

OHIO

SENATE

JOURNAL

CORRECTED VERSION
THURSDAY, DECEMBER 8, 2011

ONE HUNDRED TWENTY-SECOND DAY
Senate Chamber, Columbus, Ohio
Thursday, December 8, 2011, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator LaRose was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **H. B. No. 79**-Representatives Bulp, Uecker, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Faber, Bacon, Hite, Jones, Jordan, Schaffer.

YES - 8: KEVIN BACON, CLIFF HITE, JIM HUGHES,
SHANNON JONES, BILL BEAGLE, KRIS JORDAN,
TIMOTHY O. SCHAFFER, KEITH L. FABER.

NO - 3: JOSEPH SCHIAVONI, THOMAS SAWYER, ERIC H.
KEARNEY.

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

The report of the committee was accepted.

Senator Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. R. No. 141**-Senator Manning, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 11: KEVIN BACON, KEITH L. FABER, JOSEPH
SCHIAVONI, THOMAS SAWYER, ERIC H.
KEARNEY, CLIFF HITE, TIMOTHY O. SCHAFFER,
SHANNON JONES, JIM HUGHES, BILL BEAGLE,
KRIS JORDAN.

NO - 0.

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

The report of the committee was accepted.

Senator Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 196**-Senator Wagoner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Bacon.

YES - 11: KEVIN BACON, JOSEPH SCHIAVONI, THOMAS SAWYER, ERIC H. KEARNEY, TIMOTHY O. SCHAFFER, CLIFF HITE, KRIS JORDAN, SHANNON JONES, JIM HUGHES, BILL BEAGLE, KEITH L. FABER.

NO - 0.

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

The report of the committee was accepted.

Senator Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 245**-Senator Hughes, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 27, delete "division" and insert "divisions"; after "(2)" insert "and (3)"

Between lines 42 and 43 insert:

" (3) No person applying for a used motor vehicle dealer's license shall be required to have an owner, officer, partner, or director of the related business entity complete a used motor vehicle dealer training course if the person holds a salvage motor vehicle auction license pursuant to Chapter 4738. of the Revised Code or a motor vehicle auction owner license pursuant to Chapter 4517. of the Revised Code."

Co-Sponsors: Beagle, Hite, Sawyer.

YES - 11: BILL BEAGLE, SHANNON JONES, JIM HUGHES, TIMOTHY O. SCHAFFER, CLIFF HITE, ERIC H. KEARNEY, THOMAS SAWYER, JOSEPH SCHIAVONI, KEITH L. FABER, KRIS JORDAN, KEVIN BACON.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on State and Local Government and Veterans Affairs, to which was referred **Am. H. B. No. 66**-Representative McGregor, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: KRIS JORDAN, BILL SEITZ, FRANK LAROSE, JOHN EKLUND, DAVID T. DANIELS, NINA TURNER, PEGGY B. LEHNER.

NO - 0.

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

The report of the committee was accepted.

Senator Oelslager submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. C. R. No. 18**-Senator Lehner, having had the same under consideration, reports it back and recommends its adoption.

YES - 7: SCOTT OELSLAGER, DAVE BURKE, SHANNON JONES, PEGGY B. LEHNER, KRIS JORDAN, SHIRLEY A. SMITH, ERIC H. KEARNEY.

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 **Sub. H. B. No. 48**-Representatives Mecklenborg, Carney, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Wagoner.

YES - 8: MARK D. WAGONER, SCOTT OELSLAGER, BILL SEITZ, FRANK LAROSE, JOHN EKLUND, LARRY OBHOF, ERIC H. KEARNEY, KEITH L. FABER.

NO - 2: NINA TURNER, 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. 208**-Senators Obhof, Kearney, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 9: MARK D. WAGONER, BILL SEITZ, FRANK LAROSE, JOHN EKLUND, LARRY OBHOF, ERIC H. KEARNEY, NINA TURNER, KEITH L. FABER, MICHAEL J. SKINDELL.

NO - 0.

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

The report of the committee was accepted.

Senator Widener submitted the following report:

The standing committee on Finance, to which was referred **Sub. H. B. No. 225**-Representatives Peterson, Landis, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Daniels.

YES - 9: CHRIS WIDENER, SHANNON JONES, PEGGY B. LEHNER, TOM PATTON, JIM HUGHES, DAVID T. DANIELS, KEITH L. FABER, SCOTT OELSLAGER, KEVIN BACON.

NO - 4: SHIRLEY A. SMITH, THOMAS SAWYER, ERIC H. KEARNEY, MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

Senator Widener submitted the following report:

The standing committee on Finance, to which was referred **S. B. No. 181**-Senator Wagoner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 13: CHRIS WIDENER, SHANNON JONES, DAVID T. DANIELS, MICHAEL J. SKINDELL, THOMAS SAWYER, SHIRLEY A. SMITH, JIM HUGHES, TOM PATTON, KEVIN BACON, PEGGY B. LEHNER, KEITH L. FABER, SCOTT OELSLAGER, ERIC H. KEARNEY.

NO - 0.

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

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 268-Senator Eklund.

Cosponsors: Senators Seitz, Patton, LaRose, Jones.

To amend section 2901.07 of the Revised Code to provide for the taking of a DNA sample from a person who is charged with a felony but not arrested for the offense or whose DNA sample related to a felony offense was not taken when required.

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. 29 -Representative Sears

Cosponsors: Representatives Adams, J., Beck, Combs, Gonzales, Letson, Murray, Wachtmann, Celeste, Amstutz, Antonio, Blair, Brenner, Garland, Hackett, Henne, Luckie, Newbold, Szollosi, Young, Speaker Batchelder

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.

Attest: Thomas L. Sherman,
Deputy Clerk.

The question being, "Shall the concurrent resolution, **H. C. R. No. 29**, be adopted?"

On the motion of Senator Sawyer, **H. C. R. No. 29**, 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. 326 -Representatives McClain, Hill

Cosponsors: Representatives Huffman, Grossman, Hagan, C., Martin, Thompson, Stebelton, Derickson, Adams, J., Adams, R., Blair, Ruhl, Sears, Young, Dovilla, Hayes, Maag, Combs, Carney, Winburn, Garland, Pillich, Bubb, Conditt, Weddington, Slaby, Anielski, Beck, Damschroder, Hackett, Hall, Lundy, Newbold, O'Brien, Phillips, Terhar, Uecker, Speaker Batchelder

To amend sections 9.03 and 3599.40 of the Revised Code to prohibit a person from using public funds to publish, distribute, or otherwise communicate information that supports or opposes the nomination or election of a candidate for public office, for the investigation, prosecution, or recall of a public official, or for the passage of a levy or bond issue, or to compensate any employee of a political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described above and to specify that a person who violates the prohibition is guilty of a first degree misdemeanor.

Sub. H. B. No. 247 -Representative Butler

Cosponsors: Representatives Adams, R., Beck, Grossman, Henne, Huffman, Letson, Murray, Stebelton, Slaby, Bubb, Amstutz, Anielski, Antonio, Blair, Blessing, Boose, Carey, Clyde, Combs, Conditt, Damschroder, Duffey, Foley, Garland, Hackett, Hagan, C., Hall, Hayes, Hill, Lundy, Martin, Milkovich, Newbold, O'Brien, Pelanda, Peterson, Phillips, Rosenberger, Ruhl, Schuring, Sears, Sprague, Szollosi, Thompson, Weddington, Winburn, Speaker Batchelder

To amend sections 181.25, 2947.23, 2949.091, and 2953.08 and to enact sections 1901.263, 1905.38, 1907.25, 1925.151, 2101.165, 2151.542, 2303.23, 2501.161, and 2503.18 of the Revised Code to authorize a court to cancel

claims for uncollectible amounts due the court, to authorize a sentencing court to waive, suspend, or modify payment of the costs of prosecution, to define "case" in connection with the imposition of costs in a criminal case, and to abolish the Felony Sentence Appeal Cost Oversight Committee.

Attest: Thomas L. Sherman,
Deputy Clerk.

Said bills were 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 bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 268 -Representatives Szollosi, Butler

Cosponsors: Representatives Pillich, Garland, Letson, Antonio, Gardner, Yuko, Stinziano, Okey, Murray, Anielski, Baker, Barnes, Blair, Bulp, Carney, DeGeeter, Gonzales, Grossman, Hagan, C., Johnson, Luckie, Mallory, Martin, McClain, Milkovich, Patmon, Peterson, Weddington, Williams, Winburn, Speaker Batchelder

To amend sections 3.08, 163.10, 311.17, 509.15, 733.73, 733.74, 1901.25, 1907.28, 2101.30, 2311.42, 2313.01, 2313.02, 2313.03, 2313.05, 2313.11, 2313.12, 2313.13, 2313.16, 2313.18, 2313.19, 2313.20, 2313.251, 2313.29, 2313.34, 2313.38, 2313.41, 2313.42, 2313.46, 2313.47, 2313.99, 2335.28, 2938.05, 2938.14, 2939.02, 2939.03, 2945.24, 2947.23, 3314.03, 3326.11, 5155.12, and 5563.05, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2313.05 (2313.04), 2313.11 (2313.18), 2313.13 (2313.15), 2313.16 (2313.14), 2313.18 (2313.19), 2313.19 (2313.07), 2313.20 (2313.08), 2313.251 (2313.10), 2313.29 (2313.20), 2313.34 (2313.22), 2313.38 (2313.11), 2313.41 (2313.16), 2313.42 (2313.17), 2313.46 (2313.24), and 2313.47 (2313.13), to enact new sections 2313.05, 2313.06, 2313.09, 2313.21, and 2313.23, and to repeal sections 2313.04, 2313.06, 2313.07, 2313.08, 2313.09, 2313.10, 2313.14, 2313.15, 2313.21, 2313.22, 2313.23, 2313.24, 2313.25, 2313.26, 2313.30, 2313.32, 2313.33, 2313.35, 2313.36, 2313.37, 2313.39, 2313.40, 2313.43, and 2313.45 of the Revised Code to modernize the language of, to reorganize, and to remove obsolete provisions from the jury service law.

Sub. H. B. No. 337 -Representative Rosenberger

Cosponsors: Representatives Butler, Gonzales, Sears, O'Brien, Terhar, Antonio, Baker, Beck, Blessing, Bulp, Combs, DeGeeter, Derickson, Garland, Gerberry, Hackett, Hill, Letson, Luckie, Lundy, Mallory, McClain, McGregor, Murray, Newbold, Ruhl, Sprague, Speaker Batchelder

To amend sections 2935.36, 2951.041, 4506.01, 4506.05, 4506.07, 4506.09, 4506.10, 4506.101, 4506.12, 4506.13, 4506.14, 4506.15, 4506.16, 4506.161, 4506.17, 4506.21, 4510.03, 4510.036, 4513.37, and 5577.05 and to enact section 4506.131 of the Revised Code to make changes in the law governing commercial drivers' licenses, including hazardous material endorsements, medical certification requirements, disqualifications, conviction records, and establishing texting while driving as a serious traffic violation, to exclude certain components from the prohibited length dimensions of specified types of vehicles, and to declare an emergency.

Sub. H. B. No. 371 -Representatives Amstutz, Weddington

Cosponsors: Representatives Blair, McClain, Duffey, Anielski, Baker, Barnes, Beck, Blessing, Combs, Conditt, Derickson, Dovilla, Gonzales, Goyal, Grossman, Hackett, Hagan, C., Hottinger, Kozlowski, Mallory, McGregor, Murray, Newbold, Peterson, Schuring, Sprague, Uecker, Winburn, Young, Speaker Batchelder

To amend sections 189.01, 189.03, 189.04, 189.05, 189.06, 189.07, and 189.08 of the Revised Code and to amend Sections 261.10 and 261.20.93 of Am. Sub. H.B. 153 of the 129th General Assembly regarding the Local Government Innovation Program and to make an appropriation.

Attest:

Thomas L. Sherman,
Deputy Clerk.

Said bills were 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 Senate amendments to:

Sub. H. B. No. 209 -Representative Adams, R. - et al.

Attest:

Thomas L. Sherman,
Deputy Clerk.

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:

Sub. H. B. No. 209 -Representative Adams, R. - et al.

Sub. S. B. No. 117 -Senators Seitz, Schiavoni - et al.

Attest:

Thomas L. Sherman,
Deputy Clerk.

The President signed said bills.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 19, the President of the Senate makes the following temporary appointment change, for December 7, 2011, to the following Senate Standing Committee:

- Removes** Senator Tavares as a member of the Standing Committee on Health, Human Services and Aging.
- Appoints** Senator Kearney as a member of the Standing Committee on Health, Human Services and Aging.

On the motion of Senator Sawyer, the Senate adjourned until Tuesday, December 13, 2011 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.