

OHIO

SENATE

JOURNAL

THURSDAY, JUNE 2, 2011

FIFTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Thursday, June 2, 2011, 9:30 a.m.

The Senate met pursuant to adjournment.

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

Senator LaRose was selected to preside according to the rule.

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:

Am. H. B. No. 96-Representatives Celeste, Brenner, et al.

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.

To the Committee on Education.

Am. Sub. H. B. No. 133-Representative Adams, J., et al.

To amend sections 123.01, 1531.06, 1531.33, and 3345.181, to enact sections 131.50, 1503.012, 1509.70, 1509.71, 1509.72, 1509.73, 1509.74, 1509.75, 1509.76, 1509.77, and 1541.26, and to repeal sections 5119.40, 5120.12, and 5123.23 of the Revised Code to create the Oil and Gas Leasing Commission, to establish a procedure for leasing land owned or under the control of state agencies for oil and gas production in order to provide funding for capital costs for the agencies, and to exclude nature preserves from drilling.

To the Committee on Agriculture, Environment and Natural Resources.

S. B. No. 177-Senator Turner.

To amend sections 3314.03 and 3326.11 and to enact section 3302.042 of the Revised Code to require public high schools that receive federal school improvement grant moneys to establish student advisory committees.

To the Committee on Education.

S. B. No. 178-Senators Seitz, Wilson, et al.

To amend sections 109.43, 149.351, 149.38, 149.39, 149.41, 149.411, 149.412, 149.42, 307.801, 1901.41, and 3313.29 and to enact section 149.381 of the Revised Code to limit the forfeiture amount and attorney's fees a person may recover for the unlawful destruction or disposal of a record of a public office, to establish a four-year statute of limitations for the commencement of a civil action for injunctive relief or to recover a forfeiture for such unlawful conduct, to require one-half of all forfeiture amounts recovered to be paid to the state for use by the state archives, to revise the Ohio Historical Society's procedure for selecting records of historical value before political subdivisions dispose of them, to allow the Attorney General to offer programs regarding the records retention procedure, and to move the date for meetings of a county microfilming board.

To the Committee on Judiciary - Civil Justice.

S. B. No. 179-Senator Wilson, et al.

To amend section 1505.11 and to enact sections 1505.12, 1505.13, and 4503.515 of the Revised Code to create the "Ohio Geology" license plate and to require the Ohio Geology Advisory Council to establish and administer a grant program utilizing the contributions that are paid by persons who obtain the license plate.

To the Committee on Highways and Transportation.

YES - 7: THOMAS E. NIEHAUS, KEITH L. FABER, CHRIS WIDENER, SHANNON JONES, SCOTT OELSLAGER, SHIRLEY A. SMITH, 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 were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Patton submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 114**-Senator Seitz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Patton, Wilson.

YES - 9: TOM PATTON, FRANK LAROSE, BILL COLEY, KRIS JORDAN, PEGGY B. LEHNER, JASON H. WILSON, NINA TURNER, JOSEPH SCHIAVONI, KAREN GILLMOR.

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:

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, having been informally passed, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

On the motion of Senator Obhof, the amendments of the House of Representatives to, **Am. S. B. No. 71**, were informally passed and retained their place on the calendar.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 180-Senators Gillmor, Grendell.
Cosponsors: Senators Seitz, Kearney.

To amend section 4303.041 of the Revised Code to eliminate the restriction on the number of A-3a liquor permits that may be issued per county and to specify that new A-3a permits issued after the act's effective date are subject

to local option election.

OFFERING OF RESOLUTIONS

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

S. R. No. 85-Senator Tavares.

In memory of John W. Bowen.

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

So the resolution was adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Kimberly G. Allison, from Columbus, Franklin County, Ohio, as a Member of the Ohio Elections Commission for a term beginning May 11, 2011 and ending at the close of business December 31, 2011, replacing Charles Calvert, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 11th day of May in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Allison Arnold, from Cincinnati, Hamilton County, Ohio, as a Student Member of the Ohio University Board of Trustees for a term beginning May 18, 2011 and

ending at the close of business May 13, 2013, replacing Kyle W. Triplett, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 18th day of May in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Theresa Annette Cain, from McConnelsville, Morgan County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning May 26, 2011 and ending at the close of business February 17, 2017, replacing C. M. Mike Oliver, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 26th day of May in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Constance L. Clark, from Dublin, Franklin County, Ohio, as a Member of the State Dental Board for a term beginning May 16, 2011 and ending at the close of business April 5, 2014, replacing Ann Naber, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 16th day of May in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Sharon M. Evans, from Springfield, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a term beginning May 16, 2011 and ending at the close of business November 30, 2016, replacing Faye Flack, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 16th day of May in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Clifford Jones, from Cincinnati, Hamilton County, Ohio, as a Member of the State Dental Board for a new term beginning May 16, 2011 and ending at the close of business April 5, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 16th day of May in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

Said appointments were referred to the Committee on Rules.

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:

Sub. H. B. No. 62 -Representative Gonzales
Cosponsors: Representatives Winburn, Garland, Pillich, Uecker, Adams, R., Antonio, Baker, Barnes, Beck, Brenner, Celeste, Clyde, Combs, Driehaus,

Fedor, Gerberry, Hackett, Hagan, C., Johnson, Luckie, Lundy, Milkovich, Newbold, Patmon, Reece, Ruhl, Schuring, Sears, Slesnick, Stinziano, Szollosi, Weddington, Yuko, Speaker Batchelder

To amend section 2903.13 of the Revised Code to increase the penalty for assault to a felony of the fourth degree when the victim is a health care professional, health care worker, or security officer of a hospital who is engaged in the performance of the individual's duties.

H. B. No. 185 -Representatives Carey, O'Brien

Cosponsors: Representatives Johnson, Rosenberger, Grossman, Landis, Thompson, Antonio, Martin, Buchy, Adams, J., Hottinger, Adams, R., Fende, Schuring, Letson, Mecklenborg, Anielski, Beck, Boose, Brenner, Bulp, Clyde, Combs, Dovilla, Fedor, Garland, Gentile, Gerberry, Hackett, Hall, Heard, Lundy, Mallory, McClain, McGregor, Milkovich, Newbold, Peterson, Phillips, Roegner, Ruhl, Slaby, Slesnick, Stinziano, Sykes, Uecker, Wachtmann, Young, Yuko, Speaker Batchelder

To enact section 5.2267 of the Revised Code to designate the third week of July as "Ohio Aggregates and Industrial Minerals Awareness Week."

H. B. No. 215 -Representative Dovilla

Cosponsors: Representatives Burke, Blessing, Derickson, O'Brien, Gardner, Baker, Boose, Grossman, Combs, Stinziano, Anielski, Mecklenborg, Johnson, Wachtmann, Fende, Antonio, Balderson, Barnes, Celeste, Duffey, Garland, Gonzales, Hottinger, McKenney, Ramos, Schuring, Sears, Yuko, Adams, J., Adams, R., Beck, Blair, Brenner, Bulp, Buchy, Budish, Butler, Carey, Damschroder, Goodwin, Hackett, Hagan, C., Huffman, Milkovich, Newbold, Peterson, Reece, Rosenberger, Ruhl, Slaby, Uecker, Weddington, Young, Speaker Batchelder

To enact section 5.2267 of the Revised Code to designate the fifteenth day of June as "Elder Abuse Awareness Day."

Attest:

Laura P. Clemens,
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:

S. B. No. 132 -Senator Patton

Cosponsors: Senators LaRose, Lehner, Wilson, Turner, Bacon, Beagle, Cafaro, Cates, Daniels, Faber, Gillmor, Hite, Hughes, Jordan, Manning, Obhof, Oelslager, Sawyer, Schaffer, Seitz, Stewart, Tavares, Wagoner, Widener Representatives Anielski, Baker, Barnes, Blessing, Brenner, Bulp, Buchy, Carey, Combs, Damschroder, Derickson, Dovilla, Gardner, Grossman, Hackett, Hall, Hollington, Hottinger, Huffman, Johnson, Lundy, Mallory, Martin, McClain, McGregor, McKenney, Mecklenborg, Milkovich, Newbold, Patmon, Ruhl, Schuring, Sears, Slaby, Stautberg, Stebelton, Uecker, Wachtmann, Young, Yuko, Speaker Batchelder

To enact section 5533.359 of the Revised Code to designate the bridge that will span the Cuyahoga River in Cuyahoga County and will be part of Interstate 90 and has an approximate scheduled completion date of late 2016 or early 2017 the "George V. Voinovich Bridge."

Attest:

Laura P. Clemens,
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:

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

Attest:

Laura P. Clemens,
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. 95 -Representative Stautberg - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4121.123(A)(2) and (B) of the Ohio Revised Code, the President of the Senate appoints the following public member, who represents employees who are not members of an employee organization, to serve on the Workers' Compensation Board of Directors Nominating Committee:

Jeffrey W. Harris (term beginning May 31, 2011, ending May 31, 2012)
9545 Kenwood Rd.
Suite 301
Cincinnati, OH 45242

On the motion of Senator Obhof, the Senate adjourned until Tuesday, June 7, 2011 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.