

OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 25, 2012

ONE HUNDRED SEVENTY-SECOND DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 25, 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.

**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 resolution, standing in order for second consideration, be referred to committee as recommended:

S. C. R. No. 14-Senator Jones, et al.

To recognize the 2012 World Choir Games in Cincinnati, Ohio, as a global event of cultural significance to Ohio and the United States and expressing support by designating the month of July 2012 as "World Choir Games Month."

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

S. B. No. 333-Senator Obhof, et al.

To amend sections 1321.52 and 1322.02 and to enact sections 1321.537 and 1322.042 of the Revised Code to authorize the Superintendent of Financial Institutions to issue a temporary mortgage loan originator license under certain circumstances.

To the Committee on Financial Institutions.

S. B. No. 334-Senator Obhof, et al.

To enact section 5.2276 of the Revised Code to designate October 15 as "Pregnancy and Infant Loss Remembrance Day."

To the Committee on Health, Human Services and Aging.

S. B. No. 335-Senators Turner, Lehner, et al.

To amend sections 124.36, 2903.13, 2921.02, 3302.03, 3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 3311.74, 3311.76, 3313.41, 3313.411, 3313.975, 3314.012, 3314.016, 3314.10, 3314.35, 3314.36, 3316.07, 3318.08, 3319.02, 3319.071, 3319.10, 3319.112, 3319.12, 3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 3319.18, 3319.283, 4141.29, 5705.192, 5705.21, 5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5705.261, and 5748.01 and to enact sections 3311.77 to 3311.86, 3313.412, and 3314.351 of the Revised Code to revise the management of municipal school districts and community schools located within municipal school districts; to permit the establishment of a Municipal School District Transformation Alliance; to expand the offense of bribery to cover directors, officers, and employees of the Alliance; and to authorize municipal school districts to levy property taxes the revenue from which may be shared with qualifying community schools.

To the Committee on Education.

YES - 9: THOMAS E. NIEHAUS, KEITH L. FABER, TOM PATTON, CHRIS WIDENER, 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 bills and resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Hite submitted the following report:

The standing committee on Agriculture, Environment and Natural Resources, to which was referred **S. B. No. 310**-Senator Balderson, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

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

NO - 0.

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 **S. B. No. 314**-Senators Wagoner, Cafaro, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Widener, Oelslager.

YES - 11: SHANNON JONES, CHRIS WIDENER, SCOTT OELSLAGER, JIM HUGHES, KEITH L. FABER, TOM PATTON, KEVIN BACON, PEGGY B. LEHNER, THOMAS SAWYER, BILL COLEY, SHIRLEY A. SMITH.

NO - 1: MICHAEL J. SKINDELL.

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:

Ann H. Womer-Benjamin, from Aurora, Summit County, Ohio, as a Member of the Ohio Tuition Trust Authority Board for a term beginning January 24, 2012 and ending at the close of business January 30, 2015, replacing Thomas L. Conlan, Jr., whose term expired.

Alan Bowdler, from East Liverpool, Columbiana County, Ohio, as a Member of the University of Akron Board of Trustees for a term beginning March 8, 2012 and ending at the close of business July 1, 2013, replacing Joseph T. Rich, whose term expired.

Robert L. Dean, Jr., From Warren, Trumbull County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a new term beginning March 21, 2012 and ending at the close of business January 31, 2016.

Barbara P. Fleming, Ph.D, from Yellow Springs, Greene County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a new term beginning March 21, 2012 and ending at the close of business January 31, 2016.

John W. Garland, Ph.D, from Xenia, Greene County, Ohio, as a Member of

the National Museum of Afro-American History and Culture Planning Council for a new term beginning March 21, 2012 and ending at the close of business January 31, 2016.

N. Victor Goodman, from Columbus, Franklin County, Ohio, as a Member of the Ohio University Board of Trustees for a term beginning February 21, 2012 and ending at the close of business May 13, 2020, replacing M. Marnette Perry, whose term expired.

Clyde E. Henry, from Orient, Pickaway County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 27, 2012 and ending at the close of business January 14, 2014.

Robert F. Howarth, for Columbus, Franklin County, Ohio, as a Member of the Shawnee State University Board of Trustees for a term beginning February 28, 2012 and ending at the close of business June 30, 2020, replacing Jack McCoy, whose term expired.

Sandra Hull, from Wooster, Wayne County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 27, 2012 and ending at the close of business January 14, 2015.

Don Hustslar, from Worthington, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 27, 2012 and ending at the close of business January 14, 2015.

John Johnson, from Lewis Center, Delaware County, Ohio as a Member of the Board of Building standards for a term beginning March 6, 2012 and ending at the close of business October 13, 2015, replacing Steven Kasarnich, whose term expired.

Janet Krebs, from Camden, Preble County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning February 27, 2012 and ending at the close of business January 14, 2014, replacing David C. Reiser, whose term expired.

Philip R. McCartney, from Bryan, Williams County, Ohio, as a Member of the Northwest State Community College Board of Trustees for a term beginning August 23, 2011 and ending at the close of business June 9, 2015, replacing Marilyn J. Bergstedt, who resigned.

Mary Ann Olding, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 27, 2012 and ending at the close of business January 14, 2015.

Nancy Ann Otis, from Celina, Mercer County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning February 27, 2012 and ending at the close of business January 14, 2015.

Kenneth R. Searfoss, from Perrysburg, Wood County, Ohio, as a Member of the State Board of Career Colleges and Schools for a new term beginning February 15, 2012 and ending at the close of business November 20, 2016.

Stephanie J. Shaw, from Columbus, Franklin County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a term beginning March 21, 2012 and ending at the close of business January 31, 2016, replacing Joseph D. Lewis, whose term expired.

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

YES - 8: THOMAS E. NIEHAUS, KEITH L. FABER, TOM PATTON, CHRIS WIDENER, SCOTT OELSLAGER, EDNA BROWN, 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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Faber
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Widener		Niehaus-31.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Am. H. B. No. 244-Representatives Gonzales, Roegner.

Cosponsors: Representatives Balderson, Bubp, Grossman, Johnson, Rosenberger, Wachtmann, Fende, Antonio, Celeste, Duffey, Garland, Schuring, Yuko, Adams, R., Anielski, Baker, Beck, Blessing, Boyd, Buchy, Conditt, DeVitis, Dovilla, Hackett, Hall, Henne, Hill, Kozlowski, Letson, Maag, Milkovich, Newbold, Patmon, Peterson, Ramos, Ruhl, Sears, Slaby, Sprague, Stautberg, Stebelton. Senator Tavares.

To enact section 4765.391 of the Revised Code to permit authorized paramedics to administer immunizations for influenza to firefighters or emergency medical technicians, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 244**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Faber
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Widener		Niehaus-31.

So the bill passed.

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

Senator Oelslager moved to amend the title as follows:

Add the names: "Bacon, Balderson, Brown, Coley, Hughes, Kearney, LaRose, Lehner, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Seitz, Turner, Widener."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 310-Senator Balderson.

Cosponsor: Senator Jones.

To amend section 1533.71, to enact sections 935.01, 935.011, 935.02 to 935.10, 935.101, 935.11 to 935.26, and 935.99, and to repeal section 2927.21 of the Revised Code to establish requirements governing the possession of dangerous wild animals and restricted snakes, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 310**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Jordan voted in the negative-1.

So the bill passed.

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

Senator Balderson moved to amend the title as follows:

Add the names: "Bacon, Beagle, Burke, Gentile, Hite, Lehner, Manning, Niehaus, Sawyer, Widener."

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

The motion was agreed to and the title so amended.

OFFERING OF RESOLUTIONS

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

S. R. No. 243-Senators Skindell, Turner, Smith.

In memory of the Reverend Michael M. DeBose.

S. R. No. 244-Senator Peterson.

Honoring Holly Miller as a 2012 Gospel's Got Talent winner.

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

So the resolutions were adopted.

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:

H. B. No. 375 -Representative Butler

Cosponsors: Representatives Stebelton, Rosenberger, Henne, Gonzales, Uecker, Reece, Adams, J., Terhar, Thompson, Blessing, Hill, Huffman, Lynch, Martin, Ramos, Roegner, Speaker Batchelder

To amend section 3313.41 of the Revised Code to allow school districts to sell real property to private, nonprofit institutions of higher education.

H. B. No. 423 -Representative Gonzales

Cosponsors: Representatives Blessing, Wachtmann, Stebelton, Conditt, Schuring, Brenner, Garland, Huffman, Landis, Lynch, Newbold, Sears, Stautberg

To amend section 755.181 of the Revised Code to provide for the dissolution of a joint recreation district.

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

H. B. No. 490 -Representatives Dovilla, Landis

Cosponsors: Representatives Johnson, Pillich, Bulp, Martin, Milkovich, Rosenberger, Yuko, Adams, R., Amstutz, Anielski, Antonio, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyd, Brenner, Buchy, Budish, Carney, Celebrezze, Celeste, Cera, Combs, Conditt, Damschroder, Derickson, DeVitis, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Hill, Hottinger, Huffman, Kozlowski, Letson, Lundy, Lynch, Maag, McClain, Murray, Newbold, O'Brien, Patmon, Pelanda, Phillips, Ramos, Reece, Ruhl, Schuring, Sears, Slesnick, Smith, Sprague, Stebelton, Stinziano, Szollosi, Terhar, Thompson, Uecker, Williams, Young, Speaker Batchelder

To amend sections 149.01, 317.24, 3333.31, and 5902.02 of the Revised Code to change the law regarding a County Recorder's release of a veteran's record of discharge, to modify the duties of the Director of Veterans Services with respect to publishing information about Veterans Services offices, to modify the composition of the Veterans Advisory Committee, and to grant in-state tuition for nonresident spouses and dependents of veterans who served on active duty and are deceased.

H. B. No. 491 -Representatives Young, Kozlowski

Cosponsors: Representatives Uecker, Yuko, Antonio, Ramos, Adams, J., Adams, R., Anielski, Baker, Barnes, Boose, Boyd, Brenner, Bulp, Buchy, Carney, Celebrezze, Damschroder, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Garland, Gerberry, Goodwin, Grossman, Hall, Hottinger, Lundy, Lynch, Maag, Martin, McClain, Milkovich, Murray, O'Brien, Patmon, Phillips, Reece, Roegner, Ruhl, Slaby, M., Slesnick, Stebelton, Stinziano, Wachtmann, Williams, Winburn

To enact section 5.2282 of the Revised Code to designate June as "Ohio Wines Month."

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

Am. S. B. No. 260 -Senator Obhof

Cosponsors: Senators Jones, Schaffer, Seitz, Patton, Bacon, Kearney, Wagoner, Brown, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Lehner, Manning, Schiavoni, Skindell, Tavares, Turner, Widener Representatives Gonzales, Fende, Antonio, Carney, Gardner, Garland, Hackett, Hill, Hottinger, Johnson, Schuring, Sears, Yuko, Adams, R., Anielski, Ashford, Beck, Boyd, Brenner, Bulp, Buchy, Celebrezze, Celeste, Derickson, DeVitis, Dovilla, Fedor, Gerberry, Hagan, C., Hall, Hayes, Kozlowski, Landis, Lundy, Lynch, Maag, Milkovich, Newbold, O'Brien, Phillips, Pillich, Ramos, Ruhl, Slesnick, Stautberg, Stebelton, Stinziano, Terhar, Winburn, Young, Speaker Batchelder

To enact section 5.2275 of the Revised Code to designate May as "Pediatric Stroke Awareness Month."

Attest: Jennifer E. Woodring,
Clerk.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5123.60(D)(2) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the Legal Rights Service Commission:

William G. Crum (replacing April Williams who resigned)
1743 McCoy Road
Columbus, OH 43220-4405

On the motion of Senator Faber, the Senate recessed until 4:55 p.m.

The Senate met pursuant to the recess.

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. 437 -Representatives Roegner, Patmon

Cosponsors: Representatives Newbold, Huffman, Gardner, Buchy, Dovilla, Goodwin, Adams, J., Derickson, Thompson, Brenner, Stebelton, Antonio, Barnes, Beck, Blair, Boyd, Bulp, DeVitis, Garland, Gonzales, Hagan, C., Hayes, Kozlowski, Lynch, Mallory, Milkovich, Pelanda, Slaby, M., Smith, Winburn, Yuko, Speaker Batchelder

To amend section 3327.15 of the Revised Code to increase the number of miles a school district board may authorize its motor vehicles for out-of-state travel.

Attest:

Jennifer E. Woodring,
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 passed the following bill in which the concurrence of the Senate is requested:

Sub. H. B. No. 405 -Representative Rosenberger

Cosponsors: Representatives Johnson, Landis, Pillich, Bulp, Butler, Milkovich, Yuko, Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Boose, Boyd, Brenner, Buchy, Carney, Celebrezze, Celeste, Cera, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Henne, Hill, Hottinger, Kozlowski, Letson, Lundy, Lynch, Maag, Mallory, Martin, McGregor, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Phillips, Ramos, Reece, Roegner, Ruhl, Scherer, Schuring, Sears, Slaby, M., Smith, Sprague, Stautberg, Stebelton, Terhar, Thompson, Uecker, Wachtmann, Williams, Winburn, Young, Speaker Batchelder

To amend sections 124.23, 124.26, 3319.085, 3737.881, 3781.10, 5321.04, 5903.10, 5903.11, 5911.07, 5923.12, 5924.01, 5924.02, 5924.03, 5924.06,

5924.07, 5924.08, 5924.09, 5924.10, 5924.11, 5924.13, 5924.14, 5924.15, 5924.16, 5924.17, 5924.18, 5924.19, 5924.20, 5924.22, 5924.23, 5924.24, 5924.25, 5924.26, 5924.27, 5924.28, 5924.29, 5924.30, 5924.31, 5924.32, 5924.33, 5924.34, 5924.35, 5924.36, 5924.37, 5924.38, 5924.39, 5924.41, 5924.42, 5924.43, 5924.44, 5924.45, 5924.46, 5924.47, 5924.48, 5924.49, 5924.50, 5924.51, 5924.52, 5924.54, 5924.56, 5924.57, 5924.58, 5924.59, 5924.60, 5924.63, 5924.72, 5924.73, 5924.74, 5924.75, 5924.76, 5924.77, 5924.78, 5924.82, 5924.83, 5924.84, 5924.85, 5924.86, 5924.87, 5924.88, 5924.89, 5924.90, 5924.91, 5924.92, 5924.93, 5924.94, 5924.95, 5924.96, 5924.97, 5924.98, 5924.103, 5924.108, 5924.109, 5924.111, 5924.113, 5924.115, 5924.128, 5924.131, 5924.132, 5924.133, and 5924.146, to enact new sections 5924.21, 5924.61, 5924.62, 5924.64, 5924.65, 5924.66, 5924.70, 5924.71, and 5924.120 and sections 4743.04, 5924.501, 5924.502, 5924.503, 5924.504, 5924.505, 5924.506, 5924.581, 5924.582, 5924.67, 5924.68, 5924.69, 5924.761, and 5924.1121, and to repeal sections 5924.04, 5924.12, 5924.21, 5924.61, 5924.62, 5924.64, 5924.65, 5924.66, 5924.70, 5924.71, 5924.99, 5924.100, 5924.101, 5924.102, 5924.104, 5924.105, 5924.106, 5924.110, 5924.114, 5924.118, 5924.119, 5924.120, 5924.122, 5924.1231, 5924.124, 5924.125, 5924.126, 5924.129, 5924.130, 5924.145, and 5924.147 of the Revised Code to allow extra credit to military veterans and reserve component members on state civil service examinations, to provide for the reemployment of nonteaching school employees following military service in accordance with federal law, to extend the period of time within which persons serving in the Ohio National Guard may meet continuing education requirements for occupational licenses and renew their licenses, to require landlords to observe the rights of tenants who are service members under federal law, to modify the order of priority in which veterans may participate in job training programs, to permit but not require the use of armories by patriotic and national organizations, to update references in the Revised Code to federal statutes relating to the National Guard, to conform the Ohio Code of Military Justice to the United States Code of Military Justice, and to make other changes to the Ohio Code of Military Justice.

Attest:

Jennifer E. Woodring,
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 passed the following bill in which the concurrence of the Senate is requested:

Am. H. B. No. 473 -Representative Wachtmann

Cosponsors: Representatives Boose, Brenner, Buchy, Damschroder, Hall, Huffman, Johnson, Lynch, McClain, Sears, Stebelton, Thompson

To amend sections 1501.32, 1501.33, 1521.04, 1522.03, and 1522.05, to enact sections 1522.10, 1522.101, 1522.11 to 1522.13, 1522.131, and 1522.14 to 1522.21, and to repeal section 1522.07 of the Revised Code to establish a program for the issuance of permits for the withdrawal and consumptive use of waters from the Lake Erie basin and to establish other requirements related to the implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

Attest:

Jennifer E. Woodring,
Clerk.

Said bill was considered the first time.

On the motion of Senator Hite, the Senate adjourned until Thursday, April 26, 2012 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.