

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, DECEMBER 11, 2012

TWO HUNDRED FORTY-NINTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, December 11, 2012, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Dan Whitter, Bethel Community Church of the Nazarene, Medway, 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. 278**-Representatives Stebelton, Okey, et al.

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.

To the Committee on Insurance, Commerce and Labor.

**Sub. H. B. No. 458**-Representative Sprague, et al.

To amend sections 153.64, 3781.25, 3781.26, 3781.27, 3781.28, 3781.29, 3781.30, 3781.31, and 3781.32 and to enact sections 3781.261 and 3781.271 of the Revised Code to modify the call before you dig notification system.

To the Committee on Energy and Public Utilities.

**Am. H. B. No. 462**-Representative Pelanda, et al.

To amend section 3313.642 and to enact section 2151.272 of the Revised Code with respect to a school district's withholding or transfer to another

district or school of the records of a child who is alleged or adjudicated an abused, neglected, or dependent child.

To the Committee on Education.

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

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.

To the Committee on Health, Human Services and Aging.

**Sub. H. B. No. 567**-Representative Sears, et al.

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.

To the Committee on Health, Human Services and Aging.

**Sub. H. B. No. 605**-Representative Huffman, et al.

To amend sections 109.54, 2915.01, and 2915.02 of the Revised Code to permit the Bureau of Criminal Identification and Investigation to investigate criminal activity involving the operation of a scheme of chance under the Gambling Law, to require the Attorney General to adopt rules describing

certain prohibited schemes of chance that use an electronic device to reveal the results, and to make other changes related to schemes of chance.

To the Committee on Government Oversight and Reform.

**Sub. H. B. No. 606**-Representative Hagan, R., et al.

To amend section 1901.08 of the Revised Code to abolish a judgeship of the Youngstown Municipal Court.

To the Committee on Judiciary.

**Sub. H. B. No. 613**-Representative Sears, et al.

To amend section 3905.01 and to enact sections 3905.47, 3905.471, 3905.472, and 3905.473 of the Revised Code to specify licensing and continuing education requirements for insurance agents involved in selling, soliciting, or negotiating sickness and accident insurance through a health benefit exchange.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 392**-Senators Kearney, Niehaus, et al.

To enact section 4731.45 of the Revised Code to require a physician interpreting a mammogram who determines that the patient has dense breast tissue to specify this in the mammography report sent to the patient.

To the Committee on Health, Human Services and Aging.

YES - 8: THOMAS E. NIEHAUS, TOM PATTON, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, 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 bills were considered a second time and referred to committee as recommended.

### REPORTS OF STANDING AND SELECT COMMITTEES

Senator Jordan submitted the following report:

The standing committee on State and Local Government and Veterans Affairs, to which was referred **Sub. H. B. No. 396**-Representatives McGregor, Murray, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: LaRose, Eklund.

YES - 8: KRIS JORDAN, BILL SEITZ, FRANK LAROSE, BOB PETERSON, JOHN EKLUND, NINA TURNER, CHARLETA B. TAVARES, EDNA BROWN.

NO - 0.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The standing committee on Rules and Reference, to which was reported **Sub. H. B. No. 303**-Representative Schuring, et al., having had the same under consideration, re-reports back a substitute bill and recommends its passage.

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

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 **Sub. H. B. No. 303**-Representative Schuring, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: SCOTT OELSLAGER, CAPRI S. CAFARO, DAVE BURKE, SHANNON JONES, PEGGY B. LEHNER, TROY BALDERSON, EDNA BROWN, KRIS JORDAN.

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. 532**-Representatives Kozlowski, Gonzales, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Sawyer.

YES - 13: KEITH L. FABER, SHANNON JONES, CHRIS WIDENER, SCOTT OELSLAGER, MICHAEL J. SKINDELL, KEVIN BACON, JIM HUGHES, SHIRLEY A. SMITH, BILL COLEY, CHARLETA B. TAVARES, THOMAS SAWYER, PEGGY B. LEHNER, TOM PATTON.

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:

**Lisa A. Aurilio, RN**, from Twinsburg, Summit County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a new term beginning April 12, 2012 and ending at the close of business October 31, 2014.

**Thomas Owen Beetham**, from Cadiz, Hardin County, Ohio, as a Member of the Belmont College Board of Trustees for a term beginning April 5, 2012 and ending at the close of business May 12, 2014, replacing Pandora Jean Neuhart, whose term expired.

**Caprice H. Bragg**, Democrat, from North Olmsted, Cuyahoga County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a new term beginning March 27, 2012 and ending at the close of business December 31,

2014.

**Michael C. Bridges**, from Yellow Springs, Greene County, Ohio, as a Member of the Wright State University Board of Trustees for a term beginning July 1, 2012 and ending at the close of business June 30, 2021, replacing Robert C. Nevin, who resigned.

**Beth L. Cameron**, Democrat, from Beavercreek, Greene County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning July 31, 2012 and ending at the close of business November 21, 2014.

**John A. Carey**, Republican, from Wellston, Jackson County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning July 31, 2012 and ending at the close of business November 19, 2014.

**Catherine A. Cawthon**, from Powell, Delaware County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning July 6, 2012 and ending at the close of business January 31, 2018, replacing Gordon Priemer, whose term expired.

**Laurine A. Cetovich**, from Powell, Delaware County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a new term beginning April 12, 2012 and ending at the close of business October 31, 2016.

**Marie A. Cobb**, from Norton, Summit County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a new term beginning April 12, 2012 and ending at the close of business October 31, 2016.

**Cathy L. Day**, from Bryan, Williams County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a new term beginning April 12, 2012 and ending at the close of business October 31, 2014.

**Susan Calvert Finn**, from Upper Arlington, Franklin County, Ohio, as a Member of the Ohio Board of Dietetics for a term beginning July 2, 2012 and ending at the close of business June 30, 2015, replacing Dorothy W. Clarke, whose term expired.

**James B. Greene**, from Canfield, Mahoning County, Ohio, as a Member of the Youngstown State University Board of Trustees for a term beginning June 15, 2012 and ending at the close of business April 30, 2021, replacing Millicent Counts, whose term expired.

**Paul E. Hall, II**, from Williamsburg, Clermont County, Ohio, as a Member of the Southern State Community College Board of Trustees for a new term beginning July 26, 2012 and ending at the close of business May 11, 2018.

**Robert C. Hamilton**, from Coshocton, Coshocton County, Ohio, as a Member of the Savings and Loan Association and Savings Bank Board for a new term beginning July 17, 2012 and ending at the close of business January 31, 2015.

**W. Chris Hanners**, from Chillicothe, Chillicothe, Ross County, Ohio, as a Member of the State Dental Board for a new term beginning June 26, 2012

and ending at the close of business April 5, 2016.

**Ruby Crawford-Hemphill**, from Mason, Warren County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a new term beginning April 12, 2012 and ending at the close of business October 31, 2016.

**Jeffrey Dean Hutchison**, from Columbus, Franklin County, Ohio, as a Member of the Ohio Optical Dispensers Board for a term beginning March 5, 2012 and ending at the close of business March 21, 2016, replacing Susan Benes, whose term expired.

**Dorothy Kaiser**, from Fort Shawnee, Allen County, Ohio, as a Member of the financial Planning & supervision Commission for Village of Fort Shawnee for a term beginning August 1, 2012 and continuing as provided in Section 118.05 (B)(2) of the Ohio Revised Code, replacing Michael P. Joyce, whose term expired.

**David R. Kimberly, DDS, MD**, from Akron, Summit County, Ohio, as a Member of the Radiation Advisory Council for a term beginning March 8, 2012 and ending at the close of business September 6, 2015, replacing Sally T. Baden, who resigned.

**Lisa R. Klenke**, from Coldwater, Mercer County, Ohio, as a Member of the Board of Nursing for a term beginning July 23, 2012 and ending at the close of business December 31, 2015, replacing Delphenia Gilbert, whose term expired.

**Ashley Lynne Kopaniasz**, Independent, from Toledo, Lucas County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning March 5, 2012 and ending at the close of business December 23, 2014.

**Christina Lisotto**, Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Advisory Council for the Aging for a term beginning July 31, 2012 and ending at the close of business November 19, 2014.

**Joel D. Marx**, from Pepper Pike, Cuyahoga County, Ohio, as a Member of the Ohio Respiratory Care Board for a new term beginning April 3, 2012 and ending at the close of business March 14, 2015.

**Stephanie McCloud**, Republican, from Reynoldsburg, Franklin County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning July 13, 2012 and ending at the close of business October 10, 2014, replacing John J. Cranley, whose term expired.

**Edwin J. Nagle, III**, from Toledo, Lucas County, Ohio, as a Member of the Owens State Community College Board of Trustees for a term beginning June 15, 2012 and ending at the close of business September 21, 2016, replacing John G. Ault, whose term expired.

**Cathy D. Nelson**, from Columbus, Franklin County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a new term beginning March 21, 2012 and ending at the close of business



January 30, 2015.

**Steven A. Pavlak**, from Youngstown, Mahoning County, Ohio, as a Member of the Ohio Respiratory Care Board for a term beginning April 3, 2012 and ending at the close of business March 14, 2015, replacing Anita L. Adams, whose term expired.

**Michael P. Pell**, from West Union, Adams County, Ohio, as a Member of the Southern State Community College Board of Trustees for a term beginning July 27, 2012 and ending at the close of business May 11, 2018, replacing Kay Ayres, whose term expired.

**Daniel Lee Pennock**, from Beverly, Morgan County, Ohio, as a Member of the Washington State Community College Board of Trustees for a term beginning April 19, 2012 and ending at the close of business February 17, 2017, replacing Theresa Annette Cain, who resigned.

**Joseph S. Rosengarten, BC-HIS**, from Englewood, Montgomery County, Ohio, as a Member of the Hearing Aid Dealers and Fitters Licensing Board for a term beginning April 4, 2012 and ending at the close of business January 25, 2016, replacing Melvin W. Mock, whose term expired.

**Helga A. Schwab**, from Columbus, Franklin County, Ohio, as Member of the Ohio Tuition Trust Authority Board for a term beginning May 8, 2012 and ending at the close of business January 30, 2013, replacing Jonathan Petuchowski, who resigned.

**Glenn Mitchell Stanton**, Republican, from Englewood, Montgomery County, Ohio, as a Member of the Chemical Dependency Professionals Board for a new term beginning March 5, 2012 and ending at the close of business December 23, 2014.

**Steven Thompson**, from Columbus, Franklin County, Ohio, as a Member of the State Board of Cosmetology for a new term beginning January 6, 2012 and ending at the close of business October 31, 2016.

**Thomas R. Uhler**, from Rossford, Wood County, Ohio, as a Member of the Owens State Community College Board of Trustees for a term beginning June 15, 2012 and ending at the close of business September 21, 2016, replacing John C. Moore, whose term expired.

**Kenneth C. Walz**, from Toledo, Lucas County, Ohio, as a Member of the Ohio Respiratory Care Board for a new term beginning April 3, 2012 and ending at the close of business March 14, 2015.

**Brian S. Wilson, D.C.**, from Bloomingdale, Jefferson County, Ohio, as a Member of the State Chiropractic board for a term beginning July 19, 2012 and ending at the close of business November 1, 2015, replacing Mark A. Korchok, whose term expired.

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

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

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	Oelsluger
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the Senate advised and consented to said appointments.

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which were referred the appointment by the Governor of:

**Lacey Wade**, from Forest Park, Hamilton County, Ohio, as a Member of the National Museum of Afro-American History and Culture Planning Council for a term beginning March 22, 2012 and ending at the close of business January 31, 2013.

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

YES - 7: THOMAS E. NIEHAUS, TOM PATTON, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, CHRIS WIDENER.

NO - 0.

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

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

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

The motion was agreed to.

The question recurred, "Shall the Senate advise and consent to the appointment by the Governor?"

The yeas and nays were taken and resulted - yeas 32, 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	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

So the Senate advised and consented to said appointment.

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 251**-Representative Schuring.

Cosponsors: Representatives Adams, J., Murray, Fedor, Phillips, Fende, Yuko, Hagan, R., Letson, Celeste, Combs, Derickson, Hagan, C., Luckie, Milkovich, Ramos, Speaker Batchelder.

To amend sections 4731.02, 4731.06, 4731.07, 4731.22, 4731.36, 4734.31, 4762.01, 4762.02, 4762.03, 4762.031, 4762.04, 4762.05, 4762.06, 4762.08, 4762.09, 4762.10, 4762.11, 4762.12, 4762.13, 4762.131, 4762.132, 4762.14, 4762.15, 4762.16, 4762.17, 4762.18, 4762.19, and 4762.22 and to repeal section 4731.04 of the Revised Code to regulate the practice of Oriental medicine, to modify the laws governing the practice of acupuncture, and to revise certain laws governing the State Medical Board, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 251**, pass?"

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
Faber	Gentile	Hite	Hughes
Jones	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton

Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

Senator Jordan voted in the negative-1.

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: "Oelslager, 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. 303**-Representative Schuring.

Cosponsors: Representatives Carney, Gonzales, Fende, Antonio, Barnes, Garland, Hackett, Yuko, Adams, R., Anielski, Bubp, Celeste, Damschroder, Gardner, Grossman, Hagan, R., Heard, Hill, Hottinger, Johnson, Letson, Lynch, Mallory, McClain, Milkovich, Newbold, O'Brien, Okey, Pillich, Ramos, Reece, Sears, Stebelton, Stinziano, Wachtmann, Speaker Batchelder.

To amend sections 109.57, 1337.11, 2133.01, 2305.113, 2305.234, 2317.54, 2711.22, 3701.881, 3701.92, 3701.923, 3701.924, 3701.925, 3701.926, 3701.927, 3701.928, 3701.929, 3712.01, 3712.03, 3712.09, 3712.99, 3721.01, 3793.11, 3795.01, 3963.01, 4503.44, 4719.01, 4723.01, 4723.03, 4723.06, 4723.063, 4723.07, 4723.08, 4723.09, 4723.17, 4723.171, 4723.24, 4723.271, 4723.28, 4723.32, 4723.34, 4723.35, 4723.41, 4723.42, 4723.43, 4723.431, 4723.44, 4723.48, 4723.482, 4723.485, 4723.487, 4723.50, 4723.61, 4723.64, 4723.65, 4723.651, 4723.652, 4723.66, 4723.67, 4723.68, 4723.69, 4723.71, 4723.72, 4723.73, 4723.74, 4723.75, 4723.751, 4723.76, 4723.77, 4723.79, 4723.83, 4723.84, 4723.87, 4723.88, 4723.99, 4752.02, 4759.01, 4759.03, 4759.05, 4759.06, 4759.10, 5111.222, 5111.231, 5111.24, 5111.242, 5111.246, 5111.25, 5111.88, 5111.981, 5119.22, and 5120.55; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4723.17 (4723.18) and 4723.171 (4723.181); to enact new section 4723.17 and sections 3712.031, 3712.041, 3712.051, 3712.061, 4723.091, 4723.092, 4723.19, 4723.653, and 5111.982; to repeal sections 4723.483, 4723.62, 4723.621, 4723.63, and 4723.78 of the Revised Code; and to amend Section 3.19 of Am. Sub. H.B. 95 of the 125th General Assembly to revise the laws administered by the Board of Nursing and the professionals regulated by the Board; to update statutory references to professional organizations of dietitians; to extend qualified immunity from civil liability for volunteer services provided by certain behavioral health professionals; to modify the requirements for licensure of methadone treatment programs; to make changes in the laws governing certain Medicaid payments for nursing facility services; to authorize certain assessments of persons with intellectual disabilities

residing in intermediate care facilities; to enact "Sarah's Law" regarding the licensure of pediatric respite care 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 14, setting forth the emergency features of the bill, stand as a part of the bill?"

On the motion of Senator Jones, **Sub. H. B. No. 303** was informally passed and retained its place on the calendar.

**Sub. H. B. No. 347**-Representative Anielski.

Cosponsors: Representatives Hall, Huffman, Stebelton, Baker, Barnes, Beck, Blair, Blessing, Buchy, Combs, Grossman, Hackett, Matheney, Newbold, Roegner, Rose, Ruhl, Sears, Slaby.

To amend sections 122.12, 122.121, 505.60, and 731.09 and to enact section 731.091 of the Revised Code to authorize the legislative authority of a statutory nonchartered village to be composed of five instead of six members and to authorize the terms of office to be nonstaggered, to restrict the types of competitive events that qualify for state grants based on projected incremental increases in sales tax receipts, and to authorize townships to reimburse officers and employees for out-of-pocket insurance premiums attributable to coverage provided for their immediate dependents, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 347**, 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 Jordan moved to amend the title as follows:

Add the names: "Eklund, Hughes, Jones, Manning, 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. 479**-Representatives Hagan, C., Blessing.

Cosponsors: Speaker Batchelder, Representatives Gardner, Grossman, Stebelton, Sears, Boose, Damschroder, Schuring, Wachtmann, Johnson, Beck, Gonzales, Terhar, Amstutz, Antonio, Blair, Brenner, Bubp, Buchy, Budish, Carney, Celebrezze, Combs, Conditt, Derickson, DeVitis, Dovilla, Duffey, Foley, Hackett, Hall, Hayes, Henne, Kozlowski, Letson, McClain, McGregor, Milkovich, Newbold, O'Brien, Phillips, Pillich, Ruhl, Smith, Sprague, Stautberg, Winburn. Senators Bacon, Obhof, Wagoner.

To amend sections 317.08, 317.32, 317.321, 1336.04, 1701.73, 1702.38, 1703.22, 2101.24, 2131.08, 2131.09, 2329.66, 2329.661, 5805.06, 5808.08, 5808.18, 5815.24, 5815.25, and 5815.36 and to enact sections 1301.401, 1319.07, 1319.08, 1319.09, 5815.37, and 5816.01 to 5816.14 of the Revised Code to adopt the Ohio Legacy Trust Act; to modify certain property rights in the Ohio Trust Code; to require the recording of personal property transfers with the county recorder upon request; to regulate the temporary conveyance of trust real property for financing purposes; to grant probate courts concurrent jurisdiction with court of common pleas general divisions over certain actions involving the designation or removal of certain beneficiaries, title change involving joint and survivorship interests, alleged gifts, or the passing of assets upon death other than by will, intestate succession, or trust; to regulate the use and enforceability of certain loan covenants in nonrecourse commercial loan transactions; and to make certain changes in the exempt interests law, the fraudulent transfers law, the secured transactions recording law, and the rule against perpetuities, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 479**, pass?"

Senator Cafaro moved that she be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 479**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, 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  
Turner

Skindell  
Wagoner

Smith  
Widener

Tavares  
Niehaus-32.

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: "Burke, Eklund, Hite, Jordan, Kearney, LaRose, Lehner, Manning, Oelslager, Patton."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 481**-Representative Hackett.

Cosponsors: Representatives Beck, Grossman, Boose, Wachtmann, Henne, Slaby, L., Combs, Adams, R., Boyd, Bulp, Buchy, Carney, Damschroder, Gardner, Garland, Gerberry, Goodwin, Hall, Hayes, Kozlowski, Letson, Mallory, McClain, Milkovich, Newbold, Thompson, Yuko, Speaker Batchelder.

To amend sections 9.833, 148.06, 149.431, 2744.081, 4717.05, 4717.06, 4717.10, 4717.11, 4717.12, 4717.13, 4717.21, 4717.24, and 4717.30 of the Revised Code to authorize the Board of Embalmers and Funeral Directors to issue courtesy licenses to allow funeral directors in bordering states to conduct limited funeral-related activities in Ohio; to permit embalmers and funeral directors to place their licenses on inactive status; to clarify that, upon the sale of the funeral home, the home may remain operating based upon a submission of a new license application to the Board; to permit out-of-state funeral directors without a license to work with licensed funeral directors during a declared disaster or emergency; to eliminate the requirement that funeral homes be the guarantor of the identity of decedents and instead require funeral homes to complete only visual identification of remains; to exempt certain records concerning individual and joint self insurance of political subdivisions from the public records law; and to authorize joint county department of job and family services employees and detention facility district employees to participate in a deferred compensation program, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 481**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon  
Burke  
Faber

Balderson  
Cafaro  
Gentile

Beagle  
Coley  
Hite

Brown  
Eklund  
Hughes

Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

Senator Skindell voted in the negative-1.

So the bill passed.

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

Senator Jordan moved to amend the title as follows:

Add the names: "Hughes, Jordan, LaRose, Patton, Seitz, Wagoner."

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

The motion was agreed to and the title so amended.

**Am. S. B. No. 334**-Senator Obhof.

Cosponsors: Senators Burke, Hughes, Jordan, LaRose, Patton, Seitz, Jones.

To enact section 5.2279 of the Revised Code to designate October 15 as "Pregnancy and Infant Loss Remembrance Day", was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 334**, 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, Beagle, Brown, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Kearney, Lehner, Manning, Niehaus, Oelslager, Peterson, Sawyer, Schiavoni, Skindell, Smith, Tavares, Wagoner, Widener."

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



The motion was agreed to and the title so amended.

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

Cosponsor: Senator LaRose.

To authorize the conveyance of state-owned real estate in Richland County to the Mansfield Reformatory Preservation Society, was considered the third time.

The question being, "Shall the bill, **S. B. No. 390**, 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?"

The title was agreed to.

**INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bill was introduced and considered the first time:

**S. B. No. 393**-Senator Lehner.

To amend sections 1751.83, 3922.01, 3922.03, 3922.05, 3922.06, 3922.07, 3922.08, 3922.09, 3922.10, 3922.14, 3922.15, 3922.16, 3922.17, 3922.20, and 4731.36, to enact section 3901.85, and to repeal section 3922.13 of the Revised Code to create the Ohio Health Insurance Oversight Board and to require that external reviews of adverse determinations be conducted by a panel of three clinical peers appointed by the Board.

### OFFERING OF RESOLUTIONS

Senator LaRose offered the following joint resolution:

**S. J. R. No. 5**-Senators Sawyer, LaRose.

Cosponsors: Senators Turner, Faber.

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI and to repeal Sections 13, 14, and 15 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly and Congressional districts.

The question being, "Shall the joint resolution, **S. J. R. No. 5**, be adopted?"

On the motion of Senator Faber, **S. J. R. No. 5**, was referred to the Committee on State and Local Government and Veterans Affairs.

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

**S. R. No. 384**-Senator Niehaus.

Honoring Senator Mark Wagoner for outstanding service to the Ohio Senate.

**S. R. No. 385**-Senator Wagoner.

Honoring Donna G. Pusecker for outstanding service to the State of Ohio.

**S. R. No. 386**-Senators Coley, Jones.

Honoring the Bishop Fenwick High School girls soccer team on winning the 2012 Division III State Championship.

**S. R. No. 387**-Senators Beagle, Lehner.

Honoring John and Jane Moyer on receiving the 2012 FirstLight HomeCare Franchisee of the Year Award.

**S. R. No. 388**-Senator Jones.

Honoring the Summit Country Day School boys soccer team on winning the 2012 Division III State Championship.

**S. R. No. 389**-Senator Wagoner.

Honoring First Presbyterian Church of Waterville on its One Hundred

Seventy-fifth Anniversary.

**S. R. No. 390**-Senators Hughes, Burke.

Honoring the Dublin Jerome High School girls tennis team as the 2012 Division I State Champion.

**S. R. No. 391**-Senator Faber.

Honoring Nick Rutschilling as the winner of the 2012 National FFA Swine Production Placement Proficiency Award.

**S. R. No. 392**-Senators Seitz, Jones.

Honoring the Archbishop Moeller High School football team as the 2012 Division I State Champion.

**S. R. No. 393**-Senator Eklund.

Honoring Mitch Trubisky as the 2012 Mr. Football for Ohio.

**S. R. No. 394**-Senator Widener.

Honoring the Kenton Ridge High School marching band on being selected to perform at the 2012 Macy's Thanksgiving Day Parade.

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 Speaker of the House of Representatives has signed the following bills:

**Sub. H. B. No. 143** -Representatives Stinziano, O'Brien - et al.

**Am. Sub. H. B. No. 325** -Representative Landis - et al.

**Sub. H. B. No. 334**-Representatives Johnson, Bulp - et al.

**Sub. H. B. No. 379** -Representative Blessing - 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 insists on its amendments to:

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

and asks for a Committee of Conference.

Attest: Jennifer E. Woodring,  
Clerk.

On the motion of Senator Faber, the Senate acceded to the request of the House of Representatives.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule No. 30, the President of the Senate appoints the following members to serve on the conference committee for Sub. S. B. No. 70:

Senator Manning  
Senator Schaffer  
Senator Skindell

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the Speaker of the House has appointed as managers on the part of the House on matters of difference between the two Houses on:

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

Representatives Bulp, Huffman, and Stinziano

Attest: Jennifer E. Woodring,  
Clerk.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives insists on its amendments to:

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

and asks for a Committee of Conference.

Attest: Jennifer E. Woodring,  
Clerk.

On the motion of Senator Faber, the Senate acceded to the request of the House of Representatives.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule No. 30, the President of the Senate appoints the following members to serve on the conference committee for Sub. S. B. No. 287:

Senator LaRose  
Senator Oelslager  
Senator Cafaro

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the Speaker of the House has appointed as managers on the part of the House on matters of difference between the two Houses on:

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

Representatives Wachtmann, Sears, and Yuko

Attest: Jennifer E. Woodring,  
Clerk.

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

The question being, "Shall the section, Section 14 of **Am. Sub. H. B. No. 303**, 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 1, 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	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

Senator Skindell voted in the negative-1.

So the section, Section 14, 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: "Beagle, Hughes, Lehner, Manning, Oelslager, 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 Niehaus, the Senate recessed until 4:10 p.m.

The Senate met pursuant to the recess.

**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 bill:

**Sub. S. B. No. 139** -Senator Hughes

Cosponsors: Senators Schaffer, Seitz, Patton, Bacon, Beagle, Daniels, Faber, Hite, Jones, Niehaus, Obhof, Tavares Representatives Adams, R., Anielski, Antonio, Baker, Beck, Blessing, Bubp, Buchy, Carney, Combs, Damschroder, Duffey, Garland, Gonzales, Goodwin, Grossman, Hagan, C., Hall, Henne, Hottinger, Letson, Mallory, McClain, Milkovich, Murray, O'Brien, Pelanda, Ruhl, Scherer, Slesnick, Stebelton, Stinziano, Uecker, Young, Yuko

To amend sections 4123.291, 4125.01, 4125.02, 4125.03, 4125.05, 4125.07, 4125.08, 4141.24, and 5747.07 and to enact sections 4125.041, 4125.042, 4125.051, 4125.10, and 4125.11 of the Revised Code to establish certain financial capacity requirements for professional employer organizations, clarify rights and liabilities of professional employer organizations and client employers, and make other changes to the professional employer organization law.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest: Jennifer E. Woodring,  
Clerk.

Said amendments were laid over under the rule.

**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 bill:

**Sub. S. B. No. 304** -Senator Balderson

Cosponsors: Senators Wagoner, Hughes, Brown, Seitz, Jones, Tavares, Bacon, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Kearney, LaRose, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Smith, Turner, Widener Representatives Fende, Antonio, Barnes, Carney, Gardner, Garland, Hackett, Johnson, Sears, Smith, Adams, R., Anielski, Baker, Beck, Boyce, Bubp, Buchy, Celebrezze, Celeste, Combs, Damschroder, Derickson, Duffey, Fedor, Gerberry, Goodwin, Hagan, C., Hall,

Hayes, Heard, Hill, Lundy, Mallory, Milkovich, Murray, Newbold, O'Brien, Phillips, Slesnick, Stautberg, Stinziano, Sykes, Yuko

To enact section 5.2281 of the Revised Code to designate the month of May as "Better Hearing and Speech Month."

Attest: Jennifer E. Woodring,  
Clerk.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following concurrent resolution:

**S. C. R. No. 15** -Senator Schaffer

Cosponsors: Senators Tavares, Jones, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Daniels, Eklund, Faber, Gentile, Hite, Hughes, Kearney, Lehner, Manning, Obhof, Oelslager, Patton, Schiavoni, Skindell, Smith, Wagoner Representatives Gonzales, Fende, Antonio, Carney, Garland, Hackett, Hottinger, Johnson, Schuring, Yuko, Amstutz, Barnes, Beck, Blessing, Boyce, Bulp, Budish, Celebrezze, Celeste, Combs, Driehaus, Duffey, Fedor, Gardner, Gerberry, Letson, Mallory, McClain, Milkovich, Murray, O'Brien, Phillips, Pillich, Ramos, Ruhl, Sears, Slesnick, Sprague, Stautberg, Stinziano, Sykes, Szollosi, Wachtmann, Williams, Young, Speaker Batchelder

To express the General Assembly's support of increasing public awareness of and education on the importance of folic acid in the diets of women of childbearing age.

Attest: Jennifer E. Woodring,  
Clerk.

**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. 417** -Representative Grossman - et al.



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

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

**Am. Sub. H. B. No. 380** -Representative Blessing - et al.

**Am. Sub. H. B. No. 510** -Representative Amstutz - et al.

Attest: Jennifer E. Woodring,  
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. S. B. No. 141** -Senators Gillmor, Hite - et al.

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

Attest: Jennifer E. Woodring,  
Clerk.

The President signed said bills.

On the motion of Senator Faber, the Senate adjourned until Wednesday, December 12, 2012 at 1:30 p.m.

Attest: VINCENT L. KEERAN,  
Clerk.