

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, MAY 22, 2012

ONE HUNDRED EIGHTY-SECOND DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, May 22, 2012, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Grace Baptist Church, Cedarville, 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:

**Sub. H. B. No. 303**-Representative Schuring, et al.

To amend sections 2305.113, 2711.22, 3963.01, 4503.44, 4723.01, 4723.03, 4723.06, 4723.07, 4723.08, 4723.09, 4723.17, 4723.171, 4723.24, 4723.271, 4723.28, 4723.32, 4723.34, 4723.35, 4723.41, 4723.42, 4723.43, 4723.431, 4723.44, 4723.48, 4723.482, 4723.485, 4723.61, 4723.64, 4723.65, 4723.651, 4723.652, 4723.66, 4723.67, 4723.68, 4723.69, 4723.71, 4723.72, 4723.73, 4723.74, 4723.75, 4723.751, 4723.76, 4723.77, 4723.79, 4723.83, 4723.84, 4723.87, 4723.88, 4723.99, 5111.88, and 5120.55; to amend, for the purpose of adopting a new section number as indicated in parentheses, sections 4723.17 (4723.18) and 4723.171 (4723.181) and to enact new section 4723.17 and sections 4723.091, 4723.092, 4723.19, and 4723.653; and to repeal sections 4723.483, 4723.62, 4723.621, 4723.63, and 4723.78 of the Revised Code to revise the law governing nurses, medication aides, dialysis technicians, and certified community health workers.

To the Committee on Health, Human Services and Aging.

**Am. Sub. H. B. No. 325**-Representative Landis, et al.

To amend sections 5533.051 and 5533.774 and to enact sections 5533.052, 5533.104, 5533.221, 5533.254, 5533.301, 5533.321, 5533.322, 5533.356, 5533.377, 5533.378, 5533.379, 5533.461, 5533.624, 5533.625, 5533.626, 5533.627, 5533.628, 5533.629, 5533.645, 5533.646, 5533.688, 5533.752, 5533.768, 5533.769, 5533.831, 5533.832, 5533.901, 5533.902, and 5533.961 of the Revised Code to designate a number of memorial highways.

To the Committee on Highways and Transportation.

**Am. Sub. H. B. No. 339**-Representative Patmon, et al.

To amend section 4501.21 and to enact sections 4503.514, 4503.524, 4503.525, 4503.533, 4503.549, 4503.732, and 4503.90 of the Revised Code to create certain special license plates.

To the Committee on Highways and Transportation.

**Sub. H. B. No. 360**-Representative Rosenberger, et al.

To amend sections 167.03, 4927.03, 4927.15, 4931.40, 4931.41, 4931.44, 4931.49, 4931.50, 4931.60, 4931.61, 4931.62, 4931.63, 4931.64, 4931.65, 4931.66, 4931.67, 4931.69, and 4931.99, to enact sections 4931.611, 4931.621, and 4931.622, and to repeal section 4931.70 of the Revised Code to revise the amount and methods of collection and remittance of the wireless 9-1-1 charge for prepaid wireless services, to take effect in 2013.

To the Committee on Energy and Public Utilities.

**Am. H. B. No. 408**-Representative Terhar, et al.

To amend section 3735.27 of the Revised Code to change the composition of certain metropolitan housing authorities.

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

**H. B. No. 433**-Representative Damschroder, et al.

To amend sections 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, and 1907.11 of the Revised Code to abolish the Sandusky County County Court, to create the Sandusky County Municipal Court, to provide that the judge of the Sandusky County Municipal Court shall be nominated by petition, and to designate the clerk of courts of Sandusky County the clerk of the Sandusky County Municipal Court.

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

**H. B. No. 472**-Representative Beck, et al.

To amend section 5701.11 of the Revised Code to expressly incorporate

changes in the Internal Revenue Code since March 7, 2011, into Ohio law and to declare an emergency.

To the Committee on Ways and Means and Economic Development.

**Sub. H. B. No. 510**-Representative Amstutz, et al.

To amend sections 122.17, 122.171, 122.85, 145.114, 145.116, 149.311, 150.01, 150.07, 150.10, 715.013, 742.114, 742.116, 3307.152, 3307.154, 3309.157, 3309.159, 5505.068, 5505.0610, 5703.052, 5703.053, 5703.70, 5707.03, 5709.76, 5711.22, 5725.02, 5725.14, 5725.16, 5725.26, 5725.33, 5733.01, 5733.02, 5733.021, 5733.06, 5747.01, 5747.98, 5751.01, 5751.011, 5751.012, and 5751.98 and to enact sections 5701.12, 5726.01 to 5726.08, 5726.10, 5726.20, 5726.21, 5726.30 to 5726.33, 5726.36, 5726.40 to 5726.43, 5726.50 to 5726.57, 5726.98, 5726.99, 5747.65, and 5751.54 of the Revised Code to impose a new tax on financial institutions, effective January 1, 2014, to provide that such institutions and dealers in intangibles are no longer subject to the corporation franchise tax or dealers in intangibles tax after 2013, and to require dealers in intangibles to pay the commercial activity tax after 2013.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 346**-Senator Bacon, et al.

To amend section 3905.14 of the Revised Code to regulate certificates of insurance prepared or issued as evidence of property or casualty insurance coverage.

To the Committee on Insurance, Commerce and Labor.

YES - 8: KEITH L. FABER, SHANNON JONES, 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 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 **Sub. H. B. No. 108**-Representatives Gerberry, Hagan, R., et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Cafaro, Hite.

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

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 **Am. H. B. No. 473**-Representative Wachtmann, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 6: CAPRI S. CAFARO, TROY BALDERSON, DAVE BURKE, TIMOTHY O. SCHAFFER, BOB PETERSON, CLIFF HITE.

NO - 3: LOU GENTILE, JOSEPH SCHIAVONI, GAYLE MANNING.

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. 328**-Senator Balderson, et al., having had the same under consideration, reports it back and recommends its passage.

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

NO - 0.

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

The report of the committee was accepted.

## HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

### Sub. S. B. No. 202-Senator Seitz.

Cosponsors: Senators Patton, Grendell, Eklund, LaRose, Bacon, Balderson, Beagle, Burke, Coley, Faber, Hite, Hughes, Jones, Jordan, Lehner, Manning, Niehaus, Schaffer, Widener. Representatives Garland, Slaby, Hayes, Blessing, Bulp, Conditt, Young, Adams, R., Beck, Buchy, Combs, Damschroder, Derickson, Grossman, Hackett, Hall, Johnson, Newbold, Scherer, Thompson, Uecker, Wachtmann, Speaker Batchelder.

To enact section 2305.402 of the Revised Code to specify the responsibility of a possessor of real property to a trespasser and the circumstances in which the possessor may be liable in a tort action for the death or injury of a trespasser, and to specify that it is the intent of the General Assembly to declare that the American Law Institute's finalized "Restatement Third of Torts: Liability for Physical and Emotional Harm" does not constitute the public policy of the state of Ohio and to codify the current law of Ohio regarding the duties owed to trespassers by those who own, occupy, or control premises, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 202**?"

The yeas and nays were taken and resulted - yeas 25, nays 7, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Cafaro	Coley	Eklund	Faber
Gentile	Hite	Hughes	Jones
Jordan	LaRose	Lehner	Manning
Obhof	Oelslager	Peterson	Sawyer
Schaffer	Seitz	Wagoner	Widener
			Niehaus-25.

Senators Brown, Kearney, Schiavoni, Skindell, Smith, Tavares, and Turner

voted in the negative-7.

So the Senate concurred in the amendments of the House of Representatives.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 333** -Senator Obhof.

Cosponsors: Senators Beagle, Coley, LaRose, Seitz, Bacon, Peterson, Brown.

To amend sections 1321.52 and 1322.02 and to enact sections 1321.537, 1321.538, 1322.042, and 1322.043 of the Revised Code to authorize the Superintendent of Financial Institutions to issue a temporary mortgage loan originator license or temporary loan originator license to an out-of-state applicant who meets certain criteria, having been informally passed, was considered a third time.

The question being, "Shall the bill, **Sub. S. B. No. 333**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

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: "Balderson, Burke, Hughes, Jones, Lehner, Manning, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

**Am. H. B. No. 207**-Representatives Balderson, Letson.

Cosponsors: Representatives Huffman, Yuko, Gerberry, Landis, Thompson, Derickson, Stinziano, Fende, Ashford, Combs, Phillips, Schuring, Martin, Buchy, Hayes, Blair, Hottinger, Milkovich, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Barnes, Blessing, Boose, Bubp, Carey, Carney, Celeste, Conditt, Damschroder, Dovilla, Driehaus, Duffey, Fedor, Gardner, Garland, Gentile, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Heard, Hill,

Hollington, Johnson, Kozlowski, Luckie, Lundy, Maag, Mallory, McClain, McGregor, Newbold, Patmon, Ramos, Reece, Ruhl, Sears, Slaby, Stautberg, Stebelton, Sykes, Szollosi, Uecker, Wachtmann, Winburn, Young, Speaker Batchelder. Senators Beagle, Faber, Bacon, Hite, Schaffer, Jordan, Sawyer.

To enact section 5.2272 of the Revised Code to designate the week in which Labor Day occurs each year as "Ohio Coal Miners Week", was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 207**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

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: "Balderson, Brown, Burke, Cafaro, Coley, Eklund, Gentile, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Skindell, Tavares, Turner, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 341**-Representative Henne.

Cosponsors: Representatives Blair, Schuring, Stebelton, Hackett, Foley, Sears, Hottinger, Amstutz, Hagan, C., Hill, Murray, Thompson. Senators Hite, Beagle, Bacon.

To amend sections 3903.81, 3907.14, 3921.10, 3921.13, 3921.19, 3921.22, 3921.28, 3921.29, 3921.30, 3921.31, 3921.33, 3922.01, 3922.02, 3922.03, 3922.04, 3922.05, 3922.06, 3922.09, 3922.10, 3922.11, 3922.14, 3922.15, 3922.16, 3922.19, and 3925.08, to enact new section 3921.35 and sections 3921.101 and 3921.191, and to repeal section 3921.35 of the Revised Code to make changes to the law regulating fraternal benefit societies, the laws



regulating insurance company investments, and the law regulating adverse benefit determinations, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 341**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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	Oelsluger
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Brown, Hughes, Lehner, Peterson, Seitz."

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

The motion was agreed to and the title so amended.

**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, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 473**, pass?"

Senator Gentile moved to amend as follows:

In line 908, after " chapter" insert " or a person whose use, benefit, or enjoyment of the waters of the Lake Erie watershed is demonstrated to be adversely impacted by such an order or rule"

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

Senator Faber 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 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Hughes	Jones	Jordan	Lehner
Obhof	Oelslager	Peterson	Schaffer
Seitz	Wagoner	Widener	Niehaus-20.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Kearney
LaRose	Manning	Sawyer	Schiavoni
Skindell	Smith	Tavares	Turner-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. H. B. No. 473**, pass?"

Senator Gentile moved to amend as follows:

In line 641, delete "ninety-day" and insert "sixty-day"

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

Senator Faber 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 19, nays 13, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Hughes	Jones	Jordan	Obhof
Oelslager	Peterson	Schaffer	Seitz
Wagoner	Widener		Niehaus-19.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Kearney
LaRose	Lehner	Manning	Sawyer

Schiavoni	Skindell	Smith	Tavares Turner-13.
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The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. H. B. No. 473**, pass?"

The yeas and nays were taken and resulted - yeas 20, nays 12, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Cafaro	Coley	Faber	Hite
Hughes	Jones	Jordan	Lehner
Obhof	Oelslager	Peterson	Schaffer
Seitz	Wagoner	Widener	Niehaus-20.

Those who voted in the negative were: Senators

Brown	Eklund	Gentile	Kearney
LaRose	Manning	Sawyer	Schiavoni
Skindell	Smith	Tavares	Turner-12.

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: "Hite, Jordan, Niehaus, Seitz."

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

The motion was agreed to and the title so amended.

**Sub. 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. Senators Beagle, Hughes, Schaffer, Cafaro, Brown, Bacon.

To amend section 4301.17 and to enact section 5.2282 of the Revised Code to designate June as "Ohio Wines Month" and to allow certain agency liquor stores to sell beer, wine, or mixed beverages for on- and off-premises consumption, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 491**, 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	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner		Niehaus-31.

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: "Balderson, Burke, Eklund, Gentile, Hite, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Tavares, Turner, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 508**-Representative Beck.

Cosponsors: Representatives Amstutz, Stautberg, Anielski, Antonio, Baker, Blessing, Boose, Bubp, Combs, Damschroder, Derickson, Garland, Gerberry, Grossman, Hackett, Hagan, R., Hayes, Huffman, Kozlowski, Lynch, Martin, McClain, Ruhl, Sears, Smith, Sprague, Stebelton, Terhar, Thompson, Young, Speaker Batchelder.

To amend sections 122.85, 131.02, 349.01, 1545.21, 1701.86, 1702.47, 3769.28, 4301.42, 4303.33, 4701.01, 4701.04, 5703.261, 5703.37, 5703.47, 5705.313, 5709.084, 5709.40, 5709.41, 5709.73, 5709.78, 5727.84, 5727.86, 5731.39, 5733.056, 5735.02, 5735.03, 5735.35, 5739.01, 5739.02, 5739.021, 5739.023, 5739.026, 5739.04, 5739.17, 5741.08, 5743.20, 5743.61, 5743.66, 5747.082, 5751.01, 5751.011, 5751.012, 5751.03, 5751.04, 5751.05, 5751.051, 5751.12, 5751.20, 5751.22, and 5753.03, to enact section 5703.061, and to repeal section 5751.032 of the Revised Code to make changes to the laws governing the assessment, levy, and collection of taxes in the state, to the laws governing public accounting firm peer review, and to the school facilities construction law, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 508**, pass?"

Senator Schaffer moved to amend as follows:

In line 9356, delete " police" and insert " peace"

In line 14 of the title, delete the second comma and insert "and"

In line 15 of the title, delete the comma and insert a period

Delete line 16 of the title

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 508**, pass?"

Senator Schaffer moved to amend as follows:

In line 24, after "5751.20," insert "and"; delete ", and 5753.03"

Delete lines 9300 through 9367

In line 9375, after "5751.20," insert "and"; delete ", and 5753.03"

In line 9420, after "5751.20," insert "and"; delete ", and 5753.03"

In line 10 of the title, after "5751.20," insert "and"; delete "and"

In line 11 of the title, delete "5753.03,"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 508**, pass?"

The yeas and nays were taken and resulted - yeas 29, 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
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Tavares	Turner	Wagoner
			Niehaus-29.

Senators Skindell and Smith voted in the negative-2.

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: "Beagle, Coley, Hite, Manning."

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

The motion was agreed to and the title so amended.

**S. B. No. 199**-Senator Smith.

Cosponsors: Senators Obhof, Skindell, Wagoner, Tavares, Sawyer, Hughes, Seitz, Beagle, Cafaro, Brown.

To enact section 5.2267 of the Revised Code to designate October 13 as Metastatic Breast Cancer Awareness Day, was considered the third time.

The question being, "Shall the bill, **S. B. No. 199**, 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	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner		Niehaus-31.

So the bill passed.

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

Senator Smith moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Coley, Eklund, Faber, Gentile, Hite, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Peterson, Schaffer, Schiavoni, Turner."

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

The motion was agreed to and the title so amended.

**S. B. No. 328**-Senator Balderson.

Cosponsors: Senators Seitz, Patton, LaRose.

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, was considered the third time.

The question being, "Shall the bill, **S. B. No. 328**, 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	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Smith	Tavares	Turner
Wagoner			Niehaus-30.

Senator Skindell 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: "Beagle, Burke, Coley, Eklund, Hite, Hughes, Lehner, Manning, Obhof, Peterson, Schaffer, 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. 347**-Senator Lehner.

To amend sections 4713.01 and 4713.08 and to enact section 4713.50 of the Revised Code regarding the regulation of chemical tanning applications and the use of tanning services by individuals under 18 years of age.

**S. B. No. 348**-Senators LaRose, Beagle.

Cosponsors: Senators Cafaro, Jones, Manning.

To amend section 2981.12 and to enact sections 3701.137, 3701.138, 3707.60, and 3707.61 of the Revised Code to provide for the remediation of real property on which an illegal methamphetamine manufacturing laboratory has been discovered.

**S. B. No. 349**-Senators Turner, Tavares.

Cosponsors: Senators Kearney, Sawyer, Brown, Schiavoni, Gentile, Cafaro, Skindell.

To amend sections 3314.03, 3326.11, 4111.04, 4111.05, 4111.06, 4111.07, 4111.09, 4111.11, 4111.12, 4111.13, 4111.17, 4111.99, and 4112.01, to amend, for the purpose of adopting a new section number as indicated in

parentheses, section 4111.17 (4112.16) of the Revised Code to enact the "Fair and Acceptable Income Required (FAIR) Act" and to revise the enforcement of the prohibitions against discrimination in the payment of wages.

### OFFERING OF RESOLUTIONS

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

**S. R. No. 262**-Senator Widener.

Honoring John W. Garland on his retirement as president of Central State University.

**S. R. No. 263**-Senator Hughes.

Honoring Gracie Long as a 2012 Division I State Swimming Champion.

**S. R. No. 264**-Senators Hughes, Tavares.

Honoring Andrea Cottrell as a 2012 Division II State Swimming Champion.

**S. R. No. 265**-Senators Hughes, Tavares.

Honoring Ronnie Bolden as a 2012 Division II State Swimming Champion.

**S. R. No. 266**-Senators Niehaus, Kearney, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Turner, Wagoner, Widener.

Honoring the Morrill Land-Grant Act of 1862 on its One Hundred Fiftieth Anniversary.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

**Am. Sub. H. B. No. 383** -Representative Slaby - et al.

Attest:

Thomas L. Sherman,  
Deputy 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:

**Am. Sub. H. B. No. 383** -Representative Slaby - et al.

Attest:

Thomas L. Sherman,  
Deputy Clerk.

The President signed said bill.

**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:

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

Cosponsors: Senators Jones, Bacon, Beagle, Burke, Gentile, Hite, Lehner, Manning, Niehaus, Sawyer, Widener Representatives Fedor, Heard, Murray, Okey, Antonio, Barnes, Beck, Boyd, Carney, Celebrezze, Clyde, Driehaus, Fende, Garland, Grossman, Hill, Lundy, Mallory, McClain, Milkovich, O'Brien, Phillips, Ramos, Thompson, Yuko, Speaker Batchelder

To amend section 1533.71, to enact sections 935.01, 935.011, 935.02 to 935.04, 935.041, 935.05 to 935.10, 935.101, 935.11 to 935.29, 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.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Thomas L. Sherman,  
Deputy Clerk.

Pursuant to Senate Rule No. 44, Senator Faber moved that the amendments of the House of Representatives to **Sub. S. B. No. 310** be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 310**?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Jordan voted in the negative-1.

So the Senate concurred in the amendment of the House of Representatives.

On the motion of Senator Niehaus, the Senate recessed until 4:00 o'clock 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:

#### **Sub. H. B. No. 262** -Representative Fedor

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

To amend sections 109.73, 2151.358, 2152.021, 2743.60, 2905.32, 2907.04, 2921.32, 2923.31, 2929.13, 2950.01, 2981.12, and 5502.63 and to enact

sections 109.66, 109.745, 109.746, 2307.51, 2953.38, 4743.07, and 5101.87 of the Revised Code to require the Attorney General annually to publish statistical data on human trafficking cases in Ohio, to provide for peace officer training and public awareness programs relative to human trafficking, to authorize a juvenile court to hold a delinquent child complaint in abeyance pending the child's completion of diversion actions if the alleged delinquent child is charged with prostitution-related conduct or is a victim of trafficking in persons, to ensure that minor victims of trafficking in persons are not prohibited from receiving awards from the Victims of Crime Fund, to eliminate provisions that prohibit multiple convictions for conduct that constitutes trafficking in persons and either an allied offense or corrupt activity, to increase the penalties for trafficking in persons and obstruction of justice, to prohibit a person from engaging in sexual conduct for hire with a minor regardless of the adult's knowledge of the minor's age, to require offenders convicted of promoting prostitution or of trafficking in persons under certain circumstances to register as sex offenders, to authorize a person convicted of or adjudicated a delinquent child for committing a prostitution-related offense or act to apply for expungement of the record of conviction or adjudication if the person's participation in the offense or act was a result of being a victim of human trafficking, to recommend that agencies that grant licenses for trades or professions require training related to human trafficking, to require the Division of Criminal Justice Services to create and make available a poster that provides information regarding the National Human Trafficking Resource Center hotline, to create the Victims of Human Trafficking Fund, and to declare an emergency.

Attest:

Thomas L. Sherman,  
Deputy 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 bills in which the concurrence of the Senate is requested:

**Am. Sub. H. B. No. 377** -Representatives Duffey, Stinziano  
Cosponsors: Representatives Grossman, Brenner, Antonio, Phillips, Reece, Letson, Garland, McClain, O'Brien, Barnes, Boyce, Boyd, Carney, Celebrezze, Celeste, Clyde, Driehaus, Goyal, Hackett, Hagan, C., Hagan, R., Heard, Kozlowski, Mallory, Milkovich, Newbold, Patmon, Ramos, Schuring, Smith, Sykes, Uecker, Yuko, Speaker Batchelder

To amend sections 3335.02, 3335.09, 3337.01, 3339.01, 3341.02, 3343.02, 3343.06, 3344.01, 3350.10, 3352.01, 3356.01, 3359.01, 3361.01, 3362.01, and 3364.01 of the Revised Code to require the boards of trustees of state universities and the Northeast Ohio Medical University to adopt a resolution to grant or not grant to student members voting power and the authority to attend executive sessions.

**Sub. H. B. No. 481** -Representative Hackett

Cosponsors: Representatives Beck, Grossman, Boose, Wachtmann, Henne, Slaby, L., Combs, Adams, R., Boyd, Bubb, Buchy, Carney, Damschroder, Gardner, Garland, Gerberry, Goodwin, Hall, Hayes, Kozlowski, Letson, Mallory, McClain, Milkovich, Newbold, Thompson, Yuko, Speaker Batchelder

To amend sections 4717.05, 4717.06, 4717.10, 4717.11, 4717.12, 4717.21, 4717.24, and 4717.30 of the Revised Code to authorize the Board of Embalmers and Funeral Directors to issue courtesy licenses to allow funeral directors in bordering states to conduct limited funeral-related activities in Ohio; to permit embalmers and funeral directors to place their licenses on inactive status; to clarify that, upon the sale of the funeral home, the home may remain operating based upon a submission of a new license application to the Board; to permit out-of-state funeral directors without a license to work with licensed funeral directors during a declared disaster or emergency; and to eliminate the requirement that funeral homes be the guarantor of the identity of decedents and instead require funeral homes to complete only visual identification of remains.

**Sub. H. B. No. 50** -Representative Snitchler

Cosponsors: Representatives Burke, Murray, Schuring, Blessing, Boose, Bubb, Combs, Grossman, Martin, Slesnick, Speaker Batchelder

To amend sections 709.023 and 718.01 of the Revised Code to exempt from municipal income tax the compensation paid to persons performing personal services for a political subdivision on its property when that property is annexed to a municipal corporation under the expedited type-II annexation proceeding unless the compensation is taxable because of the person's residency.

**Sub. H. B. No. 453** -Representative Grossman

Cosponsors: Representatives Martin, Stebelton, Thompson, Adams, J., Hagan, C., Hackett, Roegner, Fedor, Adams, R., Baker, Barnes, Boose, Buchy, Combs, Hall, Johnson, Speaker Batchelder

To amend sections 119.062, 119.07, 3711.14, 4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.20, 4713.21, 4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 4713.29, 4713.30, 4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 4713.41, 4713.42, 4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 4713.58, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4715.30, 4717.14, 4723.281, 4725.24, 4730.25, 4731.22, 4734.36, 4734.37, 4757.361, 4760.13, 4762.13, 4774.13, 4779.29, and 5123.0414; to enact new section 4713.39 and sections 4713.071, 4713.66, and 4713.67; and to repeal sections 4713.17 and 4713.39 of the Revised Code to make changes to the Cosmetology Licensing Law and to change the method by which state agencies send notice of a party's right to a hearing under the Administrative Procedure Act.

**H. B. No. 426** -Representative Schuring

Cosponsors: Representatives Derickson, Lundy, Antonio, O'Brien, Stebelton, Reece, Yuko, Fende, Combs, Patmon, Buchy, Letson, Grossman, Boyd, Foley, Slesnick, Hill, Blair, Dovilla, Huffman, Boose, Gonzales, Adams, J., Rosenberger, Slaby, Goodwin, Adams, R., Ashford, Baker, Barnes, Beck, Blessing, Boyce, Budish, Carney, Celebrezze, Celeste, Cera, Damschroder, DeVitis, Driehaus, Duffey, Garland, Goyal, Hackett, Hagan, C., Hall, Hayes, Heard, Hottinger, Johnson, Kozlowski, Lynch, Mallory, McClain, Milkovich, Newbold, Okey, Ramos, Roegner, Ruhl, Sears, Smith, Sprague, Stautberg, Stinziano, Thompson, Uecker, Winburn, Young, Speaker Batchelder

To amend section 5747.113 and to enact section 3701.601 of the Revised Code to allow taxpayers to contribute a portion of their income tax refunds to the Ohio Breast and Cervical Cancer Project.

Attest:

Thomas L. Sherman,  
Deputy 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 Senate amendments to:

**Sub. H. B. No. 322**-Representative Brenner - et al.

**Sub. H. B. No. 326** -Representatives McClain, Hill - et al.

Attest:

Thomas L. Sherman,  
Deputy Clerk.

On the motion of Senator Kearney, the Senate adjourned until Wednesday,  
May 23, 2012 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.