

OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 18, 2012

ONE HUNDRED SIXTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 18, 2012, 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:

S. B. No. 328-Senator Balderson, et al.

To enact section 1509.80 of the Revised Code to establish the Governor's Award for Environmental Stewardship to be awarded annually to the company or person involved in the oil and gas industry that best represented wise environmental stewardship during the previous one-year period.

To the Committee on Agriculture, Environment and Natural Resources.

S. B. No. 329-Senators Seitz, Burke, et al.

To amend sections 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 3719.06, 3719.81, 4729.01, 4729.51, and 4732.01 and to enact sections 4732.29, 4732.291, 4732.292, 4732.293, 5120.052, and 5120.053 of the Revised Code to authorize the Director of Rehabilitation and Correction to implement a program to improve prisoners' access to psychotropic drugs and a program authorizing the provision of medical and behavioral health care to prisoners through telecommunication methods.

To the Committee on Health, Human Services and Aging.

YES - 10: THOMAS E. NIEHAUS, TOM PATTON, KEITH L. FABER, SHANNON JONES, MARK D. WAGONER, SCOTT OELSLAGER, EDNA BROWN, JOSEPH SCHIAVONI, ERIC H. KEARNEY, CHRIS WIDENER.

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 **S. B. No. 273**-Senator Faber, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Bacon.

YES - 11: KEVIN BACON, TIMOTHY O. SCHAFFER, KRIS JORDAN, SHANNON JONES, BILL BEAGLE, KEITH L. FABER, EDNA BROWN, NINA TURNER, CAPRI S. CAFARO, JOSEPH SCHIAVONI, CLIFF HITE.

NO - 0.

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

The report of the committee was accepted.

Senator Hite submitted the following report:

The standing committee on Agriculture, Environment and Natural Resources, to which was referred **S. B. No. 309**-Senator Hite, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 9: LOU GENTILE, CAPRI S. CAFARO, CLIFF HITE, TROY BALDERSON, DAVE BURKE, BOB PETERSON, TIMOTHY O. SCHAFFER, GAYLE MANNING, JOSEPH SCHIAVONI.

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

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

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:

Rebecca Blum Baute, from Mason, Warren County, Ohio, as a Member of the Ohio Medical Transportation Board for a term beginning August 30, 2011 and ending at the close of business July 5, 2013.

Bill W. Dingus, from South Pointe, Lawrence County, Ohio, as a Member of the Transportation Review Advisory Council for a new term beginning September 6, 2011 and ending at the close of business June 29, 2016.

Hamilton P. Schwartz, MD, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Medical Transportation Board for a term beginning August 30, 2011 and ending at the close of business July 5, 2013.

Dudley G. Smith, from Cleves, Hamilton County, Ohio, as a Member of the Ohio Medical Transportation Board for a term beginning August 30, 2011 and ending at the close of business July 5, 2013.

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

YES - 10: THOMAS E. NIEHAUS, TOM PATTON, KEITH L. FABER, SHANNON JONES, MARK D. WAGONER, SCOTT OELSLAGER, EDNA BROWN, JOSEPH SCHIAVONI, ERIC H. KEARNEY, CHRIS WIDENER.

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.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 152-Representative Mallory.

Cosponsors: Representatives Murray, Yuko, Combs, Letson, Ashford, O'Brien, Winburn, Stautberg, Dovilla, Huffman, Lundy, Maag, Adams, R., Anielski, Antonio, Baker, Balderson, Barnes, Beck, Blessing, Bubp, Buchy, Budish, Burke, Carney, Coley, Derickson, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Goodwin, Goyal, Grossman, Hagan, C., Hagan, R., Hayes, Heard, Hollington, Kozlowski, Landis, Luckie, Martin, McGregor, Mecklenborg, Milkovich, Newbold, Patmon, Peterson, Ramos, Reece, Rosenberger, Sears, Slesnick, Sprague, Stinziano, Szollosi, Uecker, Weddington, Williams, Young, Speaker Batchelder. Senators Brown, Tavares, Coley.

To amend section 3773.32 of the Revised Code to exempt amateur boxing, kick boxing, karate, or wrestling events that benefit a charitable organization conducted under the supervision of the fraternal order of police of Ohio, the Ohio association of professional firefighters, or the Northern Ohio Fire Fighters from regulation by the Ohio Athletics Commission, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 152**, 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, Balderson, Beagle, Burke, Cafaro, Eklund, Gentile, Hite, Hughes, Jones, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Seitz, Turner, Wagoner."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 70-Senator Schaffer.

Cosponsors: Senators Hughes, Manning.

To enact sections 2909.13, 2909.14, and 2909.15 of the Revised Code to establish a registry for arson offenders, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 70**, 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 Schaffer moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Faber, Hite, Jones, Kearney, LaRose, Lehner, Oelslager, Patton, Peterson, Widener."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 273-Senator Faber.

Cosponsors: Senators Daniels, Hite, Lehner, Manning, Eklund, Widener, Wagoner, Burke, Jones, Balderson, Tavares, Jordan, Brown, Skindell, Bacon.

To amend sections 505.871, 4501.25, 4505.061, 4505.11, 4738.01, 4738.02, 4738.03, 4738.17, and 4738.99, to enact sections 3937.19, 4505.103, 4738.021, 4738.022, 4738.023, and 4738.031, and to repeal section 4738.18 of the Revised Code to permit property owners to dispose of junk motor vehicles to a motor vehicle salvage dealer or scrap metal facility without a salvage certificate of title, to permit a motor vehicle salvage dealer or scrap metal processing facility to obtain a salvage certificate of title to a junk motor vehicle under certain circumstances, to permit salvage motor vehicle auctions and pools to auction and sell salvage motor vehicles to persons other than motor vehicle salvage dealers, to permit a person whose acquisition and disposal of salvage motor vehicles is incidental to the person's primary business to sell salvage motor vehicles at retail to or through a salvage motor vehicle auction or pool, to require salvage motor vehicle auctions and pools to keep an electronic record of all sales of salvage motor vehicles, and to make other changes in the motor vehicle salvage dealer law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 273**, pass?"

Senator Faber moved to amend as follows:

In line 27, delete "4505.103,"

Delete lines 199 through 325

In line 3 of the title, delete "4505.103,"

In line 5 of the title, delete "to"

Delete lines 6 through 8 of the title

In line 9 of the title, delete "of title,"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 273**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 3, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Smith	Turner	Wagoner
Widener			Niehaus-30.

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

So the bill passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Coley, Peterson."

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

The motion was agreed to.

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

Senator Faber moved to amend the title as follows:

Remove the names: "Skindell, Tavares, Widener, Balderson."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 287-Senators LaRose, Cafaro.

Cosponsors: Senators Seitz, Brown, Tavares.

To amend sections 4757.41, 4758.01, 4758.02, 4758.10, 4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 4758.26, 4758.27, 4758.30, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.51, 4758.55, 4758.56, 4758.59, 4758.61, and 4758.70; to enact sections 4758.221, 4758.241, 4758.39, 4758.46, 4758.47, 4758.52, 4758.54, and 4758.561; and to repeal sections 3793.07, 4758.04, 4758.53, and 4758.58 of the Revised Code to revise the law governing the professions of chemical dependency counseling and alcohol and other drug prevention, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 287**, 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 Cafaro moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Burke, Coley, Gentile, Hite, Hughes, Kearney, Lehner, Niehaus, Obhof, Oelslager, Patton, Peterson, Schiavoni, Skindell, Smith, Turner, Wagoner."

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

The motion was agreed to and the title so amended.

S. B. No. 309-Senator Hite.

Cosponsors: Senators Balderson, Widener, Cafaro, Seitz.

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, was considered the third time.

The question being, "Shall the bill, **S. B. No. 309**, 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 Hite moved to amend the title as follows:

Add the names: "Bacon, Beagle, Burke, Coley, Eklund, Faber, Gentile,

Hughes, Jones, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Skindell, Smith, Tavares, Turner."

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, April 15, 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. 330-Senator Schiavoni.

To amend section 2929.22 of the Revised Code to require a court in determining the sentence for a misdemeanor offense to consider emotional, mental, or physical conditions traceable to an offender's military service that contributed to the offender's commission of the offense and to consider whether the offender has provided military service in a clearly exceptional manner.

S. B. No. 331-Senator Patton.

Cosponsor: Senator LaRose.

To amend section 122.85 of the Revised Code to increase the maximum total amount of tax credits allowed per year for completion of motion pictures certified as tax credit-eligible productions.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 235-Senators Faber, Beagle.

Honoring Drew Lovejoy as a 2012 All Ireland Irish Dance Competition champion.

S. R. No. 236-Senator Hite.

Honoring the Ridgemont High School FFA on receiving the national Model of Innovation in Chapter Development Award.

S. R. No. 237-Senator Faber.

Honoring the Doolittle Tokyo Raiders on the Seventieth Anniversary of the Doolittle Raid.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

On the motion of Senator Faber, the Senate adjourned until Thursday, April 19, 2012 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.