

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, DECEMBER 5, 2012**

TWO HUNDRED FORTY-SEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, December 5, 2012, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Thomas Wise, Valleyview Church, Dayton, 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. 27**-Representatives Stautberg, Letson, et al.

To amend sections 2111.01 and 2111.02, to enact sections 2111.022, 2112.01, 2112.011, 2112.02, 2112.03, 2112.04, 2112.05, 2112.21, 2112.22, 2112.23, 2112.24, 2112.25, 2112.26, 2112.27, 2112.31, 2112.32, 2112.41, 2112.42, and 2112.43, and to repeal section 2111.41 of the Revised Code to adopt the Adult Guardianship and Protective Proceedings Jurisdiction Act.

To the Committee on Judiciary.

**Sub. H. B. No. 191**-Representatives Hayes, Patmon, et al.

To amend sections 2151.011, 3313.48, 3313.533, 3313.62, 3313.88, 3317.01, 3317.03, 3321.05, 3326.11, and 3327.01; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3313.88 (3313.482); to enact new section 3313.481 and section 3314.092; and to repeal sections 3313.481 and 3313.482 of the Revised Code to establish a minimum school year for school districts, STEM schools, and chartered nonpublic schools based on hours, rather than days, of instruction.

To the Committee on Education.

**Sub. H. B. No. 284**-Representatives Gonzales, Letson, et al.

To amend sections 2133.211, 3719.06, 4730.06, 4730.09, 4730.10, 4730.11, 4730.38, 4730.39, 4730.40, 4730.41, 4730.42, 4730.44, 4730.46, 4755.48, 4755.481, 4765.01, 4765.35, 4765.36, 4765.37, 4765.38, 4765.39, 4765.49,

and 4765.51, to enact sections 4730.04, 4730.092, and 4730.411, and to repeal section 4730.401 of the Revised Code to modify the laws governing physician assistants.

To the Committee on Health, Human Services and Aging.

**H. B. No. 501**-Representatives Carney, Duffey, et al.

To enact section 5.075 of the Revised Code to adopt the Adena Pipe as the official artifact of the state.

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

**Sub. H. B. No. 532**-Representatives Kozlowski, Gonzales, et al.

To amend sections 307.05, 307.051, 307.055, 505.37, 505.375, 505.44, 505.72, 3354.121, 4503.49, 4513.263, 4743.05, 4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 4766.12, 4766.13, 4766.15, 4766.22, 5502.01, 5709.40, 5709.73, 5709.77, and 5913.11; and to repeal sections 4766.02 and 4766.20 of the Revised Code; to amend Section 205.10 of Am. Sub. H.B. 114 of the 129th General Assembly, as subsequently amended, to amend Section 335.10 of Am. Sub. H.B. 153 of the 129th General Assembly, and to amend Section 707.10 of Am. Sub. H.B. 487 of the 129th General Assembly to revise the Ohio Military Medal of Distinction law; to rename the State Board of Emergency Medical Services the "State Board of Emergency Medical, Fire, and Transportation Services"; to eliminate the Ohio Medical Transportation Board and assign its duties to the renamed State Board of Emergency Medical, Fire, and Transportation Services; to specify the membership of the renamed board; to allow certain community colleges to acquire, construct, and maintain housing and dining facilities; to specify that, with respect to tax increment financing (TIF), the base taxable value of an exempt improvement is the assessed value of the property appearing on the most recent tax list compiled before the TIF legislation takes effect; to expand the areas for which a municipal corporation in Stark County may use up to 5% of its water and sewer funds for sewage or water system extensions to include areas within a joint economic development district and areas within the municipal corporation's boundaries; and to make an appropriation.

To the Committee on Finance.

**Sub. H. B. No. 555**-Representatives Stebelton, Butler, et al.

To amend sections 3301.079, 3301.0710, 3301.0711, 3301.0714, 3302.01, 3302.02, 3302.021, 3302.03, 3302.033, 3302.04, 3302.041, 3302.042, 3302.05, 3302.10, 3302.12, 3302.20, 3302.21, 3310.03, 3310.06, 3311.741, 3311.80, 3313.473, 3313.608, 3314.011, 3314.012, 3314.013, 3314.015, 3314.016, 3314.02, 3314.05, 3314.35, 3314.36, 3314.37, 3317.081, 3319.111, 3319.112, 3319.58, 3326.03, 3333.041, 3333.048, 3333.391, 5910.01, 5910.02, and 5919.34; to enact sections 3302.034, 3310.16, 3314.017, 3314.351, and 5910.07 of the Revised Code; and to amend Section 267.10.90 of Am. Sub. H.B. 153 of the 129th General Assembly, as subsequently amended, to create a new academic performance rating system for school districts and other public schools; to require an alternative academic performance rating system for community schools serving primarily students enrolled in dropout prevention and recovery programs; to create a new evaluation process for community school sponsors; to abolish the Ohio accountability task force and replace it with the Ohio accountability advisory committee; to specifically permit educational service centers to partner in the development of STEM schools; to allow for the reporting of a student's personally identifiable information to specified third parties with which the Department of Education has contracted to develop state assessments; to require that a third-grade student reading below grade level receives intervention services prior to development of the student's improvement monitoring plan; to modify the procedure for approving the opening of new Internet- or computer-based community schools; to require that a community school fiscal officer be a licensed school treasurer; to qualify for a War Orphans Scholarship, children of military veterans who participated in an operation for which the Armed Forces Expeditionary Medal was awarded; and to authorize the administrators of the Ohio National Guard Scholarship Program and the Ohio War Orphans Scholarship Program to apply for and receive grants and to accept gifts, bequests, and contributions from public and private sources.

To the Committee on Education.

YES - 8: THOMAS E. NIEHAUS, TOM PATTON, SCOTT OELSLAGER, ERIC H. KEARNEY, JOSEPH SCHIAVONI, NINA TURNER, EDNA BROWN, MARK D. WAGONER.

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 Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was recommitted **Sub. H. B. No. 417**-Representative Grossman, et al., having had the same under consideration, re-reports back a substitute bill and recommends its passage.

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

NO - 0.

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

The report of the committee was accepted.

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **H. B. No. 543**-Representative Anielski, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Turner, Beagle, Sawyer, Obhof, Hite.

YES - 9: NINA TURNER, PEGGY B. LEHNER, BILL BEAGLE, THOMAS SAWYER, LARRY OBHOF, GAYLE MANNING, BILL COLEY, CLIFF HITE, JOSEPH SCHIAVONI.

NO - 0.

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

The report of the committee was accepted.

Senator Jones submitted the following report:

The standing committee on Energy and Public Utilities, to which

was referred **S. B. No. 354**-Senator Coley, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 12: TOM PATTON, FRANK LAROSE, CLIFF HITE, TROY BALDERSON, SHANNON JONES, BILL COLEY, JOSEPH SCHIAVONI, LOU GENTILE, SHIRLEY A. SMITH, TIMOTHY O. SCHAFFER, BILL SEITZ, THOMAS SAWYER.

NO - 0.

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

The report of the committee was accepted.

Senator Jones submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **Sub. H. B. No. 360**-Representative Rosenberger, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Hite, LaRose.

YES - 10: SHIRLEY A. SMITH, LOU GENTILE, JOSEPH SCHIAVONI, BILL SEITZ, TROY BALDERSON, CLIFF HITE, FRANK LAROSE, TOM PATTON, TIMOTHY O. SCHAFFER, THOMAS SAWYER.

NO - 2: BILL COLEY, SHANNON JONES.

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

The report of the committee was accepted.

Senator Jones submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **Sub. H. B. No. 379**-Representative Blessing, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: LaRose.

YES - 12: SHIRLEY A. SMITH, LOU GENTILE, JOSEPH SCHIAVONI, BILL SEITZ, SHANNON JONES, TROY BALDERSON, BILL COLEY, CLIFF HITE, PEGGY B. LEHNER, TOM PATTON, TIMOTHY O. SCHAFFER, THOMAS SAWYER.

NO - 0.

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

The report of the committee was accepted.

Senator Patton submitted the following report:

The standing committee on Highways and Transportation, to which was referred **Sub. H. B. No. 514**-Representative Newbold, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: LaRose.

YES - 9: TOM PATTON, FRANK LAROSE, TROY  
BALDERSON, JOHN EKLUND, DAVE BURKE, BILL  
SEITZ, LOU GENTILE, CAPRI S. CAFARO, NINA  
TURNER.

NO - 0.

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

The report of the committee was accepted.

Senator Schaffer submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **S. B. No. 327**-Senators Beagle, Tavares, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Bacon.

YES - 8: CHRIS WIDENER, TOM PATTON, GAYLE  
MANNING, KEVIN BACON, BILL BEAGLE,  
TIMOTHY O. SCHAFFER, CHARLETA B. TAVARES,  
LOU GENTILE.

NO - 1: MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

Senator Schaffer submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **H. B. No. 239**-Representative Stautberg, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Beagle.

YES - 9: CHRIS WIDENER, TOM PATTON, GAYLE MANNING, KEVIN BACON, BILL BEAGLE, TIMOTHY O. SCHAFFER, CHARLETA B. TAVARES, LOU GENTILE, MICHAEL J. SKINDELL.

NO - 0.

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

The report of the committee was accepted.

Senator Schaffer submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **Sub. H. B. No. 510**-Representative Amstutz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Bacon, Schaffer.

YES - 6: CHRIS WIDENER, KEVIN BACON, TOM PATTON, GAYLE MANNING, TIMOTHY O. SCHAFFER, BILL BEAGLE.

NO - 3: CHARLETA B. TAVARES, LOU GENTILE, MICHAEL J. SKINDELL.

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 **S. B. No. 254**-Senator Patton, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: DAVE BURKE, BILL SEITZ, KEITH L. FABER, SCOTT OELSLAGER, LARRY OBHOF, SHIRLEY A. SMITH, NINA TURNER, MICHAEL J. SKINDELL, MARK D. WAGONER.



NO - 1: KEVIN BACON.

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 **S. B. No. 330**-Senator Schiavoni, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Turner, Wagoner.

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

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 **Am. H. B. No. 380**-Representative Blessing, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: KEVIN BACON, MARK D. WAGONER, KEITH L. FABER, BILL SEITZ, DAVE BURKE, LARRY OBHOF.

NO - 4: SCOTT OELSLAGER, MICHAEL J. SKINDELL, SHIRLEY A. SMITH, NINA TURNER.

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 **Am. Sub. H. B. No. 479**-Representatives Hagan, C., Blessing, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Bacon, Obhof, Wagoner.

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

NO - 0.

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

The report of the committee was accepted.

### HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

**Am. Sub. S. B. No. 70**-Senator Schaffer.

Cosponsors: Senators Hughes, Manning, Bacon, Balderson, Burke, Faber, Hite, Jones, Kearney, LaRose, Lehner, Oelslager, Patton, Peterson, Widener. Representatives Bupp, Condit, Amstutz, Antonio, Barnes, Carney, Cera, Clyde, Fedor, Garland, Gerberry, Grossman, Hackett, Hottinger, Letson, Lundy, Mallory, McClain, Milkovich, Newbold, Okey, Ruhl, Sprague, Szollosi, Yuko, Speaker Batchelder.

To enact sections 2909.13, 2909.14, and 2909.15 of the Revised Code to establish a registry for arson offenders, 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 10, nays 23, as follows:

Those who voted in the affirmative were: Senators

Brown	Cafaro	Gentile	Kearney
Sawyer	Schiavoni	Skindell	Smith
Tavares			Turner-10.

Those who voted in the negative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Schaffer	Seitz
Wagoner	Widener		Niehaus-23.

So the Senate did not concur in the amendments of the House of Representatives.

The amendments of the House of Representatives to:

**Sub. S. B. No. 287**-Senators LaRose, Cafaro.

Cosponsors: Senators Seitz, Brown, Tavares, Bacon, Balderson, Beagle, Burke, Coley, Gentile, Hite, Hughes, Kearney, Lehner, Niehaus, Obhof, Oelslager, Patton, Peterson, Schiavoni, Skindell, Smith, Turner, Wagoner. Representatives Antonio, Carney, Celeste, Garland, Hackett, Ramos, Schuring, Sears, Slaby, M., Yuko, Anielski, Ashford, Beck, Blair, Blessing, Bubp, Buchy, Celebrezze, Combs, Driehaus, Fedor, Grossman, Hayes, Kozlowski, Letson, McClain, Milkovich, Murray, Newbold, O'Brien, Ruhl, Stinziano, Sykes, Wachtmann, Winburn, Young, Speaker Batchelder.

To amend sections 4757.41, 4758.01, 4758.02, 4758.10, 4758.20, 4758.21, 4758.22, 4758.23, 4758.24, 4758.26, 4758.27, 4758.30, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.51, 4758.55, 4758.56, 4758.59, 4758.61, 4758.70, and 5111.20; to enact sections 4758.221, 4758.241, 4758.39, 4758.46, 4758.47, 4758.52, 4758.54, and 4758.561; and to repeal sections 3793.07, 4758.04, 4758.53, and 4758.58 of the Revised Code to revise the law governing the professions of chemical dependency counseling and alcohol and other drug prevention and to remove wheelchairs from nursing facilities' Medicaid direct care costs, 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 1, nays 32, as follows: Senator Seitz voted in the affirmative-1.

Those who voted in the negative 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	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

So the Senate did not concur in the amendments of the House of Representatives.

The amendments of the House of Representatives to:

**Sub. S. B. No. 333**-Senator Obhof.

Cosponsors: Senators Beagle, Coley, LaRose, Seitz, Bacon, Peterson, Brown, Balderson, Burke, Hughes, Jones, Lehner, Manning, Wagoner, Widener. Representatives Brenner, Adams, R., Antonio, Blessing, Garland, Grossman, Hackett, Ruhl, Speaker Batchelder.

To amend sections 1109.22, 1304.55, 1321.52, and 1322.02 and to enact

sections 1321.537, 1321.538, 1322.042, and 1322.043 of the Revised Code to authorize the Superintendent of Financial Institutions to issue a temporary mortgage loan originator license or temporary loan originator license to an out-of-state applicant who meets certain criteria, to make changes regarding derivative transactions by banks, and to make changes to the Uniform Commercial Funds Transfers law regarding remittance transfers, 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. S. B. No. 327**-Senators Beagle, Tavares.

Cosponsors: Senators Seitz, Bacon.

To amend sections 5725.33, 5725.98, 5729.16, and 5733.58 and to enact section 5725.331 of the Revised Code to divide the New Markets Tax Credit program into the New Markets Revitalization Tax Credit program, with an annual credit cap of \$15 million, and the New Markets Expansion Tax Credit program, with an annual credit cap of \$35 million, and to specify separate standards and application procedures for each program, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 327**, pass?"

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	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

Senators Jordan and Skindell voted in the negative-2.

So the bill passed.

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

Senator Beagle moved to amend the title as follows:

Add the names: "Balderson, Brown, Eklund, Faber, Hughes, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Smith, Turner, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 330-Senator Schiavoni.**

Cosponsors: Senators Turner, Wagoner.

To amend sections 2929.12 and 2929.22 of the Revised Code to require a court in determining the sentence for a criminal offense to consider emotional, mental, or physical conditions traceable to an offender's military service that contributed to the offender's commission of the offense and to consider the offender's military service record, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 330**, 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 Schiavoni moved to amend the title as follows:

Add the names: "Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Gentile, Hite, Hughes, Kearney, Niehaus, Obhof, Peterson, Sawyer, Schaffer, Skindell, Smith, Tavares, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 417**-Representative Grossman.

Cosponsors: Representatives Duffey, Thompson, Hall, Beck, Blair, Pelanda, Terhar, Patmon, Kozlowski, Reece, Hill, Hackett, Uecker, Yuko, Anielski, Antonio, Baker, Boose, Boyd, Butler, Garland, Hagan, C., Huffman, Johnson, Luckie, Lundy, Milkovich, Newbold, Ramos, Sykes, Winburn, Young, Speaker Batchelder. Senators Brown, Bacon, Beagle, Hite.

To enact section 4731.228 of the Revised Code regarding responsibility for notifying patients that a physician's employment by a health care entity has been terminated, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 417**, 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 Bacon moved to amend the title as follows:

Add the names: "Hughes, Jones, Manning, Sawyer, Seitz, Tavares, Wagoner."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 420**-Representatives Peterson, Stinziano.

Cosponsors: Representatives McClain, Grossman, Henne, McGregor, Ruhl, Combs, Hagan, C., Hill, Stebelton, Garland, Clyde, Buchy, Hall, Heard, Kozlowski, Letson, Luckie. Senator Hite.

To amend sections 905.31, 905.40, 905.411, 905.44, 905.50, 905.99, 1533.10, 1533.11, 1533.111, 1533.32, 1533.73, and 1533.731 and to enact section 1531.40 of the Revised Code to require commercial nuisance wild animal control operators that provide nuisance wild animal removal or control services to be licensed by the Chief of the Division of Wildlife, to exempt residents of other states that own land in this state from having to obtain licenses and permits issued by the Division for hunting, trapping, or fishing under specified circumstances, to allow persons to hunt in commercial bird shooting preserves and wild animal hunting preserves without obtaining a hunting license or deer permit, as applicable, and to revise the rulemaking authority of the Director of Agriculture regarding anhydrous ammonia and other fertilizers, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 420**, 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 Peterson moved to amend the title as follows:

Add the names: "Bacon, Balderson, Lehner, Patton, Seitz, Wagoner."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 360**-Representative Rosenberger.

Cosponsors: Representatives Butler, Murray, Grossman, Adams, J., Ruhl, Gonzales, Combs, Stautberg, Speaker Batchelder. Senators Hite, LaRose.

To amend sections 125.183, 167.03, 2307.64, 2913.01, 3745.13, 4742.01, 4905.30, 4927.03, 4927.15, 4931.40, 4931.41, 4931.42, 4931.43, 4931.44,

4931.45, 4931.46, 4931.47, 4931.48, 4931.49, 4931.50, 4931.51, 4931.52, 4931.53, 4931.54, 4931.60, 4931.61, 4931.62, 4931.63, 4931.64, 4931.65, 4931.651, 4931.66, 4931.67, 4931.68, 4931.69, 4931.99, 5705.19, and 5733.55; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 125.183 (5507.02), 4931.40 (5507.01), 4931.41 (5507.03), 4931.42 (5507.06), 4931.43 (5507.07), 4931.44 (5507.08), 4931.45 (5507.12), 4931.46 (5507.15), 4931.47 (5507.18), 4931.48 (5507.09), 4931.49 (5507.32), 4931.50 (5507.34), 4931.51 (5507.22), 4931.52 (5507.25), 4931.53 (5507.26), 4931.54 (5507.27), 4931.60 (5507.40), 4931.61 (5507.42), 4931.62 (5507.46), 4931.63 (5507.53), 4931.64 (5507.55), 4931.65 (5507.57), 4931.651 (5507.571), 4931.66 (5507.60), 4931.67 (5507.63), 4931.68 (5507.65), 4931.69 (5507.66), 4931.75 (4931.10), and 4931.99 (5507.99); to enact new section 4931.99 and sections 5507.021, 5507.022, 5507.44, 5507.51, and 5507.52; and to repeal section 4931.70 of the Revised Code to transfer certain 9-1-1 authority to the Director of Public Safety and to the tax commissioner, to revise the amount and methods of collection and remittance of the wireless 9-1-1 charge for prepaid wireless services, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 26, nays 7, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Eklund	Gentile
Hite	Hughes	Jones	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Turner	Wagoner
Widener			Niehaus-26.

Senators Coley, Faber, Jordan, Kearney, Skindell, Smith, and Tavares voted in the negative-7.

So the section, Section 3, 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 28, nays 5, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Eklund	Gentile
Hite	Hughes	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares



Turner                      Wagoner                      Widener                      Niehaus-28.

Senators Coley, Faber, Jones, Jordan, and Kearney voted in the negative-5.

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

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

Senator LaRose moved to amend the title as follows:

Add the names: "Eklund, Gentile, Niehaus, Seitz, Wagoner."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 380-Representative Blessing.**

Cosponsors: Representatives Slaby, Hackett, McGregor, Adams, J., Amstutz, Buchy, Wachtmann, Speaker Batchelder.

To enact sections 2307.951, 2307.952, 2307.953, and 2307.954 of the Revised Code to require claimants in asbestos tort actions to make certain disclosures pertaining to asbestos trust claims that have been submitted to asbestos trust entities for the purpose of compensating the claimant for asbestos exposure, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 380**, pass?"

Senator Skindell moved to amend as follows:

In line 88, delete "shall" and insert "may"

In line 185, delete "shall" and insert "may"

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 13, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Hughes	Jones	Jordan	Lehner
Obhof	Patton	Peterson	Schaffer
Seitz	Wagoner	Widener	Niehaus-20.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Kearney
LaRose	Manning	Oelslager	Sawyer
Schiavoni	Skindell	Smith	Tavares
			Turner-13.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 380**, pass?"

Senator Skindell moved to amend as follows:

In line 220, after the underlined period insert "If a claimant submits a claim to an asbestos trust and the asbestos trust denies the claim or finds that the claim is deficient because the evidence submitted by the claimant is insufficient to meet the requirements for qualification for compensation by the asbestos trust, the trust claims material related to that asbestos trust is irrelevant and shall not be introduced at trial, and any exposure related to that asbestos trust shall not be included on the apportionment verdict forms."

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

Senator Faber moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 19, nays 14, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Jones	Jordan	Lehner	Obhof
Patton	Peterson	Schaffer	Seitz
Wagoner	Widener		Niehaus-19.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Hughes
Kearney	LaRose	Manning	Oelslager
Sawyer	Schiavoni	Skindell	Smith
Tavares			Turner-14.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 380**, pass?"

Senator Seitz moved to amend as follows:

In line 120, delete "either" and insert "any"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 380**, pass?"

The yeas and nays were taken and resulted - yeas 19, nays 14, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Faber	Hite
Jones	Jordan	Lehner	Obhof
Patton	Peterson	Schaffer	Seitz
Wagoner	Widener		Niehaus-19.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Hughes
Kearney	LaRose	Manning	Oelslager
Sawyer	Schiavoni	Skindell	Smith
Tavares			Turner-14.

So the bill passed.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Coley, Eklund, Jones, Schaffer, Seitz."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 510**-Representative Amstutz.

Cosponsors: Representatives Adams, R., Beck, Blair, Blessing, Boose, Bulp, Hackett, Henne, Hottinger, Huffman, McClain, Ruhl, Sprague, Stebelton, Uecker, Wachtmann, Speaker Batchelder. Senators Bacon, Schaffer.

To amend sections 122.17, 122.171, 122.85, 145.114, 145.116, 149.311, 150.01, 150.07, 150.10, 715.013, 742.114, 742.116, 1311.85, 1311.86, 1311.87, 1311.88, 3307.152, 3307.154, 3309.157, 3309.159, 5505.068, 5505.0610, 5703.052, 5703.053, 5703.70, 5707.03, 5709.76, 5711.22, 5713.03, 5725.02, 5725.14, 5725.16, 5725.26, 5725.33, 5733.01, 5733.02, 5733.021, 5733.06, 5747.01, 5747.98, 5751.01, 5751.011, 5751.012, and 5751.98, to enact sections 5701.12, 5726.01 to 5726.04, 5726.041, 5726.05 to 5726.08, 5726.10, 5726.20, 5726.21, 5726.30 to 5726.33, 5726.36, 5726.40 to 5726.43, 5726.50 to 5726.57, 5726.98, 5726.99, 5747.65, and 5751.54 of the Revised Code, and to repeal Section 757.51 of Am. Sub. H.B. 487 of the 129th General Assembly to impose a new tax on financial institutions,

effective January 1, 2014, to provide that such institutions and dealers in intangibles are no longer subject to the corporation franchise tax or dealers in intangibles tax after 2013, to require dealers in intangibles that are not owned by a financial institution to pay the commercial activity tax after 2013 except for "small dollar lenders," which will become subject to the new financial institutions tax, to make changes to the law regarding commercial real estate broker liens, to require county auditors to account for the impact of police powers and other governmental actions in the valuation of real property, and to accelerate the application of provisions of Am. Sub. H.B. 487 of the 129th General Assembly affecting the valuation of real property, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 510**, pass?"

Senator Schaffer moved to amend as follows:

In line 3034, delete "twenty-four" and insert "twelve"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 510**, pass?"

The yeas and nays were taken and resulted - yeas 25, nays 8, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Cafaro	Coley	Eklund	Faber
Hite	Hughes	Jones	Jordan
LaRose	Lehner	Manning	Obhof
Oelslager	Patton	Peterson	Sawyer
Schaffer	Seitz	Wagoner	Widener
			Niehaus-25.

Senators Brown, Gentile, Kearney, Schiavoni, Skindell, Smith, Tavares, and Turner voted in the negative-8.

So the bill passed.

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Beagle, Coley, Eklund, Faber, Niehaus, Seitz."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 379**-Representative Blessing.

Cosponsors: Representatives Beck, Stebelton, Amstutz, Blair, Buchy, Martin, Stautberg, Speaker Batchelder. Senator LaRose.

To amend sections 4909.05, 4909.06, 4909.07, 4909.08, 4909.15, 4909.156, 4909.172, 4909.18, 4909.191, and 4909.42 of the Revised Code to permit, for water-works and sewage disposal system companies, certain rate-calculation adjustments, to make changes regarding water and sewer infrastructure improvement surcharges, and to alter language regarding utility requirements for when rate increases may take effect in the absence of administrative action, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 379**, pass?"

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	Coley	Eklund	Faber
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

Senators Cafaro and Skindell voted in the negative-2.

So the bill passed.

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

Senator Jones moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Coley, Hite, Jones, Lehner, Manning, Niehaus, Patton, Peterson, Sawyer, Schaffer, Seitz, 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, December 2, 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. 379**-Senators Tavares, Jones.

Honoring Cheryl Roberto for her years of service to the Public Utilities Commission of Ohio.

**S. R. No. 380**-Senators Peterson, Jones.

Honoring the Clinton-Massie High School football team as the 2012 Division IV State Champion.

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 passed the following bills in which the concurrence of the Senate is requested:

**Sub. H. B. No. 278** -Representatives Stebelton, Okey

Cosponsors: Representatives Adams, R., Bubp, Combs, Foley, Grossman, Hollington, Huffman, Letson, Maag, McGregor, McKenney, Murray, Antonio, Ashford, Beck, Blessing, Carney, Celebrezze, Damschroder, Fende, Garland, Hackett, Hagan, R., Hayes, Heard, Henne, Hottinger, Lynch, Mallory, McClain, Newbold, Pillich, Sears, Sprague, Stinziano, Szollosi, Yuko, Speaker Batchelder

To amend sections 3901.21, 3937.30, 3937.31, 3937.32, 3937.33, 3937.34, 3937.35, 4509.01, 4509.20, 4509.41, and 4509.51 of the Revised Code to make changes to the law governing automobile insurance policies, to increase the minimum amounts required for valid proof of financial responsibility, to make it an unfair and deceptive act or practice in the business of insurance to charge excessive, inadequate, or unfairly discriminatory premium rates in private passenger automobile insurance based solely on the insured's residence location, and to reduce from two years to one year the minimum policy period for automobile insurance policies.

**Sub. H. B. No. 496** -Representatives Hackett, Garland

Cosponsors: Representatives Hagan, R., Stebelton, Wachtmann, Antonio, Celeste, Boose, Carney, Combs, Driehaus, McClain, Milkovich, Newbold, Ramos, Sears, Yuko

To amend sections 102.02, 102.022, 102.03, 2152.54, 2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.06, 4732.07, 4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 4732.141, 4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 5122.01,

to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4732.16 (4732.15), 4732.172 (4732.171), and 4732.173 (4732.172), to enact new sections 4732.16 and 4732.173 and sections 4732.142, 4732.151, 4732.221, and 4732.32, and to repeal sections 4732.15, 4732.171, and 4732.23 of the Revised Code to revise the laws governing the practice of psychology.

**Sub. H. B. No. 567** -Representative Sears

Cosponsors: Representatives Gonzales, Hackett, Hill, Stebelton, Thompson, Carney, Celeste, Garland, Antonio, Conditt, Heard, Letson, Milkovich, Ramos, Stinziano, Yuko

To amend sections 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 2305.234, 2305.51, 2921.22, 3107.014, 3701.74, 3721.21, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4734.17, 4755.471, 4757.03, 4757.10, 4757.16, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.30, 4757.31, 4757.33, 4757.36, 4757.41, 5101.61, and 5123.61; to enact sections 4757.13 and 4757.37; and to repeal section 4757.12 of the Revised Code to modify counselor, social worker, and marriage and family therapist licensing law; to provide certain professional rights to such licensees; and to permit the Department of Developmental Disabilities to conduct assessments of residents of intermediate care facilities for individuals with intellectual disabilities, for the first quarter of calendar year 2013.

Attest:

Jennifer E. Woodring,  
Clerk.

Said bills were considered the first time.

**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 bills:

**Am. Sub. H. B. No. 62**-Representative Gonzales - et al.

**H. B. No. 184** -Representative Martin - et al.

Attest:

Jennifer E. Woodring,  
Clerk.

The President signed said bills.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

**Am. Sub. H. B. No. 461**-Representative Stebelton - et al.

Attest:

Jennifer E. Woodring,  
Clerk.

On the motion of Senator Faber, the Senate adjourned until Thursday, December 6, 2012 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.