

**OHIO**

**SENATE**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, MARCH 14, 2012**

ONE HUNDRED FIFTY-FIFTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, March 14, 2012, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Thomas Wise, Valleyview Church, Dayton, 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 resolutions, standing in order for second consideration, be referred to committee as recommended:

**Sub. H. B. No. 108**-Representatives Gerberry, Hagan, R., et al.

To amend sections 959.131, 959.132, and 959.99 of the Revised Code to specifically prohibit an owner, manager, or employee of a kennel of dogs from committing cruel treatment of a companion animal, to give a prosecutor who prosecutes an owner, manager, or employee of a kennel of dogs who commits cruel treatment of a companion animal discretion in prosecuting the owner, manager, or employee for the offense, and to remove certain language regarding the negligent treatment of companion animals.

To the Committee on Agriculture, Environment and Natural Resources.

**H. B. No. 331**-Representatives Dovilla, Bulp, et al.

To enact section 121.92 of the Revised Code to create the Cybersecurity, Education, and Economic Development Council.

To the Committee on Ways and Means and Economic Development.

**Sub. H. B. No. 383**-Representative Slaby, et al.

To amend section 1345.01 and to enact sections 4722.01 to 4722.06 of the Revised Code to make changes relative to residential construction and the Consumer Sales Practices Act and to establish laws governing the practices of home construction service suppliers.

To the Committee on Insurance, Commerce and Labor.

**Sub. H. B. No. 386**-Representative Blessing, et al.

To amend sections 122.014, 173.121, 2505.09, 2505.12, 2915.01, 2915.02, 2915.06, 2915.08, 2915.09, 2915.091, 2915.092, 2915.093, 2915.094, 2915.10, 2915.101, 2915.12, 2923.31, 2933.51, 3301.0714, 3769.08, 3769.087, 3769.089, 3769.201, 3769.21, 3770.02, 3770.05, 3770.07, 3770.071, 3770.21, 3772.01, 3772.03, 3772.04, 3772.091, 3772.10, 3772.13, 3772.16, 3772.17, 3772.28, 3772.99, 4301.03, 4303.17, 5753.01, and 5753.03, to enact sections 121.421, 2505.122, 2915.18, and 3770.22, and to repeal section 3772.14 of the Revised Code and to amend Section 261.20.90 of Am. Sub. H.B. 153 of the 129th General Assembly, to amend Section 3 of Sub. H.B. 277 of the 129th General Assembly, and to repeal Section 4 of Sub. H.B. 277 of the 129th General Assembly to make changes to the law regarding video lottery terminals, casino gaming, bingo and instant bingo, and horse racing, to require thoroughbred and standardbred racing permit holders to pay a local tax, to create charity card rooms, to make appropriations, and to declare an emergency.

To the Committee on Government Oversight and Reform.

**Am. H. B. No. 415**-Representatives Sprague, Hill, et al.

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.

To the Committee on Finance.

**Sub. H. B. No. 438**-Representative Sears, 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.

**Sub. H. B. No. 341**-Representative Henne, et al.

To amend sections 3903.81, 3921.10, 3921.13, 3921.19, 3921.22, 3921.28,

3921.29, 3921.30, 3921.31, and 3921.33, to enact new section 3921.35 and sections 3921.101 and 3921.191 and to repeal section 3921.35 of the Revised Code to make changes to the law regulating fraternal benefit societies.

To the Committee on Insurance, Commerce and Labor.

**S. R. No. 198**-Senators Widener, Beagle, et al.

To designate the month of March 2012 as "Skilled Workforce Recognition Month" in Ohio.

To the Committee on Insurance, Commerce and Labor.

**S. C. R. No. 27**-Senator Gentile, et al.

To declare the state of Ohio's support of its steelworkers in urging the President and the Congress of the United States to ensure that the Pension Benefit Guarantee Corporation is fully funded and properly administered to pay pension benefits to retired steelworkers and their spouses.

To the Committee on Insurance, Commerce and Labor.

**S. J. R. No. 4**-Senators Sawyer, LaRose.

Proposing to amend Sections 1, 2, 3, 5, 6, 7, 10, 11, 12, 13, and 15 of Article XI, to amend, for the purpose of adopting new Section numbers as indicated in parentheses, Sections 5 (4), 6 (5), 7 (6), 10 (7), 11 (8), 12 (9), 13 (10), and 15 (11) of Article XI, and to repeal Sections 4, 8, 9, and 14 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly and Congressional districts.

To the Committee on Government Oversight and Reform.

**S. B. No. 301**-Senators Burke, Cafaro, et al.

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.

To the Committee on Health, Human Services and Aging.

**S. B. No. 302**-Senator Manning, et al.

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.

To the Committee on Agriculture, Environment and Natural Resources.

**S. B. No. 303**-Senator Oelslager, et al.

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."

To the Committee on Highways and Transportation.

**S. B. No. 304**-Senator Balderson, et al.

To enact section 5.2273 of the Revised Code to designate the month of May as "Better Hearing and Speech Month."

To the Committee on Health, Human Services and Aging.

**S. B. No. 305**-Senator Hughes, et al.

To enact section 2923.241 of the Revised Code to prohibit designing, building, constructing, fabricating, modifying, or altering a vehicle to create or add a hidden compartment, knowing or having reasonable cause to believe the vehicle will be used to facilitate a crime, and to prohibit operating, possessing, or using a vehicle with a hidden compartment, knowing or having reasonable cause to believe that the vehicle has been or will be used to facilitate a crime.

To the Committee on Judiciary.

**S. B. No. 306**-Senator LaRose.

To amend section 4511.101 of the Revised Code to require the Director of Transportation to establish the business logo sign program and its fees by rule.

To the Committee on Highways and Transportation.

**S. B. No. 307**-Senator Turner, et al.

To amend section 4731.22 and to enact section 4731.45 of the Revised Code to require physicians to take certain actions before and after issuing prescriptions for drugs intended to treat symptoms of erectile dysfunction.

To the Committee on Health, Human Services and Aging.

**S. B. No. 308**-Senator Schaffer, et al.

To amend section 3904.13 of the Revised Code to require insurance providers to disclose to a funeral home personal information of an insured person who is deceased.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 309**-Senator Hite, et al.

To amend section 924.01 and to enact sections 924.40 to 924.45 of the Revised Code to establish procedures and requirements for the establishment of marketing agreements for agricultural commodities.

To the Committee on Agriculture, Environment and Natural Resources.

**S. B. No. 310**-Senator Balderson, et al.

To amend section 1533.71, to enact sections 935.01 to 935.26 and 935.99, and to repeal section 2927.21 of the Revised Code to establish requirements governing the possession of dangerous wild animals and restricted snakes.

To the Committee on Agriculture, Environment and Natural Resources.

**S. B. No. 311**-Senator Gentile, et al.

To enact section 5533.688 of the Revised Code to designate a portion of State Route 800 in Harrison County as the "Trooper George Conn Memorial Highway."

To the Committee on Highways and Transportation.

**S. B. No. 312-Senator Widener.**

To amend section 5120.092 of the Revised Code to modify the Adult and Juvenile Correctional Facilities Bond Retirement Fund and to make capital reappropriations for the biennium ending June 30, 2014.

To the Committee on Finance.

YES - 11: THOMAS E. NIEHAUS, KEITH L. FABER, TOM PATTON, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, 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 and resolutions were considered a second time and referred to committee as recommended.

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

Co-Sponsors: Hughes, Bacon.

YES - 12: CLIFF HITE, TIMOTHY O. SCHAFFER, SHANNON JONES, JIM HUGHES, BILL BEAGLE, KEVIN BACON, KEITH L. FABER, EDNA BROWN, JOSEPH SCHIAVONI, CAPRI S. CAFARO, NINA TURNER, KRIS JORDAN.

NO - 0.

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

Senator Wagoner submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 109**-Senator Schiavoni, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: KEITH L. FABER, MARK D. WAGONER, SCOTT OELSLAGER, FRANK LAROSE, JOHN EKLUND, MICHAEL J. SKINDELL, SHIRLEY A. SMITH, NINA TURNER, BILL SEITZ.

NO - 0.

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:

**Denis E. George**, from Loveland, Clermont County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning October 26, 2011 and ending at the close of business June 30, 2013, replacing Thomas Jackson, who resigned.

**Kenneth A. Kempton**, from Mount Vernon, Knox County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning October 26, 2011 and ending at the close of business June 30, 2012, replacing Gwen L. Robinson, who resigned.

**Jock J. Pitts**, from Oxford, Butler County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning October 26, 2011 and ending at the close of business June 30, 2012, replacing Kristin J. Peterson, who resigned.

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

YES - 11: THOMAS E. NIEHAUS, TOM PATTON, SHANNON JONES, CHRIS WIDENER, EDNA BROWN, MARK D. WAGONER, NINA TURNER, ERIC H. KEARNEY,



JOSEPH SCHIAVONI, KEITH L. FABER, SCOTT OELSLAGER.

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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

So the Senate advised and consented to said appointments.

**BILLS FOR THIRD CONSIDERATION**

**Am. H. B. No. 389**-Representatives Hall, Okey.

Cosponsors: Representatives Letson, Grossman, Boose, Conditt, Thompson, Buchy, Combs, Murray, O'Brien, Peterson, Hagan, C., McClain, Amstutz, Slaby, Landis, Adams, R., Barnes, Blessing, Bulp, Carney, Clyde, Derickson, Fedor, Fende, Gardner, Garland, Gerberry, Goyal, Hackett, Henne, Hill, Johnson, Kozlowski, Luckie, Lundy, Mallory, Milkovich, Newbold, Phillips, Pillich, Ramos, Roegner, Ruhl, Sears, Sprague, Szollosi, Uecker, Weddington, Young, Yuko, Speaker Batchelder. Senators Hite, Schaffer.

To amend sections 901.511, 918.12, 943.01, 1531.01, 1533.01, 1533.71, 1533.721, 1533.731, 1533.74, 1533.76, 1533.77, 1533.79, and 1533.99, to enact sections 943.20 to 943.26, and to repeal sections 1533.70, 1533.75, and 1533.80 of the Revised Code to establish requirements and procedures governing propagating and hunting captive deer and to revise the law governing wild animal hunting preserves, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 389**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes

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

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: "Balderson, Beagle, Burke, Cafaro, Coley, Faber, Gentile, LaRose, Niehaus, Patton, Seitz, Wagoner."

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

The motion was agreed to and the title so amended.

**Am. S. B. No. 134**-Senators Wagoner, LaRose, Brown, Tavares, Turner.

To enact section 5.2267 of the Revised Code to designate March 30 as "Vietnam Veterans' Day," and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 2, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

So the section, Section 2, 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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
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Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

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: "Bacon, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Widener."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 193**-Senator Seitz.

Cosponsors: Senators Patton, Hughes, Bacon.

To amend sections 4737.04 and 4737.99 and to enact section 4737.012 of the Revised Code to require scrap metal dealers to take and keep as part of the sales record a photograph of each person selling or giving an article to the dealer and to shorten the hold period for records, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 193**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

So the bill passed.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Hite, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Sawyer, Schiavoni, 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, March 11, 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.

On the motion of Senator Faber, the Senate adjourned until Thursday, March 15, 2012 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.