

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, NOVEMBER 27, 2012

TWO HUNDRED FORTY-THIRD DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, November 27, 2012, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Paul Noble, Director of Vocations for the Diocese of Columbus, Columbus, 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 resolution, standing in order for second consideration, be referred to committee as recommended:

**Am. Sub. H. B. No. 279**-Representatives Grossman, Driehaus, et al.

To amend sections 2151.33, 3107.062, 3107.063, 3109.53, 3109.59, 3109.60, 3109.66, 3109.70, 3109.71, 3109.72, 5153.16, and 5153.161, to enact new section 3109.76 and section 2151.411, and to repeal sections 3109.76 and 3109.77 of the Revised Code to require a public children services agency or private child placing agency that obtains temporary custody of a child to attempt to notify certain relatives of the child; to require a public children services agency to attempt to keep siblings together; to modify the putative father registry; to eliminate the automatic termination upon the expiration of one year of a power of attorney or caretaker authorization affidavit that gives care of a child to a grandparent; to allow a grandparent to seek custody of a child if the child's parent, guardian, or custodian seeks to terminate a power of attorney or caretaker authorization affidavit; to require a public children services agency to file a missing child report if a child in its custody is or may be missing; to authorize a public children services agency to provide care for a child in the home of a qualified nonrelative of the child; and to require the Department of Job and Family Services to develop recommendations for the implementation of a subsidized relative guardianship program.

To the Committee on Judiciary.

**Sub. H. B. No. 414**-Representative Anielski, et al.

To amend sections 2903.211 and 2917.21 of the Revised Code to expand the offenses of menacing by stalking and telecommunications harassment and to prohibit a person from knowingly causing another person to believe that the

offender will cause physical harm or mental or emotional distress to a member of the other person's immediate family.

To the Committee on Judiciary.

**S. B. No. 389**-Senator Schaffer.

To enact section 4511.714 of the Revised Code to prohibit the operation of a motor vehicle on or onto any location that is temporarily covered by a rise in water level and to impose on an offender a financial sanction of up to \$2,000 for the cost of the person's rescue, payable to the person's rescuer.

To the Committee on Highways and Transportation.

**S. C. R. No. 33**-Senator Burke, et al.

To memorialize the Congress of the United States to seek the withdrawal of the United States Preventive Services Task Force recommendation against prostate-specific antigen-based screening for prostate cancer for men in all age groups.

To the Committee on Health, Human Services and Aging.

**S. B. No. 390**-Senator Obhof.

To authorize the conveyance of state-owned real estate in Richland County to the Mansfield Reformatory Preservation Society.

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

**S. B. No. 391**-Senator Niehaus.

To amend sections 101.15, 101.301, 101.34, 101.70, 101.72, 101.73, 101.74, 101.75, 101.78, 101.90, 101.92, 101.93, 101.94, 101.95, 101.98, 102.01, 102.02, 102.021, 102.03, 102.031, 102.06, 102.07, 102.99, 109.54, 121.60, 121.62, 121.63, 121.64, 121.65, 121.68, and 4503.033 of the Revised Code to revise the Ethics Law.

To the Committee on Government Oversight and Reform.

YES - 9: THOMAS E. NIEHAUS, KEITH L. FABER, TOM PATTON, SHANNON JONES, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, ERIC H. KEARNEY.

NO - 0.

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

The report of the committee was accepted.

Said bills and resolution 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 were referred the appointments by the Attorney General of:

**Jason D. Clark**, Democrat, Dayton, Montgomery County, representing organized labor on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2012 and ending September 1, 2015.

**Susheela D. Sugness**, Independent, Dublin, Franklin County, representing residential consumers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2012 and ending September 1, 2015.

**Stuart Young**, Republican, Springfield, Clark County, representing family farmers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2012 and ending September 1, 2015.

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

YES - 9: THOMAS E. NIEHAUS, KEITH L. FABER, TOM PATTON, SHANNON JONES, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, ERIC H. KEARNEY.

NO - 0.

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

The yeas and nays were taken and resulted - yeas 33, 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
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			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:

**Sub. S. B. No. 130**-Senators Hughes, Cates. Cosponsors: Senators Lehner, Seitz, Skindell, Turner, Hite, Beagle, Burke, Gentile, Jones, LaRose, Niehaus, Patton, Sawyer, Schiavoni, Tavares, Wagoner. Representatives Antonio, Ashford, Budish, Celebrezze, Cera, Combs, Derickson, Dovilla, Fedor, Fende, Garland, Gerberry, Goyal, Grossman, Hagan, R., Heard, Kozlowski, Letson, Lundy, Mallory, Milkovich, O'Brien, Phillips, Ramos, Schuring, Szollosi, Thompson, Winburn, Yuko.

To amend sections 955.02, 955.10, 955.12, 955.20, 955.26, and 1901.183 and to enact sections 956.01 to 956.18 of the Revised Code to regulate certain dog breeding kennels and dog retailers, 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 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

Senator Faber voted in the negative-1.

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

The amendments of the House of Representatives to:

**Am. S. B. No. 300**-Senators Manning, Wagoner. Cosponsors: Senators Brown, Hughes, Seitz, Cafaro, Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hite, Jones, Kearney, LaRose, Lehner, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Tavares, Widener. Representatives Damschroder, Celebrezze, Johnson, O'Brien, Patmon, Ruhl, Uecker, Antonio, Barnes, Beck, Blair, Boose, Brenner, Bubp, Buchy, Butler, Carney, Cera, Combs, Dovilla, Fende, Garland, Hill, Landis, Lundy, Mallory, Martin, McClain, Milkovich, Murray, Newbold, Okey, Pillich, Ramos, Stinziano, Thompson, Yuko.

To enact sections 5533.181 and 5533.688 of the Revised Code to designate the bridge spanning the Vermillion River, that is part of State Route 113, as the "Staff Sgt. James P. Hunter Memorial Bridge" and to designate a portion of State Route 800 in Harrison County as the "Trooper George Conn Memorial Highway", 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 33, 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
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

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

The amendments of the House of Representatives to:

**Sub. S. B. No. 301**-Senators Burke, Cafaro. Cosponsors: Senators Lehner, Seitz, Jones, Tavares, Brown, Bacon, Balderson, Beagle, Gentile, Hite, Hughes, Kearney, LaRose, Manning, Obhof, Oelslager, Peterson, Schaffer, Schiavoni, Skindell, Smith, Turner. Representatives Garland, Hackett, Johnson, Smith, Yuko, Amstutz, Antonio, Barnes, Beck, Blair, Blessing, Boose, Bubp, Buchy, Budish, Butler, Celebrezze, Combs, Dovilla, Driehaus, Duffey, Fende, Goyal, Hagan, C., Hayes, Heard, Kozlowski, Letson, Lundy, Mallory, McClain, Milkovich, Newbold, O'Brien, Patmon, Phillips, Rosenberger, Ruhl, Scherer, Schuring, Sears, Sprague, Stebelton, Terhar, Thompson, Winburn, Young, Speaker Batchelder.

To amend sections 3719.41, 4715.033, 4715.034, 4715.30, 4715.301, 4715.302, 4723.487, 4725.092, 4729.162, 4729.291, 4729.51, 4729.552, 4729.57, 4729.79, 4729.80, 4729.86, 4730.53, 4731.054, 4731.055, 4731.22, and 4731.39 of the Revised Code regarding enforcement powers of certain health care professional licensing boards, regulation of pain management clinics, limits on prescriber-furnished controlled substances, and classifications of certain controlled substances, 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 33, 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
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

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

**BILLS FOR THIRD CONSIDERATION**

**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. Senators Wagoner, Oelslager, LaRose.

To amend sections 2903.13 and 2929.13 and to enact section 3727.18 of the Revised Code to authorize a \$5,000 fine for assault when the victim is a hospital health care professional, health care worker, or security officer whom the offender knows or has reasonable cause to know is such a professional, worker, or officer, the victim is engaged in the performance of the victim's duties, and the hospital offers de-escalation or crisis intervention training; to increase the penalty for assault to a felony of the fifth degree when committed against any of the specified hospital personnel in the specified circumstances if the offender previously was convicted of a specified assault or homicide offense committed in those circumstances; to authorize a \$5,000 fine for

assault when the victim is a judge, magistrate, prosecutor, or court official or employee whom the offender knows or has reasonable cause to know is a judge, magistrate, prosecutor, or court official or employee and the victim is engaged in the performance of the victim's duties; to increase the penalty for assault to a felony of the fifth degree when committed against any of the specified justice system personnel in the specified circumstances if the offender previously was convicted of a specified assault or homicide offense committed against any of the specified justice system personnel in the specified circumstances; to include felony assault when committed against any of the specified hospital or justice system personnel in the specified circumstances within the community control presumption of the Felony Sentencing Law; to make clarifying changes in that presumption; and to authorize hospitals to post a warning sign indicating that abuse or assault of staff will not be tolerated and might result in a felony conviction, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 62**, pass?"

On the motion of Senator Faber, **Sub. H. B. No. 62** was informally passed and retained its place on the calendar.

**Sub. H. B. No. 367**-Representative Maag.

Cosponsors: Representatives Grossman, Murray, Fende, Antonio, Duffey, Hackett, Sears, Beck, Blair, Blessing, Bubp, Carney, Celebrezze, Celeste, Gardner, Garland, Hill, Johnson, Letson, Lundy, Mallory, Matheney, Milkovich, O'Brien, Phillips, Ramos, Stautberg, Stebelton, Stinziano, Terhar, Wachtmann, Winburn, Yuko, Speaker Batchelder. Senator Tavares.

To amend sections 109.57, 1337.11, 2133.01, 2317.54, 3701.881, 3712.01, 3712.03, 3712.09, 3712.99, 3721.01, 3793.11, 3795.01, 3963.01, 4719.01, 4752.02, and 5119.22 and to enact sections 3712.031, 3712.041, 3712.051, 3712.061, and 4729.43 of the Revised Code to enact "Sarah's Law" regarding licensure of pediatric respite care programs; to establish standards for delivery of certain cancer drugs; to modify the requirements for licensure of methadone treatment programs; to amend the version of section 109.57 of the Revised Code that is scheduled to take effect on January 1, 2014, to continue amendments made by this act to that section; and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 10, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 2, 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
Schiavoni	Seitz	Tavares	Turner
Wagoner	Widener		Niehaus-31.

Senators Skindell and Smith voted in the negative-2.

So the section, Section 10, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 33, 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
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Oelslager moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Hite, Hughes, Jones, Kearney, Lehner, Manning, Peterson, Sawyer, Schiavoni, Smith, Wagoner."

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

The motion was agreed to and the title so amended.

**OFFERING OF RESOLUTIONS**

Senator Obhof offered the following concurrent resolution:

**S. C. R. No. 34**-Senator Obhof.

Cosponsors: Senators Bacon, Eklund, Seitz, Wagoner.

To encourage the permanent establishment of commercial dockets by and in courts of common pleas.

The question being, "Shall the concurrent resolution, **S. C. R. No. 34**, be adopted?"

On the motion of Senator Faber, **S. C. R. No. 34**, was referred to the Committee on Rules and Reference.

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

**S. R. No. 370**-Senator Faber.

Honoring Sarah Kanney as the 2012 Division III State Cross Country Champion.

**S. R. No. 371**-Senator Hughes.

Honoring the Upper Arlington High School boys water polo team on winning the 2012 State Championship.

**S. R. No. 372**-Senator Bacon.

Honoring Hannah Wexner and Andrea Ballinger as the 2012 Division II State Champions in girls doubles tennis.

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

So the resolutions were adopted.

On the motion of Senator Faber the Senate reverted to the sixth Order of Business, Bills for Third Consideration.

### **BILLS FOR THIRD CONSIDERATION**

Senator Faber moved that **Sub. H. B. No. 62**, having been informally passed, be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the bill, **Sub. H. B. No. 62**, pass?"

Senator Oelslager moved to amend as follows:

In line 49, delete "and"; after "(8)" insert ", and (9)"

In line 50, delete "or"; after "(7)" insert ", or (8)"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 62**, pass?"

The yeas and nays were taken and resulted - yeas 33, 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
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill passed.

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

Senator Oelslager moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Eklund, Faber, Hite, Hughes, Kearney, Manning, Obhof, Patton, Peterson, Sawyer, Schaffer, Tavares, Widener."

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 Wednesday, November 28, 2012 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.