

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, APRIL 12, 2011

FORTIETH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, April 12, 2011, 1:30 p.m.**

The Senate met pursuant to adjournment.

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

Senator Bacon was selected to preside according to the rule.

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 concurrent resolutions, standing in order for second consideration, be referred to committee as recommended:

**H. C. R. No. 4**-Representative Rosenberger, et al.

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.

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

**Sub. H. B. No. 65**-Representative Combs, et al.

To enact sections 5533.102, 5533.103, 5533.252, 5533.253, 5533.541, 5533.636, 5533.686, 5533.763, 5533.764, 5533.765, 5533.766, 5533.791, and 5533.932 of the Revised Code to designate thirteen memorial highways.

To the Committee on Highways and Transportation.

**Am. Sub. H. B. No. 92**-Representatives Martin, Beck, et al.

To amend sections 3107.02 and 5103.16 of the Revised Code to allow an adult to be adopted if the adult is the child of the spouse of the adoption petitioner, is totally or permanently disabled, had established a kinship caregiver relationship with the petitioner, or was in a planned permanent living arrangement with a public children services or private child placing

agency, and the adult consents to the adoption and to extend to a grandparent's spouse the exemption from certain adoptive placement requirements.

To the Committee on Health, Human Services and Aging.

**H. B. No. 139**-Representative McKenney, et al.

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.

To the Committee on Finance.

**S. C. R. No. 7**-Senator Seitz, et al.

To honor Ohio ancestors for the unrivaled contribution they made to winning the American Civil War and, in observing the Sesquicentennial years of the War, 2011 through 2015, to urge Ohioans to draw inspiration from the courage, cooperation, and persistence that were displayed by their Ohio ancestors during the American Civil War.

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

**S. B. No. 142**-Senator Grendell, et al.

To amend section 3704.14 of the Revised Code to provide authority for the implementation of a decentralized motor vehicle inspection and maintenance program through June 30, 2017.

To the Committee on Agriculture, Environment and Natural Resources.

**S. B. No. 143**-Senators Hughes, Oelslager, et al.

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.

To the Committee on Judiciary - Civil Justice.

**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.

To the Committee on Judiciary - Civil Justice.

YES - 9: KEITH L. FABER, JIMMY STEWART, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, SHIRLEY A. SMITH, EDNA BROWN, 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 concurrent resolutions were considered a second time and referred to committee as recommended.

#### **REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Oelslager submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. C. R. No. 6**-Senator Patton, having had the same under consideration, reports it back and recommends its adoption.

YES - 8: SHIRLEY A. SMITH, SCOTT OELSLAGER, JIMMY STEWART, SHANNON JONES, CHARLETA B. TAVARES, GARY W. CATES, KAREN GILLMOR, KRIS JORDAN.

NO - 0.

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

The report of the committee was accepted.

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **Sub. H. B. No. 21**-Representative Combs, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Beagle, Cates, Hite, Obhof.

YES - 8: PEGGY B. LEHNER, BILL BEAGLE, CLIFF HITE,  
LARRY OBHOF, GARY W. CATES, THOMAS  
SAWYER, SHIRLEY A. SMITH, GAYLE MANNING.

NO - 1: CHARLETA B. TAVARES.

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

The report of the committee was accepted.

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **S. B. No. 118**-Senator Cates, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 6: GARY W. CATES, BILL BEAGLE, PEGGY B.  
LEHNER, CLIFF HITE, LARRY OBHOF, GAYLE  
MANNING.

NO - 3: CHARLETA B. TAVARES, SHIRLEY A. SMITH,  
THOMAS SAWYER.

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. 145**-Senator Schaffer.

To enact section 718.17 of the Revised Code to require municipal corporations with more than \$100 million in annual income tax collections to

provide a tax credit to nonresident taxpayers.

**S. B. No. 146-Senator Schaffer.**

To amend sections 5747.08 and 5747.98 and to enact section 5747.71 of the Revised Code to allow a credit against the personal income tax for amounts spent by teachers for instructional materials.

**S. B. No. 147-Senators Schaffer, Hite.**

To amend sections 1517.11, 1531.26, 5101.98, and 5747.113 and to enact section 5502.23 of the Revised Code to allow taxpayers to make contributions to the American Red Cross Ohio Disaster Response Readiness and Preparedness Fund through their income tax returns.

**S. B. No. 148-Senator Wagoner.**

To amend sections 111.27, 309.09, 3501.01, 3501.02, 3501.05, 3501.051, 3501.11, 3501.13, 3501.17, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3501.38, 3503.02, 3503.06, 3503.10, 3503.14, 3503.15, 3503.16, 3503.18, 3503.19, 3503.21, 3503.26, 3503.28, 3505.11, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 3511.11, 3511.13, 3511.14, 3513.02, 3513.131, 3513.19, 3513.21, 3513.30, 3513.31, 3515.04, 3517.01, 3517.012, 3519.01, 3519.16, 3599.07, 3599.17, 3599.19, 3599.31, 4301.32, 4301.334, 4303.29, and 4305.14, to enact sections 3501.111, 3501.302, 3503.20, 3505.05, and 3506.021, and to repeal sections 3503.29, 3506.16, 3513.301, and 3513.312 to revise the Election Law.

**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, Lora

L. Miller, from Columbus, Franklin County, Ohio, as a Member of the Ohio Retirement Study Council for a term beginning March 24, 2011 and ending at the close of business June 30, 2013, replacing Dale N. Van Vyven, 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 24th 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, Marybeth D. Shaffer, D.M.D., from Canfield, Mahoning County, Ohio, as a Member of the State Dental Board for a term beginning March 16, 2011 and ending at the close of business April 5, 2013, replacing Berta I. Howard, 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 16th 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, Bryan C. Williams, from Fairlawn, Summit County, Ohio, as a Member of the State Board of Education for a term beginning April 4, 2011 and ending when a successor is qualified and elected, replacing Tamara A. O'Brien, 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 4th 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 Speaker of the House of Representatives has signed the following bill:

**S. B. No. 73** -Senator Manning - et al.

Attest:

Laura P. Clemens,  
Clerk.

The President signed said bill.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Section 109.91 of the Ohio Revised Code, the President of the Senate appoints the following senator to serve on the State Victims Assistance Advisory Board:

Senator Hughes

**MESSAGE FROM THE PRESIDENT**

Pursuant to Section 181.21(A) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the State Criminal Sentencing Commission:

Senator Obhof  
Senator Smith

**MESSAGE FROM THE PRESIDENT**

Pursuant to Section 3379.02 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Ohio Arts Council:

Senator Manning  
Senator Kearney



On the motion of Senator Oelslager, the Senate adjourned until Wednesday, April 13, 2011 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.