

OHIO

SENATE

JOURNAL

WEDNESDAY, MARCH 28, 2012

ONE HUNDRED SIXTY-SECOND DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 28, 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.

On the motion of Senator Faber, the Senate recessed until 2:10 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 resolutions, standing in order for second consideration, be referred to committee as recommended:

S. R. No. 219-Senator Turner, et al.

To honor the 511 African-American Ohioans who enlisted in the 54th and 55th Regiments of the Massachusetts Volunteer Infantry during the Civil War.

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

S. C. R. No. 29-Senators Jordan, Obhof.

To urge the Congress of the United States to maintain operation of the 179th Airlift Wing at Mansfield-Lahm Regional Airport in Mansfield, Ohio.

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

YES - 9: THOMAS E. NIEHAUS, KEITH L. FABER, TOM PATTON, SHANNON JONES, 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 resolutions were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **S. B. No. 295**-Senator Coley, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: BILL COLEY, KEITH L. FABER, CLIFF HITE, GAYLE MANNING, LARRY OBHOF, CHRIS WIDENER.

NO - 3: SHIRLEY A. SMITH, LOU GENTILE, MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

Senator Widener submitted the following report:

The standing committee on Finance, to which was referred **H. B. No. 482**-Representative Amstutz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 13: CHRIS WIDENER, SCOTT OELSLAGER, MICHAEL J. SKINDELL, CHARLETA B. TAVARES, KEVIN BACON, TOM PATTON, KEITH L. FABER, JIM HUGHES, BILL COLEY, SHIRLEY A. SMITH, SHANNON JONES, THOMAS SAWYER, PEGGY B. LEHNER.

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:

James Brady, Independent, from Shaker Heights, Cuyahoga County, Ohio, as

a Member of the State Lottery Commission for a term beginning October 18, 2011, and ending at the close of business August 1, 2014, replacing Ernski M. Cade, whose term expired.

Jennifer Lee Brunner, from Franklin County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a term beginning September 26, 2011 and ending at the close of business December 31, 2013, replacing Adam Brandt, whose term expired.

Alexander. S. Butler, from Strongsville, Cuyahoga County, Ohio, as a Member of the Cleveland State University Board of Trustees for a term beginning October 12, 2011 and ending at the close of business May 1, 2013, replacing Janet Pitchford, whose term expired.

Richard Chernesky, from Waynesville, Warren County, Ohio, as a Member of the Sinclair Community College Board of Trustees for a term beginning August 31, 2011 and ending at the close of business July 9, 2015.

G. Scott Drew, DO, from Marion, Marion County, Ohio, as a Member of the Marion Technical College Board of Trustees for term beginning August 1, 2014, replacing Mitchell Libster, whose term expired.

Chelsea Michelle Knowles, from Hudson, Summit County, Ohio, as a Member of the Kent State University Board of Trustees for a term beginning September 20, 2011 and ending at the close of business May 16, 2013, replacing Gina Spencer, whose term expired.

Gary Douglas Paine, from New Albany, Franklin County, Ohio, as a Member of the Shawnee State University Board of Trustees for a term beginning November 4, 2011 and ending at the close of business June 30, 2019, replacing James Warren, whose term expired.

Juan Jose Perez, from Columbus, Franklin County, Ohio, as a Member of the University of Toledo Board of Trustees for a term beginning October 21, 2011 and ending at the close of business July 1, 2020, replacing C. William Fall, whose term expired.

Anne Reagan, from Beavercreek, Greene County, Ohio, as a Member of the Wright State University Board of Trustees for a term beginning September 30, 2011 and ending at the close of business June 30, 2013, replacing Timothy McEwen, whose term expired.

Christopher Aaron Shaw, from Rushville, Fairfield County, Ohio, as a Member of the Shawnee State University Board of Trustees for a term beginning October 11, 2011 and ending at the close of business June 30, 2013, replacing Mallory B. Saltsman, whose term expired.

Leland C. Wyse, from Newcomerstown, Coshocton County, Ohio, as a Member of the Central Ohio Technical College Board of Trustees for a new term beginning October 1, 2011 and ending at the close of business September 30, 2014.

Having had the same under consideration, reports back the

recommendation that the Senate advise and consent to said appointments.

YES - 9: THOMAS E. NIEHAUS, KEITH L. FABER, TOM PATTON, SHANNON JONES, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, 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 33, 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	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the Senate advised and consented to said appointments.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 243-Senator Hughes.

Cosponsors: Senators Wagoner, Patton, Turner, Bacon, Balderson, Beagle, Coley, Daniels, LaRose, Lehner, Niehaus, Schaffer, Seitz, Tavares. Representatives Hagan, R., Kozlowski, Uecker, Combs, Damschroder, Johnson, O'Brien, Anielski, Antonio, Beck, Blessing, Bulp, Buchy, Butler, Carney, Celebrezze, Derickson, Dovilla, Duffey, Fende, Gardner, Garland, Gonzales, Goyal, Heard, Hill, Letson, Mallory, Matheney, McClain, Roegner, Rose, Rosenberger, Ruhl, Sears, Slaby, Sprague, Stinziano, Szollosi, Wachtmann, Young, Yuko, Speaker Batchelder.

To amend sections 121.40, 3701.04, 4765.06, 4765.43, 5502.21, 5502.29, and 5502.41, to enact sections 3345.042 and 5502.281, and to repeal section 121.404 of the Revised Code to modify the laws governing the Intrastate Mutual Aid Compact, the volunteer database of the Department of Health and the Emergency Management Agency, to address the transmittal of certain data to the National Emergency Medical Services Information System and to revise ambulance staffing requirements, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 243**?"

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	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

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

REPORTS OF CONFERENCE COMMITTEES

Senator Obhof submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. S.B. 165, Obhof and Grendell - 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 7, delete "and"

In line 8, after "3313.603" insert ", 3313.61, and 3313.612"

In line 31, delete " division" and insert " divisions (B) and"

In line 33, after the underlined period insert " The state board shall make available a list of suggested grade-appropriate supplemental readings that place the documents prescribed by this division in their historical context, which teachers may use as a resource to assist students in reading the documents within that context."

In line 175, after the third comma insert " American"; delete " and"

In line 176, delete " government"; strike through "social studies" and insert " American government"

In line 189, delete " an"

In line 190, delete " examination" and insert " examinations"; delete "

complies" and insert " comply"

In line 192, after " and" insert " American"

In line 196, delete " examination" and insert " examinations"

In line 197, delete " an"; delete " examination" and insert " examinations"; after " in" insert " American"; after " and" insert " American"

In line 200, delete " examination" and insert " examinations"; after " in" insert " American"

In line 201, after " and" insert " American"; delete everything after the underlined period

Delete line 202

In line 203, delete " Demonstration" and insert " The end-of-course examinations in American history and American government shall require demonstration"

In line 207, delete the underlined semicolon and insert an underlined period

In line 208, delete " That at" and insert " At"; delete " twenty-five" and insert " twenty"; delete " assessment"

In line 209, delete " addresses" and insert " end-of-course examination in American government shall address"

In line 232, strike through "a social studies" and insert " an American history"; after "examination" insert " and an American government end-of-course examination"

Between lines 715 and 716, insert:

"**Sec. 3313.61.** (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early;

(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to the date prescribed by rule of the state board of education under division (D)(2) of section 3301.0712 of the Revised Code, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after the date prescribed by rule of the state board under division (D)(2) of section 3301.0712 of the Revised Code, the person has met the requirements of the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code, except to the extent that the person is excused from some portion of that assessment system pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board, by any such district board to anyone who accomplishes all of the following:

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to the date prescribed by rule of the state board of education under division (D)(2) of section 3301.0712 of the Revised Code, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after the date prescribed by rule of the state board under division (D)(2) of section 3301.0712 of the Revised Code, the person has met the requirements of the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code.

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular criteria shall be required of all persons who are to be granted that type of diploma.

(C) Any district board administering any of the assessments required by section 3301.0710 of the Revised Code to any person requesting to take such assessment pursuant to division (B)(8)(b) of section 3301.0711 of the Revised Code shall award a diploma to such person if the person attains at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments administered and if the person has previously attained the applicable scores on all the other assessments required by division (B)(1) of that section or has been exempted or excused from attaining the applicable score on any such assessment pursuant to division (H) or (L) of this section or from taking any such assessment pursuant to section 3313.532 of the Revised Code.

(D) Each diploma awarded under this section shall be signed by the president and treasurer of the issuing board, the superintendent of schools, and the principal of the high school. Each diploma shall bear the date of its issue, be in such form as the district board prescribes, and be paid for out of the district's general fund.

(E) A person who is a resident of Ohio and is eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate of a correctional institution operated by the state or any political subdivision thereof, shall be granted such diploma by the correctional institution operating the programs in which such credits were earned, and by the board of education of the school district in which the inmate resided immediately prior to the inmate's placement in the institution. The diploma granted by the correctional institution shall be signed by the

director of the institution, and by the person serving as principal of the institution's high school and shall bear the date of issue.

(F) Persons who are not residents of Ohio but who are inmates of correctional institutions operated by the state or any political subdivision thereof, and who are eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate of the correctional institution, shall be granted a diploma by the correctional institution offering the program in which the credits were earned. The diploma granted by the correctional institution shall be signed by the director of the institution and by the person serving as principal of the institution's high school and shall bear the date of issue.

(G) The state board of education shall provide by rule for the administration of the assessments required by section 3301.0710 of the Revised Code to inmates of correctional institutions.

(H) Any person to whom all of the following apply shall be exempted from attaining the applicable score on the assessment in social studies designated under division (B)(1) of section 3301.0710 of the Revised Code, any ~~social studies~~ American history end-of-course examination and any American government end-of-course examination required under division (B)(2) of that section if such an exemption is prescribed by rule of the state board under division (D)(4) of section 3301.0712 of the Revised Code, or the test in citizenship designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001:

- (1) The person is not a citizen of the United States;
- (2) The person is not a permanent resident of the United States;
- (3) The person indicates no intention to reside in the United States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3311.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section 3325.08 ~~or~~ or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "limited English proficient student" has the

same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirements of the assessments required by division (B)(2) of that section, shall be awarded a diploma under this section.

(L) Any student described by division (A)(1) of this section may be awarded a diploma without attaining the applicable scores designated on the assessments prescribed under division (B) of section 3301.0710 of the Revised Code provided an individualized education program specifically exempts the student from attaining such scores. This division does not negate the requirement for such a student to take all such assessments or alternate assessments required by division (C)(1) of section 3301.0711 of the Revised Code for the purpose of assessing student progress as required by federal law.

Sec. 3313.612. (A) No nonpublic school chartered by the state board of education shall grant a high school diploma to any person unless, subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(1) or (2) of this section, as applicable.

(1) If the person entered the ninth grade prior to the date prescribed by rule of the state board under division (D)(2) of section 3301.0712 of the Revised Code, the person has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the person has met the requirements of the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code.

(B) This section does not apply to either of the following:

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;

(2) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any ~~social studies~~ American history end-of-course examination and any American government end-of-course examination required under division (B)(2) of that section if such an exemption is prescribed by rule of the state board of education under division (D)(4) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;

(b) The person is not a permanent resident of the United States;

(c) The person indicates no intention to reside in the United States after completion of high school.

(C) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirements of the assessments under division (B)(2) of that section, shall be awarded a diploma under this section."

In line 722, delete "and"; after "3313.603" insert ", 3313.61, and 3313.612"

In line 1 of the title, delete "and"

In line 2 of the title, after "3313.603" insert ", 3313.61, and 3313.612"

Managers on the Part of the
Senate

Managers on the Part of the
House of Representatives

/s/ LARRY OBHOF
LARRY OBHOF

/s/ GERALD L. STEBELTON
GERALD L. STEBELTON

/s/ PEGGY B. LEHNER
PEGGY B. LEHNER

/s/ JOHN ADAMS
JOHN ADAMS

/s/ TOM SAWYER
TOM SAWYER

CLAYTON R. LUCKIE, II

Pursuant to Senate Rule No. 44, Senator Faber moved that the Report of the Committee of Conference on Am. Sub. S. B. No. 165, 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 1, 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 | Obhof | Oelslager |
| Patton | Peterson | Sawyer | Schaffer |
| Schiavoni | Seitz | Smith | Tavares |
| Turner | Wagoner | Widener | Niehaus-32. |

Senator Skindell voted in the negative-1.
So the report of Committee of Conference was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 482-Representative Amstutz.

Cosponsors: Representatives Adams, R., Anielski, Antonio, Baker, Beck, Blair, Blessing, Boyd, Combs, Conditt, Derickson, DeVitis, Dovilla, Garland, Gerberry, Goyal, Grossman, Hackett, Hayes, Hill, Letson, Luckie, Maag, Martin, Matheney, McClain, McGregor, Newbold, Pelanda, Rose, Schuring, Sears, Slaby, Stebelton, Szollosi, Terhar, Thompson, Uecker, Speaker Batchelder.

To amend sections 126.14, 151.01, 151.04, and 154.21, to enact sections 4501.30, 4501.301, 4501.302, and 4501.303, and to repeal section 3333.072 of the Revised Code to make capital appropriations and make changes related to the laws governing capital projects, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 482**, 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 | Eklund |
| Faber | Gentile | Hite | Hughes |
| Jones | Jordan | Kearney | LaRose |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Peterson | 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 Widener moved to amend the title as follows:

Add the names: "Balderson, Eklund, Lehner, Manning, Niehaus, Oelslager, Patton, Peterson, Schaffer."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 18-Representative Baker.

Cosponsors: Representatives Adams, J., Beck, Blair, Blessing, Boose, Combs, Derickson, Dovilla, Hayes, Henne, Huffman, Pillich, Ruhl, Snitchler,

Stinziano, Uecker, Letson, Anielski, Barnes, Bulp, Buchy, Driehaus, Duffey, Garland, Grossman, Hackett, Hagan, C., Hall, Hill, Johnson, Kozlowski, Landis, Lundy, Maag, Martin, McClain, Milkovich, Newbold, Sears, Slaby, Sprague, Terhar, Winburn, Young, Speaker Batchelder. Senators Schaffer, Patton.

To enact section 122.176 of the Revised Code to authorize grants to an employer that moves operations into a previously vacant facility and increases payroll by hiring and employing employees at the facility, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 18**, 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	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelsluger
Patton	Peterson	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 Schaffer moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Burke, Eklund, Faber, Hite, Hughes, LaRose, Lehner, Manning, Niehaus, Obhof, Oelsluger, Peterson, Schiavoni, Seitz, Smith, Turner, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 109-Senator Schiavoni.

Cosponsors: Senators Smith, Turner, Sawyer, Skindell, Beagle, Tavares, Cafaro.

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 remediate it and knows or has reasonable cause to believe that the land or parcel is in one of those categories; to provide the property owner with immunity from

liability to a person who enters or remains on the land or parcel in those circumstances subject to general rules governing liability to trespassers; and to provide that a person who enters or remains on the land or parcel in those circumstances is not entitled to any reimbursement for any cost of the remediation unless agreed to by the property owner, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 109**, 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	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	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 Schiavoni moved to amend the title as follows:

Add the names: "Bacon, Brown, Gentile, Hughes, Jones, Kearney, LaRose, Manning, Niehaus, Patton, Peterson, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 295-Senator Coley.

To repeal the versions of sections of the Revised Code amended or enacted by Sections 1 and 3 of Am. Sub. H.B. 194 of the 129th General Assembly, to repeal the repeal of sections of the Revised Code by Sections 2 and 4 of Am. Sub. H.B. 194 of the 129th General Assembly, and to repeal Sections 5, 6, 7, and 8 of Am. Sub. H.B. 194 of the 129th General Assembly, to continue in operation the provisions of the Election Law currently in effect, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 295**, pass?"

Senator Smith moved to amend as follows:

In line 25, after "effect" insert ", and to amend the versions of sections 3509.03 and 3511.02 of the Revised Code that are currently in effect, as indicated below"

In line 5279, strike through "six p.m." and insert " the close of regular business hours"; strike through "the last Friday" and insert " day"

In line 5813, strike through "six p.m." and insert " the close of regular business hours"; strike through "last"

In line 5814, strike through "Friday" and insert " day"

Between lines 10913 and 10914, insert:

"**Section 2.** That existing sections 3509.03 and 3511.02 of the Revised Code are hereby repealed."; renumber remaining sections

In line 1 of the title, after "To" insert "amend sections 3509.03 and 3511.02 of the Revised Code, to"

In line 8 of the title, after "to" insert "generally"

In line 10 of the title, after "effect" insert "and to permit in-person absent voting through the close of business on the day before an election"

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 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Schaffer	Seitz
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Kearney
Sawyer	Schiavoni	Skindell	Smith
Tavares			Turner-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 295**, pass?"

Senator Smith moved that the bill, **Sub. S. B. No. 295**, be laid upon 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 10, nays 23, as follows:

Those who voted in the affirmative were: Senators

Brown	Cafaro	Gentile	Kearney
Sawyer	Schiavoni	Skindell	Smith
Tavares			Turner-10.

Those who voted in the negative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Schaffer	Seitz
Wagoner	Widener		Niehaus-23.

The bill was not laid upon the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 295**, pass?"

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Schaffer	Seitz
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Kearney
Sawyer	Schiavoni	Skindell	Smith
Tavares			Turner-10.

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: "Eklund, Faber, Hite, Jones, Jordan, Niehaus, Obhof, Seitz, 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 25, 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. 317-Senator Schiavoni.

To amend sections 2915.01, 2915.03, 3772.01, 3772.03, 3772.032, 3772.033, 3772.04, 3772.06, 3772.07, 3772.09, 3772.10, 3772.17, 3772.21, 3772.23, 3772.24, 3772.30, 3772.31, and 3772.99 and to enact sections 2915.062, 3772.071, 3772.301, 3772.35, and 3772.36 of the Revised Code to provide for the licensing and regulation of sweepstakes terminal device operators, vendors, and key employees.

S. B. No. 318-Senator Cafaro.

Cosponsors: Senators Brown, Schiavoni, Skindell.

To amend sections 1345.01, 1345.02, 1345.07, 1509.02, 1509.021, 1509.06, 1509.19, 1509.22, 1509.23, and 1509.29, to enact sections 1509.231 and 1509.80, and to repeal section 1509.27 of the Revised Code to require wells in urbanized areas to comply with zoning requirements, to revise the setback distances of a well from an occupied dwelling, to require the disclosure of all chemicals and substances used in hydraulic fracturing, to eliminate mandatory pooling, to apply the Consumer Sales Practices Act to lease agreements for the exploration for or development of oil and gas on residential property, to require a surety bond for an injection well, to make other changes in the Oil and Gas Law, and to make appropriations to support oil and gas training programs, including employee training grants to oil or gas well owners.

OFFERING OF RESOLUTIONS

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

S. R. No. 220-Senator Peterson.

Honoring Riley Shaw on winning a 2012 Division II State Wrestling Championship.

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:

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

Cosponsors: Senators Balderson, Beagle, Eklund, Hite, Jones, Lehner, Manning, Niehaus, Sawyer, Turner Representatives Amstutz, Beck, Blair, Blessing, Boyd, Combs, Conditt, Derickson, DeVitis, Gonzales, Hackett, Hill, McGregor, Newbold, Sears, Stebelton, Uecker, Speaker Batchelder

To amend sections 3326.03 and 5120.092 of the Revised Code to revise the law for new STEM school proposals, to establish a temporary STEM subcommittee to consider and approve proposals through July 31, 2012, to modify the Adult and Juvenile Correctional Facilities Bond Retirement Fund, and to make capital reappropriations for the biennium ending June 30, 2014.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Jennifer E. Woodring, Clerk

Pursuant to Senate Rule No. 44, Senator Faber moved that the amendments of the House of Representatives to Sub. S. B. No. 312 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 33, 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 | Obhof | Oelslager |
| Patton | Peterson | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

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 House of Representatives has concurred in the passage of the following bill:

Sub. S. B. No. 208 -Senators Obhof, Kearney
Cosponsors: Senators Bacon, Beagle, Jones, Sawyer, Schiavoni, Wagoner, Coley, Daniels, Faber, Hughes, Lehner, Manning, Oelslager, Patton
Representatives Bubb, Szollosi, Slaby, Terhar, Letson, Antonio, Baker, Beck, Blair, Brenner, Carney, Dovilla, Duffey, Foley, Garland, Hall, Hayes, Murray, Rose, Speaker Batchelder

To amend sections 102.01, 103.63, 1309.102, 1309.105, 1309.307, 1309.311, 1309.316, 1309.317, 1309.326, 1309.406, 1309.408, 1309.502, 1309.503, 1309.507, 1309.515, 1309.516, 1309.518, 1309.521, and 1309.607 of the Revised Code to make changes to Ohio's Uniform Commercial Code and to provide that the Joint Legislative Ethics Committee is the appropriate ethics commission for matters relating to the public member appointees to the Constitutional Modernization Commission.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Jennifer E. Woodring Clerk.

Pursuant to Senate Rule No. 44, Senator Faber moved that the amendments of the House of Representatives to Sub. S. B. No. 208 be brought up for consideration.

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

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	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

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 House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 280 -Representatives Dovilla, Wachtmann

Cosponsors: Representatives Mecklenborg, Gardner, Buchy, Grossman, Brenner, Gonzales, Goodwin, Derickson, Fende, Blair, Hackett, Maag, Lundy, Stebelton, Letson, Sprague, Reece, Johnson, Rosenberger, Pillich, Bulp, Butler, Hagan, C., Landis, Milkovich, Yuko, Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blessing, Boose, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, DeVitis, Driehaus, Duffey, Fedor, Foley, Garland, Gerberry, Goyal, Hall, Hayes, Heard, Henne, Hill, Huffman, Kozlowski, Mallory, Martin, Matheney, McClain, McGregor, Murray, O'Brien, Patmon, Phillips, Ramos, Roegner, Rose, Ruhl, Schuring, Sears, Slaby, Slesnick, Stautberg, Stinziano, Szollosi, Terhar, Thompson, Uecker, Williams, Winburn, Young, Speaker Batchelder

To amend sections 5910.01, 5910.02, and 5919.34 and to enact section 5910.07 of the Revised Code to qualify for a War Orphans Scholarship, children of military veterans who participated in an operation for which the Armed Forces Expeditionary Medal was awarded, and to authorize the administrators of the Ohio National Guard Scholarship Program and the Ohio War Orphans Scholarship Program to apply for, and receive and accept, grants, and to receive and accept gifts, bequests, and contributions, from public and private sources.

H. B. No. 367 -Representative Maag

Cosponsors: Representatives Grossman, Murray, Fende, Antonio, Duffey, Hackett, Sears, Beck, Blair, Blessing, Bulp, Carney, Celebrezze, Celeste, Gardner, Garland, Hill, Johnson, Letson, Lundy, Mallory, Matheney, Milkovich, O'Brien, Phillips, Ramos, Stautberg, Stebelton, Stinziano, Terhar, Wachtmann, Winburn, Yuko, Speaker Batchelder

To amend sections 109.57, 1337.11, 2133.01, 2317.54, 3701.881, 3712.01, 3712.03, 3712.09, 3721.01, 3795.01, 3963.01, 4719.01, 4752.02, 5119.70, and 5119.71 and to enact sections 3712.031, 3712.041, 3712.051, and 3712.061 of the Revised Code regarding licensure of pediatric respite care programs.

Attest:

Jennifer E. Woodring,

Clerk.

Said bills were considered the first time.

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 bill:

Sub. S. B. No. 179 -Senator Wilson - et al.

Attest: Jennifer E. Woodring,
Clerk.

The President signed said bill.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Sub. H. B. No. 275 -Representatives Young, Slaby - et al.

Attest: Jennifer E. Woodring,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Am. Sub. S. B. No. 165 -Senators Obhof, Grendell - et al.

Attest: Jennifer E. Woodring,
Clerk.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4906.02 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Power Siting Board:

Senator Jones
Senator Seitz (alternate)

Senator Sawyer
Senator Gentile (alternate)

MESSAGE FROM THE PRESIDENT

Pursuant to Section 183.12(G)(H) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve as nonvoting members on the Southern Ohio Agricultural and Community Development Foundation:

Senator Peterson
Senator Gentile

MESSAGE FROM THE PRESIDENT

Pursuant to Section 101.38(C)(3) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the Ohio Cystic Fibrosis Task Force:

Kimberly L. Reno
6658 Janel Lane
Maumee, OH 43537

On the motion of Senator Faber, the Senate adjourned until Thursday, March 29, 2012 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.