

OHIO

SENATE

JOURNAL

TUESDAY, JANUARY 10, 2012

ONE HUNDRED THIRTY-SECOND DAY
Senate Chamber, Columbus, Ohio
Tuesday, January 10, 2012, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, St. Catharine's Church, Bexley, 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. 18-Representative Baker, et al.

To amend section 166.03 and to enact section 166.31 of the Revised Code to authorize grants to an employer that moves operations into a previously vacant facility and increases payroll by hiring and employing employees at the facility.

To the Committee on Ways and Means and Economic Development.

H. B. No. 24-Representative Combs, et al.

To amend sections 2950.01, 2950.11, 2950.12, and 2950.13 of the Revised Code to provide notice to a long-term care facility when a Tier III or similar category sex offender/child-victim offender indicates an intent to reside in the facility or registers an address within the specified geographical notification area including the facility.

To the Committee on Judiciary.

Am. H. B. No. 207-Representatives Balderson, Letson, et al.

To enact section 5.2272 of the Revised Code to designate the week in which Labor Day occurs each year as "Ohio Coal Miners Week."

To the Committee on Insurance, Commerce and Labor.

Sub. H. B. No. 275-Representatives Young, Slaby, et al.

To amend section 1345.09 and to enact section 1345.092 of the Revised Code to allow suppliers and consumers to enter into a Right to Cure agreement.

To the Committee on Insurance, Commerce and Labor.

Sub. H. B. No. 276-Representatives Buchy, Gentile, et al.

To amend sections 1.61, 303.01, 303.21, 519.01, 519.21, 901.511, 903.10, 929.01, 1309.102, 1311.55, 1729.01, 3781.06, 5501.50, and 5713.30 of the Revised Code to include algaculture in the laws governing agriculture, in the definition of "agriculture" for purposes of the laws governing county and township zoning, and in the laws governing current agricultural use valuation; to exclude from zoning restrictions the production from certain feedstocks of biodiesel, biomass energy, electric or heat energy, and biologically derived methane gas; to include that production in the laws governing current agricultural use valuation; and to provide for the establishment of best management practices for that production under the Concentrated Animal Feeding Facilities Law.

To the Committee on Agriculture, Environment and Natural Resources.

Am. H. B. No. 349-Representative McGregor, et al.

To amend sections 3781.111, 4510.31, 4511.01, 4511.041, 4511.09, 4511.102, 4511.103, 4511.105, 4511.106, 4511.11, 4511.13, 4511.131, 4511.14, 4511.37, 4511.69, and 4955.33 and to repeal section 4511.15 of the Revised Code to make changes in certain provisions relating to road signs and traffic signals for purposes of the Ohio Manual of Uniform Traffic Control Devices.

To the Committee on Highways and Transportation.

Am. H. B. No. 389-Representatives Hall, Okey, et al.

To amend sections 901.511, 918.12, 943.01, 1531.01, 1533.01, 1533.71, 1533.721, 1533.731, 1533.74, 1533.76, 1533.77, 1533.79, and 1533.99, to enact sections 943.20 to 943.26, and to repeal sections 1533.70, 1533.75, and 1533.80 of the Revised Code to establish requirements and procedures governing propagating and hunting captive deer and to revise the law governing wild animal hunting preserves.

To the Committee on Agriculture, Environment and Natural Resources.

S. B. No. 270-Senator Brown, et al.

To amend sections 120.03, 120.06, 120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 1901.183, 2152.13, 2152.67, 2301.20, 2307.60, 2313.37, 2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 2929.13, 2929.14, 2941.021, 2941.14, 2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 2953.07, 2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 2953.72, 2953.81, 2967.05, 2967.13, 2967.193, 2971.03, 2971.07, 5120.113, 5120.61, and 5919.16 and to repeal sections 109.97, 120.35, 2929.021, 2929.022, 2929.023, 2929.024, 2929.03, 2929.04, 2929.05, 2929.06, 2947.08, 2949.21, 2949.22, 2949.24, 2949.25, 2949.26, 2949.27, 2949.28, 2949.29, 2949.31, and 2967.08 of the Revised Code to abolish the death penalty and to declare an emergency.

To the Committee on Judiciary.

S. B. No. 271-Senator LaRose, et al.

To amend sections 4927.07, 4927.08, 4927.11, and 4927.12 and to enact sections 4927.071 and 4927.10 of the Revised Code to establish certain exemptions, including permitting the withdrawal and retirement of services, for incumbent local exchange carriers determined to be fully competitive, and, regarding the provision of basic local exchange service, other telephone companies operating in the same areas.

To the Committee on Energy and Public Utilities.

S. B. No. 272-Senator Eklund, et al.

To amend sections 4507.09, 4507.23, and 4510.12 of the Revised Code to establish, under certain circumstances, a grace period and prorated fees when a temporary resident applies for a nonrenewable driver's license.

To the Committee on Highways and Transportation.

S. B. No. 273-Senator Faber, et al.

To amend sections 4501.25, 4505.061, 4738.01, 4738.02, 4738.03, and 4738.17 and to repeal section 4738.18 of the Revised Code to permit salvage

motor vehicle auctions and pools to auction and sell salvage motor vehicles to persons other than motor vehicle salvage dealers, to permit a person whose acquisition and disposal of salvage motor vehicles is incidental to the person's primary business to sell salvage motor vehicles at retail to or through a salvage motor vehicle auction or pool, and to make other changes in the motor vehicle salvage dealer law.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 274-Senator Hite.

To enact section 5.091 of the Revised Code to designate the Wilson brand football as the official state football.

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

S. B. No. 275-Senator Hite.

To authorize the conveyance of state owned real estate in Defiance County to the City of Defiance.

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

S. B. No. 276-Senator Hite.

To amend sections 185.01, 185.03, 185.05, 2105.35, 2108.40, 2133.211, 3719.06, 4730.06, 4730.09, 4730.38, 4730.39, 4730.40, 4730.41, 4730.42, 4730.44, 4730.45, 4755.48, 4755.481, 4765.01, 4765.35, 4765.36, 4765.37, 4765.38, 4765.39, 4765.49, and 4765.51, to enact sections 4730.411 and 5111.0216, 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.

S. B. No. 277-Senator Skindell, et al.

To amend sections 124.14 and 3924.01 and to enact sections 3965.01 to 3965.14 of the Revised Code to establish the Ohio Health Benefit Exchange Agency and to establish the Ohio Health Benefit Exchange Program consisting of an exchange for individual coverage and a Small Business Health Options Program.

To the Committee on Insurance, Commerce and Labor.

YES - 10: KEITH L. FABER, THOMAS E. NIEHAUS, TOM PATTON, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, JOSEPH SCHIAVONI, EDNA BROWN, CAPRI S. CAFARO.

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 Lehner submitted the following report:

The standing committee on Education, to which was referred **Am. H. B. No. 116**-Representative Barnes, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Sawyer, Beagle, Coley, Hite.

YES - 8: THOMAS SAWYER, PEGGY B. LEHNER, GAYLE MANNING, BILL BEAGLE, BILL COLEY, CLIFF HITE, LARRY OBHOF, JOSEPH SCHIAVONI.

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. 337**-Representative Rosenberger, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: TOM PATTON, FRANK LAROSE, TROY BALDERSON, JOHN EKLUND, BILL SEITZ, LOU GENTILE, JOSEPH SCHIAVONI.

NO - 0.

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

The standing committee on Highways and Transportation, to which was referred **Am. H. B. No. 349**-Representative McGregor, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: LaRose, Balderson.

YES - 7: TOM PATTON, FRANK LAROSE, TROY
BALDERSON, JOHN EKLUND, BILL SEITZ, LOU
GENTILE, JOSEPH SCHIAVONI.

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. 165-Senators Obhof, Grendell. Cosponsors: Senators Faber, Hughes, Jones, Jordan, Schaffer, Seitz, Sawyer, Hite, Bacon, Beagle, Brown, Coley, Daniels, LaRose, Lehner, Manning, Niehaus, Oelslager, Patton, Wagoner, Widener, Wilson. Representatives Baker, Roegner, Butler, Hayes, Adams, J., Anielski, Boose, Brenner, Bulp, Dovilla, Hackett, Henne, Hill, Maag, Martin, Newbold, Ruhl, Slaby, Stebelton, Terhar, Thompson, Young.

To amend sections 3301.079, 3301.0712, 3313.60, and 3313.603 and to enact section 3319.23 of the Revised Code to include content on specified historical documents in the state academic standards and in the high school American history and government curriculum, having been informally passed, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 0, nays 31, as follows:

Those who voted in the negative were: Senators

- | | | | |
|--------|-----------|---------|--------|
| Bacon | Balderson | Beagle | Brown |
| Cafaro | Coley | Daniels | Eklund |

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

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

BILLS FOR THIRD CONSIDERATION

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

Cosponsors: Representatives Butler, Gonzales, Sears, O'Brien, Terhar, Antonio, Baker, Beck, Blessing, Bubp, 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, 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 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Cafaro	Coley	Daniels	Eklund
Faber	Gentile	Hite	Hughes
Jones	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Wagoner
Widener			Niehaus-30.

Senator Jordan voted in the negative-1.

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 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Cafaro	Coley	Daniels	Eklund
Faber	Gentile	Hite	Hughes
Jones	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Wagoner
Widener			Niehaus-30.

Senator Jordan voted in the negative-1.

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

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

Senator Patton moved to amend the title as follows:

Add the names: "Bacon, Hughes, Patton, Sawyer, Tavares."

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

The motion was agreed to and the title so amended.

Senator Faber moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to **Am. Sub. H. B. No. 349**, and that said bill be considered the third time.

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

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Cafaro	Coley	Daniels	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Wagoner
Widener			Niehaus-30.

Senator Kearney voted in the negative-1.

The motion was agreed to.

Am. H. B. No. 349-Representative McGregor.
 Cosponsors: Representatives Hackett, Grossman, Murray, Barnes, Combs, DeGeeter, Fende, Garland, Gerberry, Hagan, R., Letson, Luckie, Lundy,

Mallory, McClain, Milkovich, O'Brien, Reece, Ruhl, Slaby, Winburn, Yuko, Speaker Batchelder. Senators LaRose, Balderson.

To amend sections 3781.111, 4510.31, 4511.01, 4511.041, 4511.09, 4511.102, 4511.103, 4511.105, 4511.106, 4511.11, 4511.13, 4511.131, 4511.14, 4511.37, 4511.69, and 4955.33 and to repeal section 4511.15 of the Revised Code to make changes in certain provisions relating to road signs and traffic signals for purposes of the Ohio Manual of Uniform Traffic Control Devices, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 349**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Cafaro	Coley	Daniels	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Wagoner	Widener		Niehaus-31.

So the bill passed.

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

Senator Patton moved to amend the title as follows:

Add the names: "Obhof, Patton, Wagoner."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 196-Senator Wagoner.

Cosponsors: Senators Gillmor, Seitz, Bacon.

To amend sections 1334.01, 1334.05, 1334.06, 1334.09, 1334.10, 1334.12, 1334.13, and 1334.15 of the Revised Code to make changes to Ohio's Business Opportunity Plan Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 196**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Cafaro	Coley	Daniels	Eklund

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

So the bill passed.

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Beagle, Coley, Daniels, Eklund, Hite, Hughes, Lehner, Obhof, Oelslager, Patton."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 243-Senator Hughes.

Cosponsors: Senators Wagoner, Patton, Turner.

To amend sections 5502.21, 5502.29, and 5502.41 and to enact section 3345.042 of the Revised Code to modify the laws governing the Intrastate Mutual Aid Compact, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 243**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Cafaro	Coley	Daniels	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Wagoner	Widener		Niehaus-31.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Coley, Daniels, LaRose, Lehner, Niehaus, Schaffer, Seitz, Tavares."

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

The motion was agreed to and the title so amended.

S. B. No. 247-Senator Balderson.

Cosponsors: Senators Burke, Jones, Patton, Skindell, Schaffer, Hughes, Turner, Brown.

To enact section 5.2269 of the Revised Code to designate the ninth day of July as "Traumatic Brain Injury Awareness Day", was considered the third time.

The question being, "Shall the bill, **S. B. No. 247**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Cafaro	Coley	Daniels	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Wagoner	Widener		Niehaus-31.

So the bill passed.

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

Senator Balderson moved to amend the title as follows:

Add the names: "Beagle, Cafaro, Coley, Daniels, Eklund, Gentile, Hite, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Sawyer, Schiavoni, Seitz, Tavares, Wagoner, Widener."

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, January 8, 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.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 278-Senators Kearney, Turner.

Cosponsors: Senators Brown, Sawyer, Schiavoni, Skindell, Smith, Tavares.

To amend sections 122.075, 122.71, 122.72, 122.74, 122.75, 122.88, 122.89, 122.90, 125.831, 169.05, 4141.01, 4141.241, 4141.29, 4301.20, 4719.01, 5733.01, 5733.98, 5739.01, 5739.02, 5739.025, 5739.03, 5741.02, 5747.01, 5747.98, 5751.01, 5751.98, and 6301.06, to enact sections 122.084, 122.721, 122.731, 122.891, 4141.293, 4141.302, 4141.50 to 4141.58, 5709.29, 5747.61, 5751.55, 6301.021, 6303.01, and 6303.02, and to repeal sections 901.13, 5733.46, 5733.48, 5747.28, 5747.29, 5747.70, 5747.75, 5747.77, and 5751.53 of the Revised Code, and to amend Sections 267.10, 267.30.30, 309.10, 309.60, 371.10, 371.40.50, 371.50.20, 379.10, 387.10, 387.20, and 757.10 of Am. Sub. H.B. 153 of the 129th General Assembly to authorize programs and tax credits to encourage the hiring of unemployed individuals, to make changes to the Unemployment Compensation Law, to authorize grants and tax credits for the rehabilitation of distressed areas and the expansion of broadband connections to rural areas, to create a revolving loan fund and a bonding program for small businesses, to make changes to the Minority Business Bonding Program, and to make an appropriation.

S. B. No. 279-Senator Seitz.

Cosponsors: Senators Patton, Jones, Obhof, Hughes, Cafaro.

To enact section 5533.254 of the Revised Code to designate a portion of State Route 264 in Hamilton County as the "Sergeant David Kreuter Memorial Highway."

S. B. No. 280-Senator Seitz.

To amend section 3735.27 of the Revised Code to change the composition of certain metropolitan housing authorities.

OFFERING OF RESOLUTIONS

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

S. R. No. 183-Senator Obhof.

Cosponsor: Senator LaRose.

Honoring Wayne County on its Bicentennial.

S. R. No. 184-Senator Obhof.

Honoring the Norwayne High School football team on winning the 2011 Division IV State Championship.

S. R. No. 185-Senator Niehaus.

Honoring Jackie Shafer on her retirement from OGT.

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

So the resolutions were adopted.

On the motion of Senator Faber, the Senate adjourned until Thursday, January 12, 2012 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.