

OHIO

SENATE

JOURNAL

TUESDAY, MAY 15, 2012

ONE HUNDRED SEVENTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 15, 2012, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Tom McCullough, The Capitol Commission, Granville, 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:

H. C. R. No. 31-Representatives Landis, Okey, et al.

To urge the United States Army Corps of Engineers to take all actions necessary to preserve the Village of Zoar in its present location in Tuscarawas County by repairing a levee that is protecting the Village.

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

Sub. H. B. No. 118-Representative Fende, et al.

To amend sections 149.43, 2903.01, 2903.11, 2903.12, 2903.13, 2903.21, and 2929.04 and to enact section 2903.23 of the Revised Code to provide that residential and familial information of a probation officer is not a public record, to increase the penalties for certain offenses when a judge, magistrate, or prosecutor is the victim, to prohibit a person from threatening a judge, magistrate, or prosecutor, and to make the killing of a judge, magistrate, or prosecutor an aggravating circumstance for the imposition of the death penalty for aggravated murder.

To the Committee on Judiciary.

H. B. No. 184-Representative Martin, et al.

To enact section 5.2267 of the Revised Code to designate March as "Multiple System Atrophy Awareness Month."

To the Committee on Health, Human Services and Aging.

H. B. No. 239-Representative Stautberg, et al.

To amend section 5747.01 of the Revised Code to exempt retirement pay related to service in the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Commissioned Corps of the Public Health Service.

To the Committee on Ways and Means and Economic Development.

Sub. H. B. No. 334-Representatives Johnson, Bubp, et al.

To amend sections 2925.55, 2925.56, 2925.57, and 3715.05 and to enact sections 109.89, 3715.051, 3715.052, 3715.053, and 3715.054 of the Revised Code regarding the participation of pharmacies, retailers, and the Attorney General in electronically tracking pseudoephedrine and ephedrine product sales through a national exchange.

To the Committee on Health, Human Services and Aging.

Sub. H. B. No. 379-Representative Blessing, et al.

To amend sections 4909.05, 4909.06, 4909.07, 4909.08, 4909.15, 4909.156, 4909.172, 4909.18, 4909.191, and 4909.42 of the Revised Code to permit, for water-works and sewage disposal system companies, certain rate-calculation adjustments, to make changes regarding water and sewer infrastructure improvement surcharges, and to alter language regarding utility requirements for when rate increases may take effect in the absence of administrative action.

To the Committee on Energy and Public Utilities.

Sub. H. B. No. 417-Representative Grossman, et al.

To enact section 4731.228 of the Revised Code regarding responsibility for notifying patients that a physician's employment by a health care entity has been terminated.

To the Committee on Insurance, Commerce and Labor.

H. B. No. 492-Representative Gonzales, et al.

To enact section 5.2280 of the Revised Code to designate May as "Melanoma and Skin Cancer Detection and Prevention Month."

To the Committee on Health, Human Services and Aging.

H. B. No. 521-Representative Dovilla, et al.

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.

To the Committee on Ways and Means and Economic Development.

YES - 8: THOMAS E. NIEHAUS, TOM PATTON, CHRIS WIDENER, SCOTT OELSLAGER, EDNA BROWN, ERIC H. KEARNEY, KEITH L. FABER, NINA TURNER.

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 Jones submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **S. B. No. 315**-Senator Jones, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Coley.

YES - 10: SHIRLEY A. SMITH, LOU GENTILE, TIMOTHY O. SCHAFFER, SHANNON JONES, TROY BALDERSON, CLIFF HITE, BILL COLEY, TOM PATTON, FRANK LAROSE, BILL SEITZ.

NO - 2: THOMAS SAWYER, JOSEPH SCHIAVONI.

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. C. R. No. 30**-Senators Widener, Kearney, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 11: CHRIS WIDENER, SCOTT OELSLAGER, KEVIN BACON, JIM HUGHES, BILL COLEY, CHARLETA B. TAVARES, MICHAEL J. SKINDELL, THOMAS SAWYER, TOM PATTON, SHANNON JONES, SHIRLEY A. SMITH.

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 326-Representatives McClain, Hill.

Cosponsors: Representatives Huffman, Grossman, Hagan, C., Martin, Thompson, Stebelton, Derickson, Adams, J., Adams, R., Blair, Ruhl, Sears, Young, Dovilla, Hayes, Maag, Combs, Carney, Winburn, Garland, Pillich, Bupp, Conditt, Weddington, Slaby, Anielski, Beck, Damschroder, Hackett, Hall, Lundy, Newbold, O'Brien, Phillips, Terhar, Uecker, Speaker Batchelder. Senators LaRose, Eklund.

To amend sections 9.03 and 3599.40 of the Revised Code to generally prohibit any person from knowingly conducting any transaction of public funds to the benefit of any campaign committee, political action committee, legislative campaign fund, political party, campaign fund, political committee, separate segregated fund, or candidate, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 326**, 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
Tavares

Seitz
Turner

Skindell
Wagoner

Smith
Widener
Niehaus-33.

So the bill passed.

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

Senator Obhof moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Hite, Hughes, Jones, Jordan, Manning, Obhof, Patton, Peterson, Schaffer, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

S. B. No. 135-Senator Kearney.

Cosponsors: Senators Smith, Turner, Wagoner, Tavares.

To enact section 5.2267 of the Revised Code to designate the month of September as "Craniofacial Acceptance Month", was considered the third time.

The question being, "Shall the bill, **S. B. No. 135**, pass?"

Senator Kearney moved to amend as follows:

In line 4, delete "5.2267" and insert "5.2287"

In line 6, delete " 5.2267" and insert " 5.2287"

In line 10, delete "5.2267" and insert "5.2287"

In line 1 of the title, delete "5.2267" and insert "5.2287"

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

The motion was agreed to.

The question recurred, "Shall the bill, **S. B. No. 135**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon
Burke
Faber
Jones
Lehner
Patton

Balderson
Cafaro
Gentile
Jordan
Manning
Peterson

Beagle
Coley
Hite
Kearney
Obhof
Sawyer

Brown
Eklund
Hughes
LaRose
Oelslager
Schaffer

Schiavoni
Tavares

Seitz
Turner

Skindell
Wagoner

Smith
Widener
Niehaus-33.

So the bill passed.

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

Senator Kearney moved to amend the title as follows:

Add the names: "Bacon, Balderson, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Widener."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 280-Senator Seitz.

To amend section 3735.27 of the Revised Code to change the composition of certain metropolitan housing authorities, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 280**, 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 Seitz moved to amend the title as follows:

Add the names: "Coley, Eklund, Jordan, Patton, Wagoner."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 304-Senator Balderson.

Cosponsors: Senators Wagoner, Hughes, Brown, Seitz, Jones, Tavares.

To enact section 5.2281 of the Revised Code to designate the month of May as "Better Hearing and Speech Month", was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 304**, 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 Balderson moved to amend the title as follows:

Add the names: "Bacon, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Kearney, LaRose, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Smith, 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. 315-Senator Jones.

Cosponsor: Senator Coley.

To amend sections 122.075, 123.011, 125.836, 131.50, 133.06, 156.01, 156.02, 156.03, 156.04, 303.213, 1509.01, 1509.02, 1509.03, 1509.04, 1509.06, 1509.07, 1509.10, 1509.11, 1509.22, 1509.221, 1509.222, 1509.223, 1509.23, 1509.28, 1509.33, 1509.99, 1514.01, 1514.02, 1514.021, 1514.03, 1514.05, 3706.27, 4905.03, 4905.90, 4905.91, 4905.95, 4906.01, 4906.03, 4906.05, 4906.06, 4906.07, 4906.10, 4906.20, 4928.01, 4928.02, 4928.61, 4928.62, 4928.64, 4928.65, 4928.66, 4935.04, and 5703.21; and to enact sections 4905.911, 4905.912, 4928.111, 4928.70, 4928.71, 4928.72, 5727.821, and 6301.12 of the Revised Code; and to amend section 245.10 of Am. Sub.

H.B. 153 of the 129th General Assembly to make changes to the energy and natural resources laws and related programs of the state and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 315**, pass?"

Senator Schiavoni moved to amend as follows:

In line 1507, after "(2)" insert " and (3)"

In line 1511, after the comma insert " except as provided in division (C)(3) of this section."

In line 1514, strike through "If" and insert " Except as provided in division (C)(3) of this section, if"

In line 1519, after the comma insert " except as provided in division (C)(3) of this section."

Between lines 1522 and 1523, insert:

" (3) Upon receipt of an application and all accompanying information that is required by this section regarding a horizontal well or a well in which brine or waste substances are or are to be injected, but before determining whether to approve or deny the application, the chief shall provide for a thirty-day public comment period. The chief shall provide notice of the comment period on the web site of the department of natural resources. The chief shall consider any comments received when approving or denying the permit application. Not later than thirty days after the expiration of the comment period, the chief shall issue the permit or issue an order denying the permit."

In line 1524, after "well" insert " that is the subject of the application is not a horizontal well or a well in which brine or waste substances are or will be injected, or if the well"

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

Senator Patton 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
Sawyer
Tavares

Cafaro
Schiavoni

Gentile
Skindell

Kearney
Smith
Turner-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 315**, pass?"

Senator Schiavoni moved to amend as follows:

Between lines 1488 and 1489, insert:

" Simultaneously with the filing of an application for a permit and in addition to the notice required under division (A)(9) of this section, if applicable, the owner shall submit to the chief a copy of an advertisement of the precise location and boundaries of the land to be affected by the well that is the subject of the application. At the time of submission of the advertisement to the chief, the advertisement shall be placed by the owner in a newspaper of general circulation in the county or counties in which the well that is the subject of the application is or is to be located. The owner shall ensure that the advertisement runs at least once a week for four consecutive weeks.

The chief shall provide notice of the application in the county or counties in which the well that is the subject of the application is or is to be located to the following political subdivisions with jurisdiction over the property that is the subject of the application: each board of county commissioners; each board of township trustees; the legislative authority of each municipal corporation; each private water company; each regional council of governments; and each board of directors of a conservancy district. The notice shall describe the tract of land to which the application pertains and shall indicate where a copy of the application may be inspected. The chief also shall provide the notice to the planning commissions with jurisdiction over the property that is the subject of the application. Written comments regarding the application may be submitted to the chief within ten days after the notification by the chief. The chief shall immediately transmit these comments to the applicant and make them available to the public. The chief also shall post notice of the application on the web site of the department of natural resources.

Not later than seven days after the advertisement placed by the applicant runs for the first week, the applicant, in conjunction with officials from the division of oil and gas resources management, shall conduct a public meeting regarding the application. The applicant shall publish notice of the public meeting not later than seven days prior to the meeting in a newspaper of general circulation in the county or counties in which the well that is the subject of the

application is or is to be located. Additionally, the chief shall post notice of the public meeting on the web site of the department of natural resources not later than seven days prior to the meeting."

In line 1509, strike through "of filing of the application for the permit" and insert "on which the last advertisement is placed in a newspaper under division (A) of this section"

In line 1512, strike through "the filing of"

In line 1513, strike through "the application" and insert "the placement of the last advertisement in a newspaper under division (A) of this section"

In line 1516, strike through "of filing of the application"

In line 1517, strike through "for the permit" and insert "on which the last advertisement is placed in a newspaper of general circulation under division (A) of this section"

In line 1521, strike through "the filing of the application" and insert "the placement of the last advertisement in a newspaper under division (A) of this section"

In line 1541, strike through "the filing of the"

In line 1542, strike through "request" and insert "the placement of the last advertisement in a newspaper under division (A) of this section"

In line 1547, strike through "their filing" and insert "the placement of the last advertisement in a newspaper under division (A) of this section"

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

Senator Patton 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. 315**, pass?"

Senator Schiavoni moved to amend as follows:

In line 20, after "303.213," insert "1505.09,"

Between lines 925 and 926, insert:

"Sec. 1505.09. There is hereby created in the state treasury the geological mapping fund, to be administered by the chief of the division of geological survey. The fund shall be used for the purposes of performing the necessary field, laboratory, and administrative tasks to map and make public reports on the geology, geologic hazards, and energy and mineral resources of the state. The source of moneys for the fund shall include, but not be limited to, the mineral severance tax as specified in section 5749.02 of the Revised Code ~~and~~ , the fees collected under rules adopted under section 1505.05 of the Revised Code , and ten per cent of the money collected from fees under division (H) of section 1509.22 of the Revised Code. The chief may seek federal or other moneys in addition to the mineral severance tax ~~and~~ , fees , and money credited to the fund to carry out the purposes of this section. If the chief receives federal moneys for the purposes of this section, the chief shall deposit those moneys into the state treasury to the credit of a fund created by the controlling board to carry out those purposes. Other moneys received by the chief for the purposes of this section in addition to the mineral severance tax, fees, money credited to the geological mapping fund under section 1509.22 of the Revised Code, and federal moneys shall be credited to the geological mapping fund."

In line 1162, strike through "1509.22,"

In line 1163, after the third comma insert " ninety per cent of the money collected from fees levied under division (H) of section 1509.22 of the Revised Code,"

Delete lines 2177 through 2189 and insert:

" (3) The owner of an injection well who is issued a permit under division (D) of this section shall collect the fee levied by division (H) of this section on behalf of the division of oil and gas resources management and forward the fee to the division. The chief shall transmit all money received under division (H) of this section to the treasurer of state who shall deposit and credit the money in accordance with division (H)(4) of this section. The owner of an injection well who collects the fee levied by this division may retain up to three per cent of the amount that is collected.

(4) Ten per cent of the proceeds of the fees levied under division (H) of this section shall be deposited in the state treasury to the credit of the geological mapping fund created in section 1505.09 of the Revised Code, and ninety per cent of the proceeds shall be deposited in the state treasury to the credit of the oil

and gas well fund created in section 1509.02 of the Revised Code.

(5) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements and procedures for collection of the fee levied by division (H) of this section."

In line 5962, after "303.213," insert "1505.09,"

In line 2 of the title, after "303.213," insert "1505.09,"

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

Senator Patton 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. 315**, pass?"

Senator Gentile moved to amend as follows:

In line 1467, after " (b)" insert " (i)"

In line 1474, after the second " or" delete the balance of the line

Delete lines 1475 through 1478 and insert " a copy of the written opinion and order rendered under division (A)(11)(b)(ii) of this section.

(ii) If an owner is unable to reach an agreement for purposes of division (A)(11)(b)(i) of this section, the owner shall provide notice to the chief of the failure to reach agreement. The chief, not later than seven days after the receipt of the notice, shall appoint a qualified conciliator listed by the American arbitration association. The conciliator shall be a resident of this state.

The conciliator shall conduct an arbitration hearing not later than seven days after the conciliator is appointed by the chief. Not later than four days prior to the hearing, each party to the hearing shall submit to the conciliator, to the opposing parties, and to the chief a written report summarizing all unresolved issues, the party's final offer as to those issues, and the rationale for that offer. After receipt of the written reports and final offers, the chief shall determine if the conciliator shall issue a separate written opinion and order regarding each point of disagreement or issue one written opinion and order that resolves all points of disagreement in favor of one party.

At the hearing, the conciliator may administer oaths. The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing.

The conciliator shall resolve the disputes between the parties by taking into consideration other agreements between the parties, the interests and welfare of the public, the ability of the parties to finance and administer the issues in dispute, and any other factors as determined by the conciliator.

Not later than seven days after the hearing, the conciliator shall make written findings of fact and issue a written opinion and order with respect to the issues presented to the conciliator and the record made before the conciliator. The conciliator shall submit a true copy of the findings, opinion, and order to the chief.

The written opinion and order of the conciliator of constitute a binding mandate to the parties to the arbitration. The owner shall take any actions necessary to implement the opinion and order, as applicable. The written opinion and order of the conciliator may be appealed to the court of common pleas of the county in which the well is proposed to be located.

The parties shall bear the costs of the arbitration hearing."

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

Senator Patton 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. 315**, pass?"

The yeas and nays were taken and resulted - yeas 27, nays 6, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Faber
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Schaffer	Seitz	Smith
Wagoner	Widener		Niehaus-27.

Senators Cafaro, Sawyer, Schiavoni, Skindell, Tavares, and Turner voted in the negative-6.

So the bill passed.

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

Senator Jones moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Eklund, Lehner, Niehaus, Peterson, Schaffer."

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

The motion was agreed to and the title so amended.

S. B. No. 320-Senator Eklund.

Cosponsors: Senators Seitz, Lehner, Beagle, LaRose, Schaffer.

To amend sections 5709.62, 5709.63, and 5709.632 of the Revised Code to extend the time during which local governments may enter into enterprise zone agreements to October 15, 2013, was considered the third time.

The question being, "Shall the bill, **S. B. No. 320**, 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 Eklund moved to amend the title as follows:

Add the names: "Balderson, Coley, Faber, Hite, Hughes, Jones, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Smith, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 321-Senator Beagle.

Cosponsors: Senators Patton, LaRose, Seitz.

To amend sections 133.10, 3375.01, 3375.05, 3375.06, 3375.12, 3375.121, 3375.15, 3375.32, 3375.40, 3375.41, 3375.42, 5705.01, 5705.19, 5705.191, 5705.21, 5705.23, 5705.25, 5705.26, 5705.261, 5705.281, 5705.34, 5705.341, and 5705.49, to enact section 3375.151, and to repeal section 3375.03 of the Revised Code to authorize the State Library Board to establish library districts for association libraries, to make other changes to the law governing the organization, governance, and operation of public libraries, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 6, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 2, 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	Tavares	Turner
Wagoner	Widener		Niehaus-31.

Senators Skindell and Smith voted in the negative-2.

So the section, Section 6, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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 having received the required constitutional majority passed as an emergency measure.

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

Senator Beagle moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Coley, Eklund, Faber, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Sawyer, Schiavoni, Tavares, Wagoner."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 344-Senators Manning, Turner.

Cosponsors: Senators Kearney, Patton, Tavares.

To amend sections 109.91, 2743.70, and 2949.092 and to enact sections 109.921 and 2949.095 of the Revised Code to generally impose an additional court cost of \$100 for a felony or misdemeanor in cases in which a person is convicted of a sexually oriented offense; to require the deposit of the additional court cost into the Rape Crisis Program Trust Fund administered by the Attorney General; to fund rape crisis centers out of the Fund; to increase to \$50 for a felony and \$15 for a misdemeanor the additional court cost that is charged to fund the Reparations Fund; and to add a representative of rape crisis centers as a member of the State Victims Assistance Advisory Committee.

S. B. No. 345-Senators Niehaus, Kearney.

To amend sections 5505.01, 5505.03, 5505.15, 5505.174, 5505.28, and

5505.54 of the Revised Code to revise the law governing the State Highway Patrol Retirement System.

OFFERING OF RESOLUTIONS

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

S. R. No. 254-Senator Niehaus.

Honoring Debby Hutras for outstanding service to the State of Ohio.

S. R. No. 255-Senator Hughes.

Honoring the Upper Arlington High School girls fencing team as the 2012 state champion.

S. R. No. 256-Senators Coley, Schaffer, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Schiavoni, Seitz, Smith, Tavares, Turner, Wagoner.

Honoring Command Sergeant Major Albert M. Whatmough on his retirement from the Ohio Army National Guard.

S. R. No. 257-Senator Coley.

Honoring the Fort Hamilton District of the Dan Beard Council of the Boy Scouts of America on its One Hundredth Anniversary.

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 Speaker of the House of Representatives has signed the following bills:

Sub. H. B. No. 158-Representatives Stebelton, Okey - et al.

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

Attest:

Thomas L. Sherman,
Deputy Clerk.

The President signed said bills.

On the motion of Senator Faber, the Senate adjourned until Wednesday, May 16, 2012 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.