

OHIO

SENATE

JOURNAL

TUESDAY, MAY 29, 2012

ONE HUNDRED EIGHTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 29, 2012, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Burke was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 509-Representative Blair.

Cosponsors: Representatives Schuring, Amstutz, Anielski, Antonio, Baker, Beck, Blessing, Boose, Brenner, Combs, Conditt, Derickson, Garland, Grossman, Hackett, Hagan, C., Hill, Mallory, McClain, Newbold, Pelanda, Ruhl, Sears, Thompson, Uecker, Young, Speaker Batchelder. Senator LaRose.

To amend sections 9.833, 118.023, 118.06, 118.31, 120.08, 120.53, 124.42, 305.171, 307.12, 307.86, 307.861, 307.87, 307.88, 308.13, 329.40, 505.60, 505.601, 505.603, 511.23, 703.21, 731.141, 735.05, 737.03, 749.26, 749.28, 749.31, 753.15, 755.29, 755.30, 1545.07, 2907.27, 3316.04, 3316.06, 3709.08, 3709.28, 3709.36, 3729.05, 4123.41, 5301.68, 5301.69, 5705.392, 5705.41, 5715.13, 5715.19, 6115.20, 6119.02, and 6119.10, to enact sections 125.183, 319.09, and 505.012, and to repeal sections 507.07 and 3709.081 of the Revised Code to make changes to the laws governing local governments, to modify the requirements of arresting authorities and courts regarding venereal disease testing of individuals accused of certain offenses, to modify the manner in which funds are allocated from the Ohio Legal Aid Fund, to modify the deadline for the certification to the ballot of the major political parties' candidates for president and vice-president for the November 6, 2012, general election, and to declare an emergency, having been informally passed, was considered the third time

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

On the motion of Senator Jordan, **Sub. H. B. No. 509** was informally passed and retained its place on the calendar.

OFFERING OF RESOLUTIONS

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

S. R. No. 270-Senator Tavares.

Cosponsors: Senators Turner, Bacon, Schaffer.

Honoring Jerrie Mock as the first female aviator to fly solo around the

world.

S. R. No. 271-Senator Hughes.

Honoring the Aladdin Shriners on Tabloid Day, May 26, 2012.

S. R. No. 272-Senator Hughes.

Cosponsor: Senator Tavares.

Honoring the Ohio Military Hall of Fame on the occasion of its 2012 induction ceremony.

S. R. No. 273-Senator Patton.

Cosponsors: Senators Eklund, LaRose, Manning, Obhof, Skindell, Smith, Turner.

Honoring K. Michael Benz on his retirement from the United Way of Greater Cleveland.

S. R. No. 274-Senator Gentile.

Honoring William Frautschy as a grand national, national, and state handwriting champion.

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 adopted the following concurrent resolution in which the concurrence of the Senate is requested:

H. C. R. No. 44 -Representative Beck

Cosponsors: Representatives Johnson, Landis, Bulp, Butler, Hagan, C., Martin, Milkovich, Rosenberger, Young, Yuko, Adams, R., Anielski, Antonio, Baker, Barnes, Blair, Boyce, Brenner, Buchy, Celebrezze, Celeste, Cera, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Duffey, Fende, Gardner, Garland, Grossman, Hackett, Hall, Hayes, Heard, Hill, Hottinger, Kozlowski, Letson, Lynch, Maag, McClain, McGregor, Murray, Newbold, O'Brien, Patmon, Phillips, Pillich, Ramos, Roegner, Ruhl, Scherer, Sears, Slaby, M., Smith, Sprague, Sykes, Szollosi, Terhar, Thompson, Uecker, Winburn

To honor and commemorate veterans of the Vietnam War who served during the Mayaguez incident and the subsequent battle on Koh Tang Island that commenced on May 12, 1975.

Attest:

Thomas L. Sherman,
Deputy Clerk.

The question being, "Shall the concurrent resolution, **H. C. R. No. 44**, be adopted?"

On the motion of Senator Jordan, **H. C. R. No. 44**, was referred to the Committee on Rules and Reference.

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. 543 -Representative Anielski

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

To amend section 3319.073 of the Revised Code to enact the "Jason Flatt Act" to require public schools to train staff in youth suicide awareness and prevention.

Am. Sub. H. B. No. 524 -Representatives McGregor, Heard

Cosponsors: Representatives Williams, Sears, Garland, Driehaus, Brenner, Fedor, Yuko, Winburn, Antonio, Phillips, Letson, Conditt, Amstutz, Barnes, Beck, Blair, Boyd, Bupp, Butler, Celeste, Combs, DeVitis, Dovilla, Foley, Hagan, C., Hagan, R., Hayes, Hill, Johnson, Luckie, McClain, Milkovich, Murray, O'Brien, Patmon, Pillich, Ramos, Reece, Ruhl, Slaby, M., Sprague,

Stebelton, Stinziano, Sykes, Thompson, Uecker, Speaker Batchelder

To amend sections 109.57, 109.572, 109.578, 2151.356, 2152.02, 2152.18, 2152.26, 2705.031, 2907.24, 2913.02, 2923.122, 2925.14, 2925.38, 2947.23, 2949.08, 2953.31, 2953.32, 2953.34, 2953.36, 2967.191, 3119.01, 3119.05, 3123.58, 3772.10, 4301.99, 4501.02, 4503.233, 4503.234, 4507.02, 4507.164, 4509.06, 4509.101, 4510.10, 4510.11, 4510.111, 4510.16, 4510.161, 4510.17, 4510.41, 4510.54, 4513.02, 4513.021, 4513.99, 4713.07, 4713.28, 4725.44, 4725.48, 4725.52, 4725.53, 4738.04, 4738.07, 4740.05, 4740.06, 4740.10, 4747.04, 4747.05, 4747.10, 4747.12, 4749.03, 4749.04, 4749.06, 4776.04, 5111.032, 5111.033, 5111.034, 5120.07, 5502.011, and 5743.99, and to enact sections 2925.141, 2953.25, 4776.021, and 4776.10 of the Revised Code to exclude most juvenile proceedings and adjudications from criminal records checks; to ensure that persons sentenced to confinement receive credit for time served in juvenile facilities; to expand eligibility for the sealing of criminal records and to eliminate the prohibition of the sealing of juvenile records in certain cases; to make the use or possession with purpose to use drug paraphernalia with marijuana a minor misdemeanor; to provide that a court's failure to warn an offender at sentencing about the possibility that the court may order community service if the offender fails to pay the costs of prosecution does not negate or limit the authority of the court to so order community service; to permit an individual subject to civil sanctions as a result of a conviction of or plea of guilty to a criminal offense to file a petition for relief from the sanctions and establish a procedure for the review of such petitions; to permit the court of common pleas of the individual's county of residence to issue a certificate of qualification for employment; to permit decision-makers to consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or employment opportunity to an offender who has been issued such a certificate regardless of the offender's possession of the certificate and without reconsidering or rejecting any finding made by the issuing court; to provide for the revocation of a certificate of qualification for employment; to increase from eighteen to twenty-one the age at which certain offenders may be held in places not authorized for the confinement of children; to increase the juvenile court's jurisdiction over certain specified cases solely for the purpose of detaining a person while the person's case is heard in adult court; to create a process by which a prosecutor may file a motion in juvenile court to request that a person be held in a place other than those specified for the placement for children while the person's case is heard in adult court; to amend the law governing child support; to modify the penalty for driving under suspension if the suspension was imposed as part of the penalty for certain violations that do not directly involve the operation of a motor vehicle; to make changes in certain other driver's license suspension provisions; to require the Department of Public Safety to study the advisability and feasibility of a one-time amnesty program for drivers who have not paid fees or fines owed by them for motor vehicle offenses and driver's license suspensions; to define the terms moral turpitude and disqualifying offense as applied to certain employment; to

provide for criminal records checks and a license issuance restriction regarding applicants for a trainee license for a profession or occupation; to require the Casino Control Commission to notify each applicant for a license from the Commission who is denied the license of the reasons for the denial and to provide an annual report to the General Assembly and Governor that specifies the number of license applications denied in the year and the reasons for the denial; to add an ex-offender appointed by the Director of Rehabilitation and Correction to the Ex-offender Reentry Coalition; and to prohibit the preclusion of individuals from obtaining or renewing certain licenses, certifications, or permits due to any past criminal history unless the individual had committed a crime of moral turpitude or a disqualifying offense.

Sub. H. B. No. 484 -Representative Duffey

Cosponsors: Representatives Kozlowski, Newbold, Terhar, Johnson, Young, Grossman, Blessing, Schuring, Peterson, Wachtmann, Baker, Sprague, Hagan, C., Brenner, Stebelton, Amstutz, Anielski, Beck, Blair, Bulp, Buchy, Combs, Conditt, Derickson, DeVitis, Dovilla, Hackett, Hall, Hayes, Henne, Hill, Hottinger, Huffman, Lynch, Martin, McClain, Scherer, Sears, Smith, Thompson, Uecker, Speaker Batchelder

To amend section 4141.01 and to enact sections 4141.50 to 4141.55 of the Revised Code to create the SharedWork Ohio Program.

H. B. No. 461 -Representative Stebelton

Cosponsors: Representatives Adams, R., Gonzales, Grossman, Henne, McGregor, Okey, Yuko, Bulp, Antonio, Boyd, Celeste, Combs, Huffman, Letson, Milkovich, Murray, O'Brien, Pillich, Reece, Speaker Batchelder

To amend section 3105.64 and to enact sections 3105.41, 3105.42, 3105.43, 3105.44, 3105.45, 3105.46, 3105.47, 3105.48, 3105.49, 3105.50, 3105.51, 3105.52, 3105.53, 3105.54, and 3105.55 of the Revised Code to establish a statutory collaborative family law process to aid in the resolution of family law disputes.

Sub. H. B. No. 420 -Representatives Peterson, Stinziano

Cosponsors: Representatives McClain, Grossman, Henne, McGregor, Ruhl, Combs, Hagan, C., Hill, Stebelton, Garland, Clyde, Buchy, Hall, Heard, Kozlowski, Letson, Luckie

To enact section 1531.40 of the Revised Code to require commercial nuisance wild animal control operators that provide nuisance wild animal

removal or control services to be licensed by the Chief of the Division of Wildlife.

H. B. No. 259 -Representatives Adams, J., Yuko

Cosponsors: Representatives Wachtmann, Buchy, Antonio, Hall, Hagan, R., Barnes, Boyd, Celeste, Clyde, Fedor, Goyal, Heard, Martin, Milkovich, O'Brien, Pelanda, Phillips

To amend section 4759.02 and to enact sections 4783.01 to 4783.05 of the Revised Code regarding the provision of complementary or alternative health services.

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 passage of the following bill:

Sub. S. B. No. 196 -Senator Wagoner

Cosponsors: Senators Gillmor, Seitz, Bacon, Beagle, Coley, Daniels, Eklund, Hite, Hughes, Lehner, Obhof, Oelslager, Patton Representatives Letson, Adams, R., Blair, Buchy, Carney, Combs, Dovilla, Duffey, Fende, Gardner, Garland, Goyal, Hackett, Hall, Johnson, Kozlowski, Martin, McClain, Milkovich, Newbold, O'Brien, Scherer, Schuring, Slesnick, Wachtmann, Young, Yuko

To amend sections 1334.01, 1334.05, 1334.06, 1334.09, 1334.10, 1334.12, 1334.13, and 1334.15 of the Revised Code to make changes to Ohio's Business Opportunity Plan Law.

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

Attest:

Thomas L. Sherman,
Deputy Clerk.

Said amendments were laid over under the rule.

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. 224 -Senator Obhof

Cosponsors: Senators Balderson, Grendell, LaRose, Lehner, Patton, Wagoner, Eklund, Bacon, Faber, Hite, Hughes, Jones, Jordan, Peterson, Schaffer, Seitz, Widener Representatives Bulp, Adams, R., Anielski, Beck, Blair, Blessing, Brenner, Buchy, Carney, Combs, Duffey, Grossman, Hackett, Hall, Hayes, Henne, Hill, Hottinger, Johnson, Kozlowski, Letson, Lynch, Martin, McClain, McGregor, Newbold, Roegner, Ruhl, Scherer, Schuring, Slaby, M., Smith, Sprague, Stautberg, Thompson, Uecker, Wachtmann, Young, Yuko

To amend section 2305.06 of the Revised Code to shorten the period of limitations for actions upon a contract in writing.

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

Attest:

Thomas L. Sherman,
Deputy Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following concurrent resolution:

S. C. R. No. 14 -Senator Jones

Cosponsors: Senators Gillmor, Seitz, Skindell, Wagoner, LaRose, Eklund, Turner, Brown, Tavares, Bacon, Balderson, Burke, Coley, Hite, Hughes, Jordan, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Widener Representatives Combs, Adams, J., Anielski, Antonio, Barnes, Beck, Blair, Boyce, Brenner, Bulp, Buchy, Celebrezze, Celeste, Conditt, Damschroder, Derickson, Driehaus, Fende, Foley, Gardner, Garland, Grossman, Hackett, Hagan, R., Hayes, Letson, Lynch, Maag, Martin, Milkovich, O'Brien, Patmon, Phillips, Pillich, Ramos, Reece, Sears, Stautberg, Terhar, Uecker, Winburn

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."

Attest:

Thomas L. Sherman,
Deputy Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Sub. H. B. No. 386 -Representative Blessing - et al.

Attest:

Thomas L. Sherman,
Deputy Clerk.

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 bills:

Am. S. B. No. 245 -Senator Hughes
Cosponsors: Senators Beagle, Hite, Sawyer, Bacon, Balderson, Daniels, Jordan, Oelslager, Patton Representatives Yuko, Brenner, Celebrezze, Lundy, Murray

To amend section 4517.05 of the Revised Code to establish mandatory training for used motor vehicle dealers.

Sub. S. B. No. 302 -Senator Manning
Cosponsors: Senators Coley, Patton, Seitz, Balderson, Beagle, Eklund, Faber, Hite, Jones, Lehner, Niehaus, Peterson, Schaffer Representatives Blair, Blessing, Buchy, Butler, Carney, Combs, Damschroder, Garland, Grossman, Hall, Kozlowski, Lundy, McClain, Milkovich, Newbold, Ramos, Thompson

To amend sections 3734.41 and 3734.42 of the Revised Code to revise

requirements governing background investigations for purposes of the Solid, Hazardous, and Infectious Wastes Law.

Attest:

Thomas L. Sherman,
Deputy Clerk.

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. 508 -Representative Beck - et al.

Am. Sub. H. B. No. 292 -Representative Gonzales - et al.

Attest:

Thomas L. Sherman,
Deputy Clerk.

On the motion of Senator Jordan, the Senate adjourned until Thursday, May 31, 2012 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.