

OHIO

SENATE

JOURNAL

THURSDAY, APRIL 7, 2011

THIRTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Thursday, April 7, 2011, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Manning was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Jordan submitted the following report:

The standing committee on State and Local Government and Veterans Affairs, to which was referred **S. B. No. 21**-Senator Wagoner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: PEGGY B. LEHNER, KRIS JORDAN, DAVID T. DANIELS, TIMOTHY J. GRENDALL, JIM HUGHES, FRANK LAROSE, NINA TURNER, CHARLETA B. TAVARES.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on State and Local Government and Veterans Affairs, to which was referred **S. B. No. 120**-Senator Beagle, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 8: KRIS JORDAN, DAVID T. DANIELS, TIMOTHY J. GRENDALL, JIM HUGHES, FRANK LAROSE, PEGGY B. LEHNER, NINA TURNER, CHARLETA B. TAVARES.

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 - Civil Justice, to which was referred **S. B. No. 117**-Senators Seitz, Schiavoni, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 36, after "5809.031," insert "and"; delete ", and 5815.49"

Delete lines 3442 through 3449

In line 6 of the title, after "5809.031," insert "and"; delete ", and 5815.49"

Co-Sponsors: Kearney, Wagoner.

YES - 9: KEITH L. FABER, BILL SEITZ, KAREN GILLMOR,
LARRY OBHOF, ERIC H. KEARNEY, NINA TURNER,
MICHAEL J. SKINDELL, SCOTT OELSLAGER, MARK
D. WAGONER.

NO - 0.

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

The report of the committee was accepted.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 143-Senators Hughes, Oelslager.

Cosponsors: Senators Schaffer, Skindell, Stewart, Wagoner.

To enact sections 2747.01 to 2747.09 of the Revised Code to provide for the recovery of damages and civil penalties for defrauding the state of money or property and to authorize private persons to bring qui tam civil actions in the name of the state to remedy the frauds.

S. B. No. 144-Senators Skindell, Grendell.

To amend sections 3105.65, 3109.03, 3109.04, 3109.041, 3109.043, 3109.051, 3109.09, 3109.56, 3119.022, 3119.24, 3313.98, and 5120.653 of the Revised Code to ensure that court orders and decrees that allocate parental rights and responsibilities with respect to the care of and access to children provide for equality between the parents except where clear and convincing

evidence shows that equal legal and physical access would be harmful to the children.

COMMUNICATIONS FROM THE GOVERNOR

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

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Thomas H. Bainbridge, from Columbus, Franklin County, Ohio, as a Member of the Unemployment Compensation Review Commission for a term beginning April 4, 2011 and ending at the close of business February 26, 2017, replacing Kenny Delaney, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 4th day of April in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, T. Todd Book, Democrat, from McDermott, Scioto County, Ohio, as a Member of the State Racing Commission for a term beginning April 1, 2011 and ending at the close of business March 31, 2015, replacing Gerald O. Holland, whose term expired.

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

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Laurie O. Elsass, from Dublin, Union County, Ohio, as a Member of the State Medical Board for a term beginning March 29, 2011 and ending at the close of business July 31, 2013, replacing William Ogg, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 29th day of March in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Dalsukh A. Madia, from Marion, Marion County, Ohio, as a Member of the State Medical Board for a new term beginning March 29, 2011 and ending at the close of business March 18, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 29th day of March in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Berkley "B.J." J. Roach, from Grove City, Franklin County, Ohio, as a Member of the State Racing Commission for a term beginning April 1, 2011 and ending at the close of business March 31, 2015, replacing Thomas M. Zaino, whose term expired.

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

[Seal]

John R. Kasich,
Governor.

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

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Robert K. Schmitz, Republican, from Bexley, Franklin County, Ohio, as a Member of the State Racing Commission for a term beginning April 1, 2011 and ending at the close of business March 31, 2015, replacing Jerry Chabler, whose term expired.

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

[Seal]

John R. Kasich,
Governor.

Said appointments were referred to the Committee on Rules and Reference.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following concurrent resolution in which the concurrence of the Senate is requested:

H. C. R. No. 4 -Representative Rosenberger

Cosponsors: Representatives Gonzales, Buchy, Gardner, Grossman, Huffman, Blessing, Peterson, Garland, Carey, Adams, J., Maag, Derickson, Szollosi, Schuring, Combs, Martin, Blair, Thompson, Patmon, Goodwin, Stebelton, Stautberg, Coley, O'Brien, Adams, R., Anielski, Beck, Boose, Brenner, Bulp, Butler, Duffey, Gentile, Hackett, Hagan, C., Hayes, Hottinger, Johnson, Letson, Luckie, McGregor, Mecklenborg, Newbold, Roegner, Ruhl, Sears, Slaby, Uecker, Young, Speaker Batchelder

To urge the President of the United States to direct the United States Department of Energy to ensure the continuation of the uranium enrichment

work being developed by USEC, Inc., at its Piketon, Ohio plant by granting USEC's application for a federal loan guarantee and to direct the Secretary of Energy to strongly consider providing federal funding assistance for the Clean Energy Park Demonstration Project.

Attest:

Laura P. Clemens,
Clerk.

The question being, "Shall the concurrent resolution, **H. C. R. No. 4**, be adopted?"

On the motion of Senator Obhof, **H. C. R. No. 4**, was referred to the Committee on Rules and Reference.

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. 139 -Representative McKenney

Cosponsors: Representatives Clyde, Schuring, Sykes, Gerberry, Huffman, Luckie, Celeste, Antonio, Newbold, Baker, Roegner, Maag, Stebelton, Fedor, Adams, R., Amstutz, Anielski, Barnes, Beck, Blair, Budish, Carney, Combs, Derickson, Dovilla, Fende, Foley, Gardner, Garland, Goyal, Hagan, C., Hagan, R., Heard, Letson, McClain, Mecklenborg, Milkovich, O'Brien, Okey, Patmon, Ramos, Slaby, Slesnick, Stinziano, Weddington, Speaker Batchelder

To amend sections 145.01, 145.011, 151.04, 154.01, 185.03, 185.05, 3304.30, 3305.01, 3333.045, 3333.11, 3333.111, 3333.611, 3334.01, 3345.04, 3345.12, 3345.121, 3345.17, 3345.201, 3345.28, 3345.281, 3345.31, 3345.32, 3345.34, 3345.50, 3345.51, 3345.71, 3350.10, 3350.11, 3350.12, 3350.13, and 3350.14 of the Revised Code and Sections 371.10, 371.20.80, and 371.40.90 of Am. Sub. H.B. 1 of the 128th General Assembly and Section 105.45.20 of Sub. H.B. 462 of the 128th General Assembly to rename the Northeastern Ohio Universities Colleges of Medicine and Pharmacy as the Northeast Ohio Medical University and to declare an emergency.

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 passage of the following bill:

S. B. No. 73 -Senator Manning

Cosponsors: Senators Turner, Skindell, Tavares, Bacon, Beagle, Daniels, Gillmor, Hughes, Jones, Lehner, Niehaus, Oelslager, Sawyer, Schaffer, Schiavoni, Stewart, Wagoner, Wilson, Faber, LaRose, Patton, Widener, Hite, Obhof, Seitz, Cates Representatives Buchy, Celeste, Dovilla, Fedor, Grossman, Letson, Lundy, Maag, Stinziano, Adams, R., Anielski, Antonio, Baker, Balderson, Barnes, Beck, Blair, Blessing, Boose, Brenner, Bulp, Budish, Burke, Butler, Carey, Carney, Clyde, Coley, Combs, DeGeeter, Derickson, Driehaus, Duffey, Gardner, Garland, Gentile, Gerberry, Hackett, Hagan, C., Hall, Hayes, Heard, Hottinger, Johnson, Kozlowski, Luckie, Mallory, Martin, McClain, McGregor, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Peterson, Phillips, Pillich, Ramos, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Slesnick, Stebelton, Thompson, Uecker, Young, Speaker Batchelder

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.

Attest:

Laura P. Clemens,
Clerk.

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. H. B. No. 36 -Representatives Kozlowski, Carey - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

On the motion of Senator Obhof, the Senate adjourned until Tuesday, April 12, 2011 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.