

OHIO

SENATE

JOURNAL

WEDNESDAY, NOVEMBER 9, 2011

ONE HUNDRED ELEVENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, November 9, 2011, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Homer Harden, First Presbyterian Church, St. Clairsville, 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 resolutions, standing in order for second consideration, be referred to committee as recommended:

S. R. No. 141-Senator Manning, et al.

To support the construction of the New International Trade Crossing between the United States and Canada.

To the Committee on Insurance, Commerce and Labor.

S. R. No. 143-Senator Kearney, et al.

Affirming support for local humane societies in their mission to ensure the humane treatment of animals in communities across the state.

To the Committee on Agriculture, Environment and Natural Resources.

S. C. R. No. 18-Senator Lehner.

To approve the Public Health Council's proposed revision of Chapter 3701-36 of the Ohio Administrative Code establishing standards to be met by boards of health and local health departments and procedures for payment of state subsidies for meeting those standards.

To the Committee on Health, Human Services and Aging.

S. C. R. No. 19-Senator Widener, et al.

To urge the Administrator of the Federal Aviation Administration to select

Ohio as a site for testing the integration of Unmanned Aerial Systems into the National Airspace System.

To the Committee on Ways and Means and Economic Development.

S. C. R. No. 20-Senator Obhof, et al.

To urge Congress to pass the "Jobs Through Growth Act."

To the Committee on Ways and Means and Economic Development.

S. C. R. No. 21-Senator Tavares, et al.

To encourage hospitals and freestanding birthing centers to adopt policies and procedures that promote breastfeeding.

To the Committee on Health, Human Services and Aging.

S. B. No. 238-Senator Lehner, et al.

To amend section 102.02 of the Revised Code to require persons who are elected or appointed to, or who are candidates for, an office of a township with a population of five thousand or more to file statements under the Ethics Law.

To the Committee on Government Oversight and Reform.

S. B. No. 239-Senator Sawyer.

To amend section 3301.01 of the Revised Code to establish state board of education districts based on the 2011 plan of apportionment.

To the Committee on Education.

S. B. No. 240-Senators Burke, Lehner.

To amend sections 307.94, 307.95, and 307.96 and to enact section 301.231 of the Revised Code to establish certain requirements to be followed by a county in adopting or amending a charter that provides under Section 3 of Article X, Ohio Constitution, for the succession by the county to the rights,

properties, and obligations of any municipal corporations or townships wholly located in the county.

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

S. B. No. 241-Senator Coley.

To amend sections 349.01, 349.03, 349.04, 349.06, and 349.14 of the Revised Code to make changes to the New Community Authority Law.

To the Committee on Ways and Means and Economic Development.

S. B. No. 242-Senator Patton, et al.

To amend section 4928.65 of the Revised Code to specify that renewable energy resources do not have to be converted to electricity to receive renewable energy credits.

To the Committee on Energy and Public Utilities.

S. B. No. 243-Senator Hughes, et al.

To amend sections 5502.21 and 5502.41, to enact new section 5502.29 and section 3345.042, and to repeal section 5502.29 of the Revised Code to modify the laws governing the Intrastate Mutual Aid Compact.

To the Committee on Highways and Transportation.

S. B. No. 244-Senator Kearney, et al.

To amend section 4503.102 to require the Registrar of Motor Vehicles and all deputy registrars to accept credit and debit cards for transactions of more than ten dollars.

To the Committee on Highways and Transportation.

S. B. No. 245-Senator Hughes.

To amend section 4517.05 of the Revised Code to establish mandatory

training for used motor vehicle dealers.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 246-Senator Bacon.

To amend sections 3905.01, 3905.06, and 3905.40 and to enact section 3905.062 of the Revised Code to establish requirements and procedures for issuing portable electronics insurance.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 247-Senator Balderson, et al.

To enact section 5.2269 of the Revised Code to designate the ninth day of July as "Traumatic Brain Injury Awareness Day."

To the Committee on Health, Human Services and Aging.

S. B. No. 248-Senator Balderson.

To amend section 4928.20 and to enact sections 4928.23, 4928.231, 4928.232, 4928.233, 4928.234, 4928.235, 4928.236, 4928.237, 4928.238, 4928.239, 4928.2310, 4928.2311, 4928.2312, 4928.2313, 4928.2314, 4928.2315, 4928.2316, 4928.2317, and 4928.2318 of the Revised Code to establish standards for the securitization of costs for electric distribution utilities.

To the Committee on Energy and Public Utilities.

S. B. No. 249-Senator Tavares, et al.

To amend section 4503.41 of the Revised Code to allow a veteran with a service-connected disability of less than 100 per cent to apply for disabled veteran license plates upon payment of one-half of the applicable fees.

To the Committee on Highways and Transportation.

S. B. No. 250-Senator Tavares.

To amend sections 5743.01, 5743.51, 5743.62, and 5743.63 of the Revised Code to increase the tobacco products excise tax rate and to add dissolvable tobacco products to the kinds of products subject to the tax.

To the Committee on Ways and Means and Economic Development.

S. B. No. 251-Senators Beagle, Sawyer, et al.

To amend section 4710.01 and to enact sections 4710.20 to 4710.43 of the Revised Code to require the licensure of, and otherwise regulate, providers of debt settlement services.

To the Committee on Financial Institutions.

YES - 8: THOMAS E. NIEHAUS, SHANNON JONES, KEITH L. FABER, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH.

NO - 0.

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

The report of the committee was accepted.

Said bills and resolutions 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 and Reference, to which was referred **H. C. R. No. 25**-Speaker Batchelder, having had the same under consideration, reports it back and recommends its adoption.

YES - 9: THOMAS E. NIEHAUS, KEITH L. FABER, TOM PATTON, SHANNON JONES, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH.

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 and Reference to which were referred the appointment by the Attorney General of:

Fred Yoder, Republican, Plain City, Union County, Ohio, representing family farmers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2011 and ending September 1, 2014. (new appointment)

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

YES - 8: THOMAS E. NIEHAUS, SHANNON JONES, KEITH L. FABER, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment by the Attorney General?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Daniels
Faber	Hite	Hughes	Jones
Jordan	Kearney	Lehner	Manning
Obhof	Oelsluger	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Tavares	Turner	Wagoner
Wilson			Niehaus-30.

So the Senate advised and consented to said appointment.

RESOLUTIONS REPORTED BY COMMITTEE

H. C. R. No. 25-Speaker Batchelder.

Honoring the Ohio Statehouse on the memorable occasion of its Sesquicentennial.

WHEREAS, The members of the 129th General Assembly of Ohio are

pleased to commend the Ohio Statehouse on its One Hundred Fiftieth Anniversary, celebrated November 15, 2011; and

WHEREAS, Recognition of this prestigious milestone is a fitting tribute to the Ohio Statehouse, for throughout the last century and a half, this fine building has been invaluable to the residents of the State of Ohio. With the passage of the Statehouse Act of 1838, the first cornerstone was laid on July 4, 1839, and construction lasted twenty-two years, resulting in the democratic epicenter of Ohio; and

WHEREAS, Constructed under such architects as Henry Walter, Alexander J. Davis, Nathan Kelley, and Isaiah Rogers and in the Greek Classical Revival style with Columbus limestone, the Ohio Statehouse is now recognized for its architectural significance through its designation as a National Historic Landmark. This Sesquicentennial celebration is a justifiable source of pride and an excellent reflection not only on the Statehouse itself but also on the State of Ohio; and

WHEREAS, Over the years, the Statehouse has enhanced the effectiveness of the legislative process, and it has earned a prominent place in Ohio history. This well-known structure has come to represent democracy at its best, and we are certain that, in the years to come, it will continue to be a symbol of the tenets of Ohio's legislative system; therefore be it

RESOLVED, That we, the members of the 129th General Assembly of Ohio, in adopting this Resolution, congratulate the Ohio Statehouse on the Sesquicentennial of its completion and salute all those participating in the commemoration of this memorable event; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the Ohio Senate, to the Ohio House of Representatives, and to the news media of Ohio.

The question being, "Shall the concurrent resolution, **H. C. R. No. 25**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Niehaus moved to amend the title as follows:

Add the names: "Niehaus, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Daniels, Faber, Hite, Hughes, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Turner, 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, November 6, 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.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 252-Senator Patton.

To amend sections 3781.111, 4510.31, 4511.01, 4511.041, 4511.09, 4511.102, 4511.103, 4511.105, 4511.106, 4511.11, 4511.13, 4511.131, 4511.14, 4511.37, 4511.69, and 4955.33 and to repeal section 4511.15 of the Revised Code to make changes in certain provisions relating to road signs and traffic signals for purposes of the Ohio Manual of Uniform Traffic Control Devices.

S. B. No. 253-Senator Lehner.

To enact sections 3734.92, 3734.921, 3734.922, 3734.923, 3734.924, 3734.925, 3734.926, 3734.927, 3734.928, and 3734.929 of the Revised Code to establish a recycling program for covered electronic devices, to create the Electronic Waste Advisory Council to evaluate and make recommendations and prepare a report concerning recycling of those devices, and to terminate the Council on July 1, 2015, by repealing section 3734.929 of the Revised Code on that date.

S. B. No. 254-Senator Patton.

To amend section 1905.01 of the Revised Code to increase from more than 100 to more than 200 the population necessary for a municipal corporation to have a mayor's court unless the municipal corporation is located entirely on an island in Lake Erie.

OFFERING OF RESOLUTIONS

Senator Faber offered the following resolution:

S. R. No. 148-Senator Faber.

Relative to the appointment of John Eklund, to fill the vacancy in the membership of the Senate created by the resignation of Timothy Grendell of the 18th Senatorial District.

WHEREAS, Section 11 of Article II, Ohio Constitution, provides for the filling of a vacancy in the Senate by appointment by the members of the Senate who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Timothy Grendell of the 18th Senatorial District has resigned as a member of the Senate effective September 20, 2011, thus creating a vacancy in the Senate; now therefore be it

RESOLVED, By the members of the Senate who are affiliated with the Republican party, that John Eklund (Republican), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the Senate from the 18th Senatorial District is hereby appointed, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the Senate from the 18th Senatorial District, to fill the vacancy created by Timothy Grendell; and be it further

RESOLVED, That a copy of this Resolution be spread upon the journal of the Senate together with the yeas and nays of the members of the Senate affiliated with the Republican party voting on the Resolution, and that the Clerk of the Senate shall certify the Resolution and the vote on its adoption to the Secretary of State.

The question being, "Shall the resolution, **S. R. No. 148**, be adopted?"

The yeas and nays were taken and resulted - yeas 20, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Daniels	Faber	Hite
Hughes	Jones	Jordan	Lehner
Manning	Obhof	Oelslager	Patton
Schaffer	Seitz	Wagoner	Niehaus-20.

So the resolution was adopted.

Senator Eklund appeared at the bar of the Senate and was administered the oath of office by the Honorable Thomas Niehaus, President of the Ohio Senate.

Senator Faber offered the following resolution:

S. R. No. 149-Senator Faber.

Relative to mileage reimbursement.

RESOLVED, Pursuant to section 101.27 of the Revised Code and S.R. No. 2--Senator Faber, Relative to mileage reimbursement, adopted January 3, 2011, the Clerk of the Senate is authorized to add the mileage for John Eklund of

320 miles round trip.

The question being, "Shall the resolution, **S. R. No. 149**, be adopted?"

Senator Eklund moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the resolution, **S. R. No. 149**, be adopted?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Daniels
Faber	Hite	Hughes	Jones
Jordan	Kearney	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Tavares	Turner	Wagoner
Wilson			Niehaus-30.

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, Linda Aller, from Lewis Center, Delaware County, Ohio, as a Member of the State Board of Sanitarian Registration for a new term beginning September 19, 2011 and ending at the close of business August 14, 2014.

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 19th day of September 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, Stacey R. Atherton, Democrat, from Mount Vernon, Knox County, Ohio, as a Member of the Ohio Livestock Care Standards Board for a new term beginning October 25, 2011 and ending at the close of business January 25, 2014.

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 25th day of October 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, Roland H. Bauer, from Silver Lake, Summit County, Ohio, as a Member of the University of Akron Board of Trustees for a term beginning September 13, 2011 and ending at the close of business July 1, 2020, replacing Edward L. Bittle, 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 13th day of September 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, James D. Beischel, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Parks and Recreation Council for a term beginning September 29, 2011 and ending at the close of business January 30, 2014, replacing Molly McClure, 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 29th day of September 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, Frederick M. Cash, Democrat, from Richmond Heights, Cuyahoga County, Ohio, as a Member of the Ohio Soil and Water Conservation Commission for a new term beginning September 28, 2011 and ending at the close of business June 30, 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 28th day of September 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, John H. Hull, Republican, from Toledo, Lucas County, Ohio, as a Member of the Petroleum Underground Storage Tank Release Compensation Board for a new term beginning September 15, 2011 and ending at the close of business July 11, 2014.

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 15th day of September 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, Lamond Jasper, Jr., from Sandusky, Erie County, Ohio, as a Member of the Advisory Board on Amusement Ride Safety for a new term beginning August 12, 2011 and ending at the close of business January 1, 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 12th day of August 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, H. Richard Rowe, Jr., from Findlay, Hancock County, Ohio, as a Member of the Owens State Community College Board of Trustees for a term beginning August 18, 2011 and ending at the close of business September 21, 2016.

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 August 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, Christopher Alan Taylor, Ph.D, from Columbus, Franklin County, Ohio, as a Member of the Ohio Board of Dietetics for a term beginning September 1, 2011 and ending at the close of business June 30, 2016, replacing Dr. Kay Soltész, 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 1st day

of September 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 House of Representatives has adopted the following concurrent resolution in which the concurrence of the Senate is requested:

H. C. R. No. 26 -Speaker Batchelder, Representatives Letson, Budish, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyd, Brenner, Bulp, Buchy, Butler, Carey, Carney, Celeste, Clyde, Combs, Conditt, Damschroder, DeGeeter, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hollington, Hottinger, Huffman, Johnson, Kozlowski, Landis, Lehner, Luckie, Lundy, Maag, Mallory, Martin, McClain, McGregor, McKenney, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Peterson, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Slesnick, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Weddington, Williams, Winburn, Young, Yuko

Honoring the Ohio Judicial Center on being rededicated in the name of the late Chief Justice Thomas J. Moyer.

Attest:

Laura P. Clemens,
Clerk.

The question being, "Shall the concurrent resolution, **H. C. R. No. 26**, be adopted?"

So the resolution was adopted.

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Niehaus, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Daniels, Eklund, Faber, Hite, Hughes, Jones, Jordan, Kearney,

LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Turner, Wagoner, Widener, Wilson."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, the Senate adjourned until Monday, November 14, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.