

OHIO

SENATE

JOURNAL

WEDNESDAY, SEPTEMBER 12, 2012

TWO HUNDRED NINETEENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, September 12, 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.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 309-Senator Hite.

Cosponsors: Senators Balderson, Widener, Cafaro, Seitz, Bacon, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Skindell, Smith, Tavares, Turner. Representatives Hall, Boose, Buchy, Clyde, Ruhl, Adams, R., Barnes, Blair, Boyce, Bulp, Carney, Celebrezze, Combs, Damschroder, Derickson, Dovilla, Fedor, Gardner, Garland, Grossman, Hackett, Hagan, C., Hill, Hottinger, Johnson, Kozlowski, Letson, Lundy, Mallory, McClain, McGregor, Milkovich, Newbold, O'Brien, Phillips, Pillich, Scherer, Smith, Sprague, Wachtmann, Winburn, Young.

To amend sections 905.40 and 924.01 and to enact sections 924.40 to 924.45 of the Revised Code to establish procedures and requirements for the establishment of marketing agreements for agricultural commodities and to revise the rule-making authority of the Director of Agriculture regarding fertilizers, specifically anhydrous ammonia, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 309**?"

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
Patton	Peterson	Sawyer	Schaffer
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

So the Senate concurred in the amendments of the House of

Representatives.

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. 340 -Senators Niehaus, Kearney

Cosponsors: Senators Bacon, Coley, Hite, Jones, Lehner, Schiavoni, Seitz
Representatives Adams, R., Amstutz, Anielski, Antonio, Baker, Blair,
Blessing, Boose, Boyce, Boyd, Buchy, Budish, Driehaus, Duffey, Fende,
Foley, Garland, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Heard,
Henne, Hill, Letson, Lynch, Martin, McGregor, Milkovich, Murray, Newbold,
Pillich, Ramos, Roegner, Ruhl, Sears, Smith, Stebelton, Stinziano, Thompson,
Wachtmann, Winburn, Young, Yuko, Speaker Batchelder

To amend sections 171.04, 742.01, 742.04, 742.10, 742.14, 742.16, 742.30,
742.301, 742.31, 742.32, 742.33, 742.34, 742.35, 742.37, 742.3711, 742.3716,
742.38, 742.39, 742.44, 742.442, 742.443, 742.444, 742.45, 742.63, and
742.64; to enact sections 742.012, 742.013, and 742.161; and to repeal section
742.011 of the Revised Code to revise the law governing the Ohio Police and
Fire Pension Fund.

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

Attest:

Jennifer E. Woodring,
Clerk.

Pursuant to Senate Rule No. 44, Senator Niehaus moved that the amendments of the House of Representatives to **Sub. S. B. No. 340** 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. 340**?"

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
Patton	Peterson	Sawyer	Schaffer
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

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

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. 341 -Senators Niehaus, Kearney
Cosponsors: Senators Bacon, Coley, Hite, Jones, Lehner, Seitz, Tavares
Representatives Adams, R., Amstutz, Anielski, Antonio, Baker, Barnes, Blair, Blessing, Boose, Boyce, Boyd, Buchy, Budish, Driehaus, Duffey, Fende, Foley, Gardner, Garland, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Heard, Henne, Hill, Letson, Lynch, Martin, McGregor, Milkovich, Murray, Newbold, Phillips, Pillich, Ramos, Reece, Roegner, Ruhl, Sears, Smith, Stebelton, Stinziano, Thompson, Wachtmann, Winburn, Yuko, Speaker Batchelder

To amend sections 3309.05, 3309.051, 3309.061, 3309.07, 3309.072, 3309.074, 3309.075, 3309.10, 3309.15, 3309.21, 3309.22, 3309.23, 3309.26, 3309.28, 3309.33, 3309.34, 3309.341, 3309.343, 3309.35, 3309.353, 3309.354, 3309.36, 3309.362, 3309.371, 3309.373, 3309.376, 3309.379, 3309.3710, 3309.3711, 3309.39, 3309.401, 3309.41, 3309.44, 3309.45, 3309.46, 3309.47, 3309.50, 3309.51, 3309.69, 3309.81, and 3309.88; to enact new section 3309.571 and sections 3309.392 and 3309.474; and to repeal sections 3309.38 and 3309.571 of the Revised Code to revise the law governing the School Employees Retirement System.

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

Attest: Jennifer E. Woodring,
Clerk.

Pursuant to Senate Rule No. 44, Senator Niehaus moved that the amendments of the House of Representatives to **Sub. S. B. No. 341** 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. 341**?"

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
Patton	Peterson	Sawyer	Schaffer
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

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

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. 342 -Senators Niehaus, Kearney

Cosponsors: Senators Bacon, Eklund, Hite, Jones, Lehner, Schiavoni, Seitz, Tavares Representatives Adams, R., Amstutz, Anielski, Antonio, Baker, Barnes, Blair, Blessing, Boose, Boyce, Boyd, Buchy, Budish, DeVitis, Driehaus, Duffey, Fende, Foley, Garland, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Heard, Henne, Hill, Letson, Lynch, Martin, McGregor, Milkovich, Murray, Newbold, Phillips, Pillich, Ramos, Roegner, Ruhl, Sears, Smith, Stebelton, Thompson, Wachtmann, Winburn, Yuko, Speaker Batchelder

To amend sections 3305.06, 3307.01, 3307.031, 3307.04, 3307.044, 3307.061, 3307.14, 3307.142, 3307.20, 3307.214, 3307.25, 3307.251, 3307.252, 3307.26, 3307.28, 3307.33, 3307.35, 3307.351, 3307.352, 3307.371, 3307.39, 3307.391, 3307.42, 3307.46, 3307.47, 3307.50, 3307.501, 3307.51, 3307.512, 3307.52, 3307.53, 3307.56, 3307.561, 3307.562, 3307.563, 3307.57, 3307.58, 3307.59, 3307.60, 3307.62, 3307.63, 3307.631, 3307.64, 3307.66, 3307.661, 3307.67, 3307.671, 3307.694, 3307.71, 3307.711, 3307.712, 3307.72, 3307.73, 3307.74, 3307.75, 3307.751, 3307.752, 3307.76, 3307.761, 3307.763, 3307.764, 3307.77, 3307.771, 3307.78, 3307.79, 3307.80, 3307.81, 3307.811, 3307.812, 3307.83, 3307.84,

3307.86, 3307.87, 3307.89, 3307.98, and 3313.975; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3307.64 (3307.48) and 3307.70 (3307.701); to enact new section 3307.70 and section 3307.143; and to repeal sections 3307.54, 3307.61, 3307.741, 3307.88, 3307.881, and 3307.882 of the Revised Code to revise the law governing the State Teachers Retirement System.

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

Attest: Jennifer E. Woodring,
Clerk.

Pursuant to Senate Rule No. 44, Senator Niehaus moved that the amendments of the House of Representatives to **Sub. S. B. No. 342** 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. 342**?"

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
Patton	Peterson	Sawyer	Schaffer
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

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

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. 343 -Senators Niehaus, Kearney

Cosponsors: Senators Bacon, Coley, Eklund, Hite, Jones, Lehner, Schiavoni, Seitz, Smith, Tavares Representatives Adams, R., Amstutz, Anielski, Antonio, Baker, Barnes, Blair, Blessing, Boose, Boyce, Boyd, Bulp, Buchy, Budish, DeVitis, Driehaus, Duffey, Fedor, Fende, Foley, Garland, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Heard, Henne, Hill, Letson, Lynch, Martin, McGregor, Milkovich, Murray, Newbold, Pillich, Ramos, Roegner, Ruhl, Sears, Slaby, M., Smith, Stebelton, Thompson, Wachtmann, Winburn, Yuko, Speaker Batchelder

To amend sections 101.92, 101.93, 145.01, 145.04, 145.041, 145.05, 145.057, 145.06, 145.09, 145.19, 145.191, 145.192, 145.193, 145.20, 145.201, 145.22, 145.23, 145.27, 145.28, 145.29, 145.291, 145.293, 145.294, 145.295, 145.297, 145.298, 145.299, 145.2911, 145.2912, 145.2913, 145.2914, 145.30, 145.301, 145.31, 145.32, 145.323, 145.325, 145.33, 145.331, 145.35, 145.36, 145.361, 145.362, 145.37, 145.38, 145.383, 145.384, 145.39, 145.40, 145.401, 145.41, 145.43, 145.45, 145.452, 145.46, 145.47, 145.473, 145.48, 145.483, 145.49, 145.51, 145.54, 145.56, 145.561, 145.563, 145.58, 145.62, 145.63, 145.64, 145.813, 145.814, 145.82, 145.83, 145.87, 145.88, 145.92, 145.95, 145.97, 742.63, 2329.66, 2921.13, 3105.80, 3305.06, 3309.312, and 3375.411; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 145.29 (145.292) and 145.325 (145.584); to enact new sections 145.29 and 145.332 and sections 145.016, 145.017, 145.036, 145.037, 145.038, 145.101, 145.194, 145.195, 145.2915, 145.2916, 145.333, 145.363, 145.431, 145.574, 2901.431, and 2929.194; and to repeal sections 145.02, 145.292, 145.321, 145.322, 145.324, 145.326, 145.327, 145.328, 145.329, 145.3210, 145.3211, 145.3212, 145.3213, 145.332, 145.34, 145.42, 145.44, 145.461, and 145.462 of the Revised Code to revise the law governing the Public Employees Retirement System.

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

Attest:

Jennifer E. Woodring,
Clerk.

Pursuant to Senate Rule No. 44, Senator Niehaus moved that the amendments of the House of Representatives to **Sub. S. B. No. 343** 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. 343**?"

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
Patton	Peterson	Sawyer	Schaffer
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

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

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. 345 -Senators Niehaus, Kearney

Cosponsors: Senators Bacon, Coley, Hite, Jones, Lehner, Schiavoni, Seitz, Tavares Representatives Adams, R., Amstutz, Anielski, Antonio, Baker, Barnes, Blair, Blessing, Boose, Boyce, Boyd, Bubb, Buchy, Budish, DeVitis, Driehaus, Duffey, Fende, Foley, Garland, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Heard, Henne, Hill, Lynch, Martin, McGregor, Milkovich, Murray, Newbold, Pillich, Ramos, Roegner, Ruhl, Sears, Smith, Stebelton, Thompson, Wachtmann, Yuko, Speaker Batchelder

To amend sections 5505.01, 5505.03, 5505.15, 5505.174, 5505.28, and 5505.54 of the Revised Code to revise the law governing the State Highway Patrol Retirement System.

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

Attest:

Jennifer E. Woodring,
Clerk.

Pursuant to Senate Rule No. 44, Senator Niehaus moved that the amendments of the House of Representatives to **Sub. S. B. No. 345** 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. 345**?"

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
Patton	Peterson	Sawyer	Schaffer
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

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

MOTIONS

Senator Jones moved that Senators absent the week of Sunday, September 9, 2012, 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 resolutions were offered:

S. R. No. 342-Senator Schaffer.

Honoring John Adams as the 2011 Ohio Parole Officer of the Year.

S. R. No. 343-Senator Tavares.

Honoring Zion Lutheran Church on its Two Hundredth Anniversary.

S. R. No. 344-Senator Tavares.

Honoring Asbury North United Methodist Church on its One Hundred Fiftieth Anniversary.

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 refused to concur in the Senate amendments to:

Am. H. B. No. 375 -Representative Butler - et al.

Attest:

Thomas L. Sherman,
Deputy Clerk.

Senator Faber moved that the Senate insist on the Senate amendments to **Am. H. B. No. 375**, and ask for a Committee of Conference.

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

The motion was agreed to.

On the motion of Senator Niehaus, the Senate adjourned until Thursday, September 13, 2012 at 10:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.