signatures required on, and to revise the process for filing, a nominating petition for election as a judge of the Hamilton County Municipal Court 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?"

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 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?"

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

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Jones, Hughes, Patton, Bacon, Hite, Widener, Obhof, Oelslager, Daniels, Lehner, Niehaus."

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

The motion was agreed to and the title so amended.

S. B. No. 73-Senator Manning.

Cosponsors: Senators Turner, Skindell, Tavares.

To amend section 4301.20 of the Revised Code to allow manufacturers of nonbeverage food products to purchase at wholesale beer and intoxicating liquor from A and B liquor permit holders, was considered the third time.

The question being, "Shall the bill, **S. B. No. 73**, 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 Manning moved to amend the title as follows:

Add the names: "Bacon, Beagle, Daniels, Gillmor, Hughes, Jones, Lehner, Niehaus, Oelslager, Sawyer, Schaffer, Schiavoni, Stewart, Wagoner, Wilson, Faber, LaRose, Patton, Widener, Hite, Obhof, Seitz, Cates."

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

The motion was agreed to and the title so amended.

S. B. No. 22-Senator Schaffer.

Cosponsors: Senators Sawyer, Seitz, Patton, Beagle, Gillmor, Stewart, Hite,

Wilson, Brown, Schiavoni.

To enact section 6111.60 of the Revised Code to require the Director of Environmental Protection to consider, to the extent allowable under the Federal Water Pollution Control Act, specified factors before issuing NPDES permits for sewerage systems, requiring and approving long-term control plans for wet weather discharges from sewerage systems, and enforcing provisions of that Act as applied to sewerage systems, was considered the third time.

The question being, "Shall the bill, **S. B. No. 22**, 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: "Daniels, Faber, Jones, LaRose, Jordan, Manning, Wagoner, Obhof, Turner, Tavares, Oelslager, Widener, Smith, Lehner."

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

The motion was agreed to and the title so amended.

S. B. No. 9-Senator Manning.

Cosponsors: Senators Bacon, Beagle, Cates, Grendell, Jones, Jordan, Patton, Schaffer, Seitz, Wagoner.

To amend sections 3306.01, 3321.01, and 3321.05 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 the requirement that school districts offer all-day kindergarten and to allow public schools to continue charging tuition for all-day kindergarten, was considered the third time.

The question being, "Shall the bill, **S. B. No. 9**, pass?"

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 bill passed.

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

Senator Manning moved to amend the title as follows:

Add the names: "Lehner, Widener, Hite, Daniels."

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, March 6, 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. 112-Senator Skindell.

Cosponsor: Senator Turner.

To amend section 109.02 and to enact sections 3922.01 to 3922.15, 3922.21 to 3922.28, 3922.31, 3922.32, and 3922.33 of the Revised Code to establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

S. B. No. 113-Senator Skindell.

Cosponsors: Senators Cafaro, Tavares, Turner.

To amend section 5747.98 and to enact section 5747.71 of the Revised Code to grant a state earned income tax credit equal to a percentage of the federal earned income tax credit.

S. B. No. 114-Senator Seitz.

Cosponsor: Senator Kearney.

To amend sections 4501.01, 4501.13, 4503.04, 4503.21, 4503.22, 4503.544, 4507.05, 4507.11, 4511.01, 4511.53, 4513.241, 4517.33, 4519.01, 4519.02, and 4775.09 and to enact sections 4511.214 and 4511.215 of the Revised Code to establish conditions for the operation of certain specialized motor vehicles, including low-speed and under-speed vehicles, scooters, cab-enclosed motorcycles, and mini-trucks; to establish conditions for operation of a motorcycle with a temporary instruction permit; to prohibit a motor vehicle manufacturer, remanufacturer, or distributor from providing to a licensed motor vehicle dealer a motor vehicle that violates window tinting standards; to increase the penalty for installing nonconforming glass or other material; to establish civil liability for installing nonconforming glass or other material, including costs and attorney fees; and to impose a registration or license suspension up to 180 days on a registered motor vehicle collision repair facility or licensed motor vehicle dealer upon a second or subsequent violation for installing nonconforming glass or other material.

S. B. No. 115-Senator Kearney.

To amend section 5747.01 of the Revised Code to exempt from income taxation any gains from the sale of Ohio property used in a trade or business and held for at least two years.

On the motion of Senator Faber, the Senate adjourned until Thursday, March 10, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.