

OHIO

SENATE

JOURNAL

TUESDAY, JUNE 7, 2011

FIFTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, June 7, 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, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 62-Representative Gonzales, et al.

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.

To the Committee on Judiciary - Criminal Justice.

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

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

To the Committee on Agriculture, Environment and Natural Resources.

H. B. No. 215-Representative Dovilla, et al.

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

To the Committee on Health, Human Services and Aging.

S. B. No. 180-Senators Gillmor, Grendell, et al.

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.

To the Committee on Insurance, Commerce and Labor.

YES - 10: THOMAS E. NIEHAUS, KEITH L. FABER, JIMMY STEWART, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, 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 Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which were referred the appointments by the Governor of:

Laurie O. Elsass, from Dublin, Union County, Ohio, as a Member of the State Medical Board for a term beginning March 29, 2011 and ending at the close of business July 31, 2013, replacing William Ogg, who resigned.

Dalsukh A. Madia, from Marion, Marion County, Ohio, as a Member of the State Medical Board for a new term beginning March 29, 2011 and ending at the close of business March 18, 2016.

Marybeth D. Shaffer, D.M.D., from Canfield, Mahoning County, Ohio, as a Member of the State Dental Board for a term beginning March 16, 2011 and ending at the close of business April 5, 2013, replacing Berta I. Howard, whose term expired.

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

YES - 10: THOMAS E. NIEHAUS, KEITH L. FABER, JIMMY STEWART, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, 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.

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?"

The yeas and nays were taken and resulted - yeas 30, nays 3, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Coley
Daniels	Faber	Gillmor	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Stewart	Turner	Wagoner	Widener
Wilson			Niehaus-30.

Senators Cafaro, Skindell, and Tavares voted in the negative-3.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 5-Representative Huffman.

Cosponsors: Representatives Okey, Murray, Letson, McKenney, Coley, Bulp, Carney, Combs, DeGeeter, Derickson, Foley, Garland, Luckie, Mallory, McClain, Milkovich, O'Brien, Patmon, Pillich, Slaby, Stebelton, Stinziano, Williams, Speaker Batchelder. Senators Seitz, Obhof, Kearney, Wagoner.

To amend sections 117.091, 2329.66, 2901.02, 2929.18, 2929.24, 2929.25, 2929.27, 2929.28, 2951.02, 4507.02, 4507.164, 4507.35, 4510.036, 4510.037, 4510.11, 4510.12, 4510.14, 4510.16, 4510.161, 4510.21, 4510.22, 4510.41, 4511.19, 4511.203, 4549.02, 4549.021, and 4549.03 and to enact sections 2746.01, 2746.02, 2746.03, 2746.04, 2746.05, 2746.06, 2746.07, 2746.08, 2746.09, and 4510.111 of the Revised Code to require the Ohio Judicial Conference periodically to adjust the dollar amounts specified in the general exemption statute, to provide consolidated references to Revised Code sections that establish costs and fees, other than attorney fees, in the courts of record of this state, to remove the provision specifying that an investigator appointed by the Auditor of State does not have the power and authority to carry a concealed weapon, to modify the penalties for certain offenses relating to the operation of motor vehicles, and to allow for a certificate of judgment to collect a financial reimbursement sanction in certain cases, the modification of a community control sanction, the substitution of a community control sanction for non-mandatory jail days, and the modification of a community service sentence by substituting a contribution to the local entity that funds the court, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 5**, pass?"

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 passed.

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Bacon, Brown, Hughes, Lehner, Manning, Patton, Sawyer, Stewart, Wilson."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 22-Representative Bubp.

Cosponsors: Representatives Letson, Stinziano, Mecklenborg, Huffman, Coley, McKenney, Adams, J., Adams, R., Antonio, Ashford, Baker, Balderson, Barnes, Beck, Blessing, Boose, Brenner, Buchy, Burke, Butler, Carey, Carney, Clyde, Combs, Damschroder, Derickson, Dovilla, Driehaus, Duffey, Fende, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Hackett, Hagan, Hall, Hayes, Heard, Henne, Hottinger, Johnson, Landis, Luckie, Mallory, Martin, McClain, McGregor, Milkovich, Murray, O'Brien, Patmon, Peterson, Ramos, Roegner, Rosenberger, Ruhl, Slaby, Slesnick, Sprague, Stebelton, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Young, Speaker Batchelder. Senators Brown, Wilson, Hite, Schaffer, Manning.

To amend sections 951.02, 951.10, 951.11, 951.12, 951.13, 951.99, and 971.18 and to repeal section 951.01 of the Revised Code regarding the liability of owners of certain animals that are running at large, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 22**, pass?"

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 passed.

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

Senator Hite moved to amend the title as follows:

Add the names: "Bacon, Beagle, Cafaro, Daniels, Faber, Gillmor, Grendell, Hughes, Jordan, Kearney, LaRose, Obhof, Oelslager, Patton, Sawyer, Schiavoni, Seitz, Smith, Stewart, Tavares, Turner, Wagoner, Widener."

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 bill was introduced and considered the first time:

S. B. No. 181-Senator Wagoner.

Cosponsors: Senators Jones, LaRose, Patton, Sawyer, Tavares, Turner.

To amend sections 127.16, 149.54, 317.08, 1506.30, 3714.03, and 5747.113, to enact sections 149.307, 149.308, and 4503.95, and to repeal sections 149.51 and 149.55 of the Revised Code to implement recommendations of the Ohio Legislative Commission on the Education and Preservation of State History.

OFFERING OF RESOLUTIONS

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

S. R. No. 86-Senator Hughes.

Cosponsors: Senators Bacon, Tavares.

In memory Sheriff James A. Karnes.

S. R. No. 87-Senator Grendell.

In memory of Chief Warrant Officer Christopher Roy Thibodeau.

S. R. No. 88-Senator Patton.

Honoring the Rocky River High School girls fencing team on placing first in the 2011 Ohio High School State Championships.

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

So the resolutions were 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, Vinod K. Gupta, from Wadsworth, Medina County, Ohio, as a Member of the Ohio Board of Regents for a term beginning May 17, 2011 and ending at the close of business September 20, 2016, replacing Bruce Beeghly, 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 17th 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, Seth A. Morgan, Republican, from Huber Heights, Montgomery County, Ohio, as a Member of the Ohio Retirement Study Council for a term beginning May 12, 2011 and ending at the close of business June 30, 2012, replacing Richard C. Murray, 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 12th 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, Edwin D. Niehaus, from Strongsville, Summit County, Ohio, as a Member of the State Board of Orthotics, Prosthetics and Pedorthics for a new term beginning May 17, 2011 and ending at the close of business December 6, 2013.

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 17th 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, Jonathan T. Pavloff, from Akron, Summit County, Ohio, as a Member of the University of Akron Board of Trustees for a term beginning May 24, 2011 and ending at the close of business July 1, 2016, replacing Kevin O. Thompson, 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 24th 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 and Reference.

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:

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

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

On the motion of Senator Faber, the Senate adjourned until Wednesday, June 8, 2011 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.