

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MARCH 16, 2011

TWENTY-NINTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, March 16, 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 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:

**Sub. H. B. No. 114**-Representative McGregor, et al.

To amend sections 122.075, 125.11, 127.12, 164.04, 164.08, 4163.07, 4301.62, 4501.02, 4501.06, 4501.21, 4501.81, 4503.03, 4503.031, 4503.04, 4503.521, 4503.62, 4503.94, 4505.06, 4505.09, 4506.08, 4507.05, 4507.23, 4510.43, 4511.108, 4511.53, 4511.69, 4513.24, 4517.01, 4517.02, 4517.33, 4582.12, 4582.31, 4905.802, 5501.51, 5501.55, 5502.011, 5525.15, 5577.042, and 5751.01, to amend, for the purpose of adopting a new section number as shown in parentheses, section 4905.802 (4905.801), to enact sections 4503.037, 4517.16, 4517.17, 4517.171, 4517.18, and 4749.031, to repeal sections 4501.14 and 4905.801 of the Revised Code, and to amend Section 512.90 of Am. Sub. H.B. 1 of the 128th General Assembly, to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2011 and ending June 30, 2013, and to provide authorization and conditions for the operation of those programs.

To the Committee on Highways and Transportation.

**S. B. No. 118**-Senator Cates, et al.

To amend sections 3301.922, 3302.032, 3313.674, 3314.03, and 3326.11 and to enact sections 3314.15 and 3326.26 of the Revised Code to make schools' implementation of body mass index screenings optional.

To the Committee on Education.

**S. B. No. 119**-Senator Kearney, et al.

To create the Commission to Study the Sale of the State Lottery.

To the Committee on Finance.

**S. B. No. 120**-Senator Beagle, et al.

To amend section 309.09 of the Revised Code to make clear that the prosecuting attorney of a county is the legal adviser of all tax-supported public libraries.

To the Committee on State and Local Government and Veterans Affairs.

YES - 7: KEITH L. FABER, SHANNON JONES, MARK D. WAGONER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH, JIMMY STEWART.

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 Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Sub. H. B. No. 122**-Representative Hottinger, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 301, delete " may"

In line 302, delete " enter into a multi-state agreement or compact" and insert " shall conduct a fiscal analysis of the impact of entering into a multi-state agreement or compact"

In line 305, after the underlined period delete the balance of the line

Delete lines 306 through 308

In line 309, delete everything before the underlined period and insert "If the fiscal analysis indicates that entering into a multi-state agreement or compact is advantageous to this state, the superintendent may enter into the surplus lines insurance multi-state compliance compact adopted by the national conference of insurance legislators and known as "SLIMPACT," as amended on December 21, 2010, and including any subsequent amendment; or, if it is in this state's financial best interest, the superintendent shall request that the general assembly authorize the superintendent to enter into a different multi-state agreement or compact"

In line 394, delete " a multi-state agreement or" and insert " the"

In line 429, delete " a"

In line 430, delete " multi-state agreement or" and insert " the"

In line 457, delete " a multi-state agreement or" and insert " the"

YES - 12: BILL BEAGLE, JIM HUGHES, KEITH L. FABER,  
TIMOTHY O. SCHAFFER, SHANNON JONES, CLIFF  
HITE, KRIS JORDAN, JOSEPH SCHIAVONI, THOMAS  
SAWYER, EDNA BROWN, ERIC H. KEARNEY,  
KEVIN BACON.

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 and Reference to which was referred the appointment by the Governor of:

**James M. Petro**, from Franklin County, Ohio, as Chancellor of the Ohio Board of Regents for a term pursuant to Ohio Revised Code Section 3333.03, replacing Eric D. Fingerhut, who resigned effective March 13, 2011.

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

YES - 7: KEITH L. FABER, SHANNON JONES, MARK D.  
WAGONER, JASON H. WILSON, EDNA BROWN,  
SHIRLEY A. SMITH, JIMMY STEWART.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment 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	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Stewart	Tavares	Turner
Wagoner	Widener	Wilson	Niehaus-32.

So the Senate advised and consented to said appointment.

### BILLS FOR THIRD CONSIDERATION

**Am. Sub. H. B. No. 122**-Representative Hottinger.

Cosponsors: Representatives Antonio, Baker, Beck, Brenner, Bubp, Carey, Carney, Coley, Combs, Derickson, Fende, Garland, Goyal, Hackett, Hagan, C., Hall, Heard, Letson, Luckie, Mallory, McClain, Mecklenborg, Milkovich, Newbold, Rosenberger, Sears, Stinziano, Young, Speaker Batchelder.

To amend sections 3901.17, 3905.30, 3905.31, 3905.33, 3905.34, 3905.36, 3905.37, and 3905.38 and to enact section 3905.331 of the Revised Code to exempt state surplus lines insurance from regulation in Ohio when Ohio is not the home state of the insured and to make other changes to the law regulating surplus lines insurance, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 122**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Stewart	Tavares	Turner
Wagoner	Widener	Wilson	Niehaus-32.

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Bacon, Daniels, Faber, Hite, Hughes, Jones, Lehner, Obhof, Sawyer, Schaffer, Tavares, Wagoner, Wilson."

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

The motion was agreed to and the title so amended.

**S. B. No. 71**-Senator Manning.

Cosponsors: Senators Schaffer, Wagoner, Widener.

To amend section 5709.081 of the Revised Code to authorize property tax exemption for municipally owned facilities housing independent professional minor league baseball teams, was considered the third time.

The question being, "Shall the bill, **S. B. No. 71**, pass?"

Senator Skindell moved to amend as follows:

In line 41, strike through "(G)" and insert "(H)"

In line 47, strike through "(G)" and insert "(H)"

Between lines 131 and 132, insert:

" Not later than forty-five business days before filing an application for the exemption authorized in this division, the legislative authority of the municipal corporation shall deliver a notice of its intent to apply for the exemption to the board of education of each city, local, or exempted village school district in which the public recreational facility is located. The notice shall describe the real property constituting the public recreational facility and provide an estimate of the true value in money of the real property. The board of education, by resolution adopted by a majority of the board, may approve the exemption, disapprove the exemption, or approve the exemption on the condition that the board negotiate an agreement pursuant to division (G) of this section providing for compensation to the school district in lieu of the taxes that otherwise would be charged against the exempted real property. The board of education shall certify its resolution to the legislative authority within thirty business days after receiving the notice. Failure to certify a resolution within that time constitutes a board's approval of the exemption. No real property shall qualify for exemption under division (F) of this section unless the board of education of each city, local, or exempted village school district within the territory of the public recreational facility approves the exemption."

In line 168, after "2009" insert "or 2010"

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

Senator Faber 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 23, nays 9, 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	Sawyer	Schiavoni
Skindell	Smith	Tavares	Turner
			Wilson-9.

The amendment was laid on the table.

The question recurred, "Shall the bill, **S. B. No. 71**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 3, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cates
Daniels	Faber	Gillmor	Grendell
Hite	Hughes	Jones	Jordan
LaRose	Lehner	Manning	Obhof
Oelslager	Patton	Sawyer	Schaffer
Schiavoni	Seitz	Smith	Stewart
Turner	Wagoner	Widener	Wilson
			Niehaus-29.

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

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, Hite, Hughes, LaRose, Obhof, Patton."

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 13, 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. 121**-Senator Patton.

Cosponsors: Senators Oelslager, Lehner, Gillmor.

To enact sections 3959.18, 3964.01 to 3964.09, and 5111.0212 of the Revised Code to establish standards for physician designations by health care insurers.

**S. B. No. 122**-Senator Oelslager.

Cosponsors: Senators Wagoner, Seitz, Tavares.

To amend sections 2151.312, 2151.354, and 2152.26, to enact new sections 2151.56, 2151.57, 2151.58, and 2151.59 and to repeal sections 2151.56, 2151.57, 2151.58, 2151.59, 2151.60, and 2151.61 of the Revised Code to ratify, enact into law, and enter into as a party the Interstate Compact for Juveniles; to provide for certain entities and officials and assign certain responsibilities that relate to that Compact; to repeal the current Interstate Compact on Juveniles, and to declare an emergency.

### OFFERING OF RESOLUTIONS

Senator Niehaus offered the following resolution:

**S. R. No. 45**-Senator Niehaus.

Permitting the use of the Ohio Senate Chambers by The Ohio Junior State of America and The Junior Statesmen Foundation on April 29, 2011, from 9:00 a.m. - 5:30 p.m. and May 1, 2011, from 9:00 a.m. - 3:00 p.m.

WHEREAS, The members of the Senate of the 129th General Assembly of Ohio are pleased to learn that The Ohio Junior State of America and The Junior Statesmen Foundation have requested permission to use the Ohio Senate Chambers and committee rooms during their 2011 Spring State Convention, April 29 and May 1; and

WHEREAS, Beneficial educational organizations, The Ohio Junior State of America and The Junior Statesmen Foundation provide students with the



opportunity to better appreciate and understand government and its components. The knowledge gained through this event will certainly be of value to participants in the years to come; and

WHEREAS, Utilizing the facilities that accommodate those involved in the state legislative process, The Ohio Junior State of America and The Junior Statesmen Foundation will effectively offer students an accurate depiction of state government and the manner in which legislation is processed; and

WHEREAS, Through participation in The Ohio Junior State of America's and The Junior Statesmen Foundation's annual Ohio Spring State Convention, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 129th General Assembly of Ohio, in adopting this Resolution, grant The Ohio Junior State of America and The Junior Statesmen Foundation permission to use the Ohio Senate Chambers and committee rooms for their 2011 Spring State Convention, contingent upon the availability of those facilities, and salute the participants as some of Ohio's finest young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to The Ohio Junior State of America and The Junior Statesmen Foundation.

The question being, "Shall the resolution, **S. R. No. 45**, be adopted?"

The yeas and nays were taken and resulted - yeas 32, 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	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Stewart	Tavares	Turner
Wagoner	Widener	Wilson	Niehaus-32.

So the resolution was adopted.

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

Senator Faber moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Cafaro, Cates, Daniels, Faber, Gillmor, Grendell, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning,

Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Stewart, Tavares, Turner, Wagoner, Widener, Wilson."

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

The motion was agreed to and the title so amended.

**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:

**H. B. No. 63** -Representatives Young, Slaby

Cosponsors: Representatives Adams, J., Thompson, Huffman, Hayes, Roegner, Henne, Brenner, Maag, Boose, Blessing, Wachtmann, Ruhl, Gardner, Grossman, Hackett, Martin, Kozlowski, Dovilla, Stebelton, Newbold, Derickson, Stautberg, Hottinger, Hall, Goodwin, Blair, Combs, McKenney, Bubp, Uecker, Burke, Balderson, Amstutz, Buchy, Beck, Adams, R., McClain, Rosenberger, Johnson, Mecklenborg, Schuring, Sears, Butler, Carey, Coley, Gonzales, Young, Speaker Batchelder

To amend section 2919.121 of the Revised Code to revise the procedures governing a hearing by which a court may permit a pregnant minor to consent to an abortion or by which a court may give judicial consent for a pregnant minor to have an abortion and to require a court to make its findings with respect to such a hearing by clear and convincing evidence.

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 concurred in the adoption of the following concurrent resolution:

**S. C. R. No. 2** -Senator Widener

Cosponsors: Senators Bacon, Beagle, Brown, Cafaro, Daniels, Faber, Grendell, Hughes, Lehner, Jones, LaRose, Manning, Niehaus, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Stewart, Tavares, Turner, Wagoner, Wilson, Hite, Jordan, Kearney, Obhof, Oelslager Representatives Martin, Pillich, Rosenberger, Landis, Butler, Hagan, C., Bubp, Young, Milkovich, Johnson, Adams, J., Adams, R., Amstutz, Anielski, Antonio,

Ashford, Baker, Balderson, Barnes, Beck, Blair, Blessing, Boose, Brenner, Buchy, Budish, Burke, Carey, Carney, Celeste, Clyde, Coley, Combs, Damschroder, DeGeeter, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, R., Hall, Hayes, Heard, Henne, Hottinger, Huffman, Kozlowski, Letson, Luckie, Lundy, Maag, Mallory, McClain, McGregor, McKenney, Mecklenborg, Murray, Newbold, O'Brien, Patmon, Peterson, Phillips, Ramos, Reece, Roegner, Ruhl, Schuring, Sears, Slaby, Slesnick, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Winburn, Yuko, Speaker Batchelder

To urge the President of the United States and the Administrator of the National Aeronautics and Space Administration to select the National Museum of the United States Air Force at Wright-Patterson Air Force Base near Dayton, Ohio, for public display of a space shuttle orbiter.

Attest:

Laura P. Clemens,  
Clerk.

On the motion of Senator Faber, the Senate adjourned until Thursday, March 17, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.