

OHIO

SENATE

JOURNAL

WEDNESDAY, NOVEMBER 28, 2012

TWO HUNDRED FORTY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, November 28, 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.

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Niehaus reports for the Standing Committee on Rules and Reference, recommending that the following concurrent resolution, standing in order for second consideration, be referred to committee as recommended:

S. C. R. No. 34-Senator Obhof, et al.

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

To the Committee on Judiciary.

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

NO - 0.

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

The report of the committee was accepted.

Said concurrent resolution was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 298**-Senator Cafaro, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Beagle, Hughes, Hite, Turner, Bacon.

YES - 12: BILL BEAGLE, JIM HUGHES, SHANNON JONES, KRIS JORDAN, TIMOTHY O. SCHAFFER, CLIFF HITE, NINA TURNER, JOSEPH SCHIAVONI, EDNA BROWN, CAPRI S. CAFARO, KEVIN BACON, BOB PETERSON.

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:

Pursuant to Senate Rule No. 37, the standing committee on Rules and Reference recommends that **H. B. No. 417**-Representative Grossman, et al., having been referred to the standing committee on Insurance, Commerce and Labor, be recommitted to the standing committee on Insurance, Commerce, and Labor.

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

NO - 0.

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

The report of the committee was accepted.

Senator Wagoner submitted the following report:

The standing committee on Judiciary, to which was referred **H. B. No. 461**-Representative Stebelton, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Wagoner, Skindell, Obhof, Oelslager, Bacon, Turner.

YES - 10: MARK D. WAGONER, MICHAEL J. SKINDELL, LARRY OBHOF, SHIRLEY A. SMITH, SCOTT OELSLAGER, KEITH L. FABER, BILL SEITZ, KEVIN BACON, DAVE BURKE, NINA TURNER.

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 & Reference to which were referred the appointments by the Governor of:

Rodney Craig Armstrong, from Mr. Sterling, Madison County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a new term beginning April 26, 2012 and ending at the close of business December 31, 2015.

David L. Caldwell, from Columbus, Franklin County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a new term beginning July 13, 2012 and ending at the close of business June 11, 2015.

Kelly Cole, from Hamersville, Brown County, Ohio, as a Member of the Southern Ohio Agricultural and Community Development Foundation for a new term beginning April 4, 2012 and ending at the close of business June 2, 2016.

Harold F. Dates, Jr., Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Livestock Care Standards Board for a new term beginning April 4, 2012 and ending at the close of business January 15, 2015.

Brian Galligher, from Delaware, Delaware County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning April 30, 2012 and ending at the close of business January 13, 2014.

Frank A. Guglielmi, from Findlay, Hancock County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 13, 2012 and ending at the close of business June 11, 2015, replacing Robert C. Smith, whose term expired.

Kenneth M. Haffey, from Chester Township, Geauga County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a new term beginning July 13, 2012 and ending at the close of business June 11, 2015.

Horace W. Karr, Republican, From Pomeroy, Meigs County, Ohio, as a Member of the Wildlife Council for a new term beginning February 23, 2012 and ending at the close of business January 30, 2016.

George R. Klein, from Akron, Summit County, Ohio, as a Member of the Wildlife Council for a term beginning April 6, 2012 and ending at the close of business January 31, 2016, replacing James R. Lynch, whose term expired.

Jerry P. Lahmers, DVM, Republican, from Newcomerstown, Tuscarawas County, Ohio, as a Member of the Ohio Livestock Care Standards Board for a new term beginning April 4, 2012 and ending at the close of business January

15, 2015.

Jeffrey T. LeJeune, DVM, Democrat, from Wooster, Wayne County, Ohio, as a Member of the Ohio Livestock Care Standards Board for a new term beginning April 9, 2012 and ending at the close of business January 15, 2015.

Richard J. McClelland, from Zanesville, Muskingum County, Ohio, as a Member of the Ohio Standardbred Development Commission for a term beginning December 16, 2011 and ending at the close of business June 30, 2015, replacing Robert K. Schmitz, whose term expired.

Jeffrey A. Parson, from New Albany, Franklin County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning April 26, 2012 and ending at the close of business December 31, 2012, replacing Kimberly Watts, who resigned.

Jack R. Pounds, from Dublin, Franklin County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning April 30, 2012 and ending at the close of business January 13, 2014.

Rebecca Salinger, DVM, from Ashtabula, Ashtabula County, Ohio, as a Member of the State Veterinary Medical Licensing Board for a term beginning August 1, 2012 and ending at the close of business December 31, 2012, replacing Paul A. Stull, whose term expired.

Tracie J. Sanchez, from Lima, Allen County, Ohio, as a Member of the Bureau of Workers' Compensation Board of Directors for a term beginning July 13, 2012 and ending at the close of business June 11, 2015, replacing James M. Matesich, whose term expired.

Elizabeth Anne Sigg, Independent, from Defiance, Defiance County, Ohio, as a Member of the Real Estate Appraiser Board for a term beginning July 20, 2012 and ending at the close of business June 30, 2014, replacing C. Patrick McAllister, whose term expired.

Gary A. Wolske, from Garfield Heights, Cuyahoga County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a new term beginning April 26, 2012 and ending at the close of business December 31, 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, SHANNON JONES, SCOTT OELSLAGER, EDNA BROWN, JOSEPH SCHIAVONI, NINA TURNER, CHRIS WIDENER, ERIC H. KEARNEY.

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	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.

BILLS FOR THIRD CONSIDERATION

H. B. No. 184-Representative Martin.

Cosponsors: Representatives Mecklenborg, Thompson, Carey, O'Brien, Fende, Celeste, Johnson, Ramos, Anielski, Antonio, Ashford, Barnes, Beck, Boose, Boyd, Brenner, Bubp, Buchy, Carney, Celebrezze, Damschroder, Garland, Gerberry, Goyal, Grossman, Hackett, Hagan, R., Hall, Hayes, Hill, Hottinger, Kozlowski, Landis, Letson, Luckie, Lundy, Lynch, Mallory, Milkovich, Okey, Reece, Sears, Slaby, M., Slesnick, Smith, Stinziano, Williams, Winburn, Young, Yuko, Speaker Batchelder. Senators Cafaro, Brown, Tavares.

To enact section 5.2267 of the Revised Code to designate March as "Multiple System Atrophy Awareness Month", was considered the third time.

The question being, "Shall the bill, **H. B. No. 184**, 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 Widener moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Turner, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 461-Representative Stebelton.

Cosponsors: Representatives Adams, R., Gonzales, Grossman, Henne, McGregor, Okey, Yuko, Bulp, Antonio, Boyd, Celeste, Combs, Huffman, Letson, Milkovich, Murray, O'Brien, Pillich, Reece, Speaker Batchelder. Senators Wagoner, Skindell, Obhof, Oelslager, Bacon, Turner.

To amend sections 2317.02, 3105.18, and 3105.64 and to enact sections 3105.41, 3105.42, 3105.43, 3105.44, 3105.45, 3105.46, 3105.47, 3105.48, 3105.49, 3105.50, 3105.51, 3105.52, 3105.53, and 3105.54 of the Revised Code to establish a statutory collaborative family law process to aid in the resolution of family law disputes, to clarify when an order of spousal support may be modified, and to clarify the circumstances under which a client's statements may compel an attorney to testify regarding attorney-client communications, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 461**, pass?"

Senator Obhof moved to amend as follows:

In line 953, delete "3145.46" and insert "3105.45"

In line 973, delete "cohabitation or retirement and"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 461**, 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 Obhof moved to amend the title as follows:

Add the names: "Balderson, Burke, Coley, Eklund, Hite, Hughes, Jones, Kearney, Lehner, Manning, Patton, Peterson, Seitz."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 298-Senator Cafaro.

Cosponsors: Senators Brown, Seitz, Kearney, Beagle, Hughes, Hite, Turner, Bacon.

To amend section 4303.181 of the Revised Code to alter the conditions under which a D-51 liquor permit may be issued, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 298**, 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 Cafaro moved to amend the title as follows:

Add the names: "Balderson, Burke, Gentile, Lehner, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Smith, Tavares, Wagoner."

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 25, 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

Senator Niehaus offered the following resolution:

S. R. No. 373-Senator Niehaus.

Permitting the Ohio Electoral College to conduct its official vote for President and Vice-President of the United States in the Senate Chamber on Monday, December 17, 2012.

WHEREAS, The members of the Senate of the 129th General Assembly of Ohio, in adopting this Resolution, permit the Ohio Electoral College to use the Ohio Senate Chamber to conduct its official vote for President and Vice-President of the United States on Monday, December 17, 2012; and

WHEREAS, The President and Vice-President of the United States are the only federal elective officials not elected by a direct vote of the people but are elected by an institution known as the Electoral College; and

WHEREAS, Article II Section 1 of the Constitution of the United States provides that each state shall appoint a number of electors equal to the whole number of Senators and Representatives to which each state may be entitled in the Congress of the United States; and

WHEREAS, Article II Section 1 of the Constitution of the United States provides that the electors shall meet in their respective states and vote by ballot for the President and Vice-President; and

WHEREAS, Section 3505.39 of the Ohio Revised Code requires the Ohio Secretary of State to select a place in the state capitol for the electors to meet and cast their votes for the President and Vice-President of the United States; and

WHEREAS, The Ohio Secretary of State has requested the use of the Chamber of the Ohio Senate for the Ohio members of the Electoral College to meet and cast their votes for the President and Vice-President of the United States on Monday, December 17, 2012; therefore be it

RESOLVED, That we, the members of the Senate of the 129th General Assembly of Ohio, in adopting this Resolution, permit the Ohio Electoral College to utilize the Chamber of the Ohio Senate on Monday, December 17, 2012, to conduct its official vote for President and Vice-President of the United States, and we commend its participants for their civic responsibility; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Ohio Secretary of State and the Ohio Electoral College.

The question being, "Shall the resolution, **S. R. No. 373**, be adopted?"

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 resolution was adopted.

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

Senator Faber moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Cafaro, Faber, Gentile, Hite, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Skindell, Smith, Tavares, Turner."

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

The motion was agreed to and the title so amended.

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. 56 -Representative Gonzales

Cosponsors: Representatives Derickson, Wachtmann, Ruhl, Yuko, Hackett, Baker, Blair, Brenner, Carney, Celebrezze, Celeste, Combs, Hagan, C., Johnson, Letson, Mallory, Milkovich, Patmon, Reece, Sprague, Stebelton,

Stinziano, Sykes

To recognize November 2012 as Personal Health Care Month.

Attest:

Jennifer E. Woodring,
Clerk.

The question being, "Shall the concurrent resolution, **H. C. R. No. 56**, be adopted?"

On the motion of Senator Faber, **H. C. R. No. 56**, was 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 passed the following bills in which the concurrence of the Senate is requested:

Am. Sub. H. B. No. 197 -Representative Slesnick

Cosponsors: Representatives Fende, Letson, Murray, O'Brien, Patmon, Yuko, Blair, Combs, Johnson, Milkovich, Terhar, Speaker Batchelder

To amend sections 1901.261, 1901.31, 1907.20, 1907.26, 1907.261, and 4503.39 and to enact sections 1901.44, 1905.202, 1907.25, and 2947.09 of the Revised Code to require that all moneys collected by the clerk of a municipal or county court be paid to the appropriate person, fund, or entity on or before the twentieth day of the month following the month in which they are collected; to authorize a municipal, mayor's, or county court to require community service in lieu of costs if at the time of sentencing or any time after sentencing the court finds that the offender cannot pay costs; to authorize a municipal, mayor's, or county court to allow payment of costs in installments if at the time of sentencing or at any time after sentencing the court finds that the offender will not be able to pay costs in full when due; and to ensure that after notice to the debtor and an opportunity to enter into an installment payment or community service agreement with the court neither the Registrar of Motor Vehicles nor any deputy registrar accepts any application for the registration or transfer of registration of a motor vehicle of a person who fails to pay any fine or costs imposed for offenses by a common pleas, municipal, mayor's, or county court.

Am. H. B. No. 387 -Representatives Sears, Ashford

Cosponsors: Representatives Letson, Gardner, Hill, McGregor, Antonio, Combs, Fedor, Stebelton, Brenner, Hackett, Blair, Blessing, Ruhl

To amend section 505.60 and to enact section 307.093 of the Revised Code to authorize a board of county commissioners of any county to enter into agreements for the sale and leaseback of all or portions of county buildings, and to authorize a township to reimburse an officer or employee for out-of-pocket premiums attributable to insurance coverage provided for the immediate dependents of the officer or employee.

Attest: Jennifer E. Woodring,
Clerk.

Said bills was considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 274 -Representative Letson

Cosponsors: Representatives Bubp, Antonio, Brenner, Combs, Derickson, Foley, Mallory, Milkovich, Murray, O'Brien, Okey, Ramos, Szollosi, Winburn, Yuko, Speaker Batchelder

To amend section 5301.057 of the Revised Code to provide that a transfer fee for purposes of a transfer fee covenant does not include any payment required pursuant to a conservation easement or agricultural easement.

Attest: Jennifer E. Woodring,
Clerk.

Said bill was 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 bills:

Am. S. B. No. 40 -Senator Kearney

Cosponsors: Senators Cafaro, Brown, Sawyer, Smith, Wagoner, Manning, Tavares, Bacon, Balderson, Beagle, Burke, Daniels, Faber, Hite, Hughes,

Jones, LaRose, Lehner, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Skindell, Turner Representatives Goodwin, Fende, Antonio, Barnes, Carney, Gardner, Garland, Hackett, Hagan, R., Hill, Hottinger, Johnson, Ramos, Yuko, Ashford, Celebrezze, Celeste, Combs, Driehaus, Fedor, Kozlowski, Letson, Lundy, Mallory, Milkovich, O'Brien, Phillips, Reece, Stinziano, Winburn, Speaker Batchelder

To enact sections 5.2271 and 3701.137 of the Revised Code to designate November as "Complex Regional Pain Syndrome Awareness Month" and to require the Department of Health to include on its web site information regarding the syndrome.

Am. S. B. No. 135 -Senator Kearney

Cosponsors: Senators Smith, Turner, Wagoner, Tavares, Bacon, Balderson, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Widener Representatives Fende, Antonio, Barnes, Carney, Gardner, Garland, Hackett, Johnson, Sears, Beck, Blessing, Celebrezze, Celeste, Combs, Driehaus, Fedor, Gerberry, Goyal, Lundy, Mallory, Milkovich, Newbold, O'Brien, Ramos, Stebelton, Stinziano, Young, Yuko, Speaker Batchelder

To enact section 5.2287 of the Revised Code to designate the month of September as "Craniofacial Acceptance Month."

S. B. No. 199 -Senator Smith

Cosponsors: Senators Obhof, Skindell, Wagoner, Tavares, Sawyer, Hughes, Seitz, Beagle, Cafaro, Brown, Bacon, Balderson, Burke, Coley, Eklund, Faber, Gentile, Hite, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Peterson, Schaffer, Schiavoni, Turner Representatives Fende, Antonio, Barnes, Carney, Duffey, Gardner, Garland, Hackett, Johnson, Sears, Smith, Amstutz, Beck, Blessing, Boyce, Brenner, Buchy, Celebrezze, Celeste, Cera, Combs, Damschroder, Derickson, Dovilla, Driehaus, Hagan, C., Hall, Hayes, Kozlowski, Landis, Letson, Lundy, Maag, Milkovich, Newbold, O'Brien, Okey, Patmon, Pillich, Ramos, Reece, Ruhl, Sprague, Stautberg, Terhar, Uecker, Wachtmann, Winburn, Young, Yuko, Speaker Batchelder

To enact section 5.2267 of the Revised Code to designate October 13 as Metastatic Breast Cancer Awareness Day.

Attest:

Jennifer E. Woodring,
Clerk.

On the motion of Senator Faber, the Senate adjourned until Thursday, November 29, 2012 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.