

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 25, 2011

FIFTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 25, 2011, 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 and concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

S. C. R. No. 12-Senator Smith, et al.

To honor President Barack Obama and the United States Armed Forces for the successful operation against Osama bin Laden on Sunday, May 1, 2011.

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

S. B. No. 175-Senator Schiavoni, et al.

To amend section 3314.06 and to enact section 3314.062 of the Revised Code to generally prohibit a community school from admitting a student from the school district in which it is located if the student's district school has a better performance rating than the community school.

To the Committee on Education.

S. B. No. 176-Senator LaRose, et al.

To amend sections 3313.65 and 5901.02, and to repeal section 5901.021 of the Revised Code to correct an obsolete reference and to eliminate the authority for additional Veterans' Commission members in counties with a population of more than five hundred thousand.

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

YES - 7: KEITH L. FABER, JIMMY STEWART, SHANNON JONES, CHRIS WIDENER, SCOTT OELSLAGER, JASON H. WILSON, CAPRI S. CAFARO.

NO - 0.

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

The report of the committee was accepted.

Said bills and concurrent resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Daniels submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **Sub. H. B. No. 95**-Representative Stautberg, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 952, after " (E)" insert A natural gas company shall not request recovery of the costs described in division (D) of this section under section 4929.05 or 4929.11 of the Revised Code more than one time each calendar year.

(F)

In line 956, delete " (F)" and insert " (G)"

In line 965, delete " (G)" and insert " (H)"

Co-Sponsors: Daniels, Wilson.

YES - 12: DAVID T. DANIELS, THOMAS E. NIEHAUS, SHANNON JONES, JIM HUGHES, TIMOTHY O. SCHAFFER, TOM PATTON, JOSEPH SCHIAVONI, BILL SEITZ, THOMAS SAWYER, JASON H. WILSON, SHIRLEY A. SMITH, FRANK LAROSE.

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:

Charles P. Adams, from Wadsworth, Medina County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning April 29, 2011 and ending at the close of business January 31, 2013, replacing Roy Rushing, whose term expired.

John T. Born, from Greenfield Township, Fairfield County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a term beginning April 28, 2011 and ending at the close of business September 20, 2012, replacing David W. Dicken, who resigned.

Douglas W. Gonzalez, from Canton, Stark County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a new term beginning April 29, 2011 and ending at the close of business January 31, 2014.

Andre T. Porter, from Gahanna, Franklin County, Ohio, as a Member of the Public Utilities Commission of Ohio for a term beginning April 11, 2011 and ending at the close of business April 10, 2016, replacing Valerie A. Lemmie, whose term expired.

Stephen A. Schumaker, from Springfield, Clark County, Ohio, as a Member of the Ohio Peace Officer Training Commission for a term beginning April 28, 2011 and ending at the close of business September 20, 2011, replacing John Lenhart, who resigned.

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

YES - 7: KEITH L. FABER, JIMMY STEWART, SHANNON JONES, CHRIS WIDENER, SCOTT OELSLAGER, JASON H. WILSON, CAPRI S. CAFARO.

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	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson

Niehaus-33.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Am. Sub. H. B. No. 95-Representative Stautberg.

Cosponsors: Representatives Blessing, Uecker, Mecklenborg, Balderson, Hayes, Goodwin, Martin, Beck, Coley, Roegner, Buchy, Gardner, Gonzales, Grossman, Hackett, Hagan, C., Newbold, Thompson, Wachtmann, Speaker Batchelder. Senators Daniels, Wilson.

To amend sections 4903.083, 4905.302, 4909.05, 4909.06, 4909.07, 4909.08, 4909.15, 4909.156, 4909.17, 4909.18, 4909.19, 4928.18, 4929.05, 4929.051, 4929.11, and 4935.04 and to enact sections 4909.191 and 4929.111 of the Revised Code to permit certain rate-calculation adjustments for natural gas companies, alter public notice requirements for rate cases, and, for natural gas companies, to make other regulatory changes concerning audits, alternative rate plans, and forecast reports, and allowing applications for natural gas company capital expenditure programs, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 95**, pass?"

Senator Stewart moved that he be excused from voting pursuant to Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 95**, pass?"

The yeas and nays were taken and resulted - yeas 28, nays 4, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Coley
Daniels	Faber	Gillmor	Hite
Hughes	Jones	Jordan	Kearney
LaRose	Lehner	Manning	Obhof
Oelslager	Patton	Sawyer	Schaffer
Schiavoni	Seitz	Smith	Turner
Wagoner	Widener	Wilson	Niehaus-28.

Senators Cafaro, Grendell, Skindell, and Tavares voted in the negative-4.

So the bill passed.

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

Senator Daniels moved to amend the title as follows:

Add the names: "Coley, Hite, Jordan, Niehaus, Seitz, Wagoner."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 121-Representative Rosenberger.

Cosponsors: Representatives Gonzales, O'Brien, Mecklenborg, Beck, Pillich, Johnson, Thompson, Bulp, Martin, Slaby, Fende, Fedor, Yuko, Adams, R., Amstutz, Anielski, Baker, Balderson, Barnes, Blair, Blessing, Boose, Brenner, Buchy, Budish, Burke, Butler, Carey, Carney, Celeste, Clyde, Coley, Combs, Damschroder, DeGeeter, Derickson, Dovilla, Driehaus, Duffey, Foley, Gardner, Garland, Gentile, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hottinger, Huffman, Kozlowski, Landis, Letson, Luckie, Lundy, Maag, Mallory, McClain, McGregor, McKenney, Milkovich, Murray, Newbold, Okey, Patmon, Peterson, Phillips, Reece, Roegner, Ruhl, Schuring, Sears, Sprague, Stautberg, Stinziano, Sykes, Szollosi, Uecker, Wachtmann, Weddington, Williams, Winburn, Young, Speaker Batchelder. Senators Tavares, Turner, Daniels.

To amend sections 3109.04 and 3109.051 of the Revised Code regarding child custody and visitation rights of parents called to active military service and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Stewart	Tavares	Turner
Wagoner	Widener	Wilson	Niehaus-32.

So the section, Section 3, 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	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			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 LaRose moved to amend the title as follows:

Add the names: "LaRose, Bacon, Beagle, Brown, Cafaro, Coley, Faber, Grendell, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Stewart, Wagoner, Widener, Wilson."

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, May 22, 2011, 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.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 83-Senator Tavares.

Honoring the late Sergeant Jesse M. Balthaser for outstanding military service.

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

So the resolution was adopted.

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. 96 -Representatives Celeste, Brenner

Cosponsors: Representatives Stebelton, Amstutz, Garland, Foley, Letson, Weddington, Pillich, Dovilla, Patmon, Ramos, Hollington, Phillips, Lundy, Thompson, O'Brien, Yuko, Murray, Williams, Stinziano, Stautberg, Antonio, Reece, Hagan, Fende, Snitchler, Fedor, Milkovich, Clyde, Winburn, Adams, R., Balderson, Barnes, Beck, Blair, Blessing, Buchy, Budish, Butler, Carney, DeGeeter, Derickson, Driehaus, Gentile, Gerberry, Goyal, Hackett, Hagan, C., Hall, Heard, Henne, Hottinger, Johnson, Landis, Luckie, Mallory, McClain, McKenney, Mecklenborg, Newbold, Okey, Peterson, Schuring, Slaby, Slesnick, Sykes, Szollosi, Young, Speaker Batchelder

To amend section 3323.01 and to enact section 3323.25 of the Revised Code to specify dyslexia as a specific learning disability and to require a pilot project to provide early screening and intervention services for children with dyslexia.

Attest:

Laura P. Clemens,
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 concurred in the passage of the following bill:

Am. S. B. No. 71 -Senator Manning

Cosponsors: Senators Schaffer, Wagoner, Widener, Bacon, Beagle, Daniels, Hite, Hughes, LaRose, Obhof, Patton Representatives Letson, Barnes, Beck, Blessing, Boose, Fende, Goyal, Luckie, Lundy, Milkovich, Murray, Williams, Yuko

To amend section 5709.081 of the Revised Code to authorize property tax exemption for municipally owned facilities housing independent professional minor league baseball teams.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 41, strike through "(G)" and insert " (H)"

In line 47, strike through "(G)" and insert " (H)"

In line 161, delete everything after "Section 3." and insert "Section 5709.081 of the Revised Code, as amended by this act, is remedial in nature and applies to the tax years at issue in any application for exemption from taxation pending before the Tax Commissioner, the Board of Tax Appeals, any Court of Appeals, or the Supreme Court on the effective date of this act and to the property that is the subject of any such application."

Delete lines 162 through 170

Attest:

Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

On the motion of Senator Faber, the Senate adjourned until Thursday, May 26, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.