OHIO

SENATE

JOURNAL

WEDNESDAY, JANUARY 18, 2012

ONE HUNDRED THIRTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, January 18, 2012, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Cedarville Baptist Church, Cedarville, Ohio, followed by the Pledge of Allegiance to the Flag.

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

REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION

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

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

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.

To the Committee on Finance.

S. B. No. 279-Senator Seitz, et al.

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."

To the Committee on Highways and Transportation.

S. B. No. 280-Senator Seitz.

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

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

S. B. No. 281-Senator Beagle, et al.

To amend sections 135.631, 135.73, 135.74, and 135.75 of the Revised Code to modify the Agricultural Linked Deposit Program with respect to the maximum amount the Treasurer of State may invest in agricultural linked deposits, the interest rate at which loans are made under the Program, and the maximum loan amount.

To the Committee on Finance.

S. B. No. 282-Senator Balderson, et al.

To enact section 5533.861 of the Revised Code to designate State Route 78 in Athens County only as the "78th Ohio Veteran Volunteer Infantry Highway."

To the Committee on Highways and Transportation.

YES - 9: THOMAS E. NIEHAUS, TOM PATTON, SCOTT OELSLAGER, JOSEPH SCHIAVONI, EDNA BROWN, CAPRI S. CAFARO, KEITH L. FABER, CHRIS WIDENER, 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 Niehaus submitted the following report:

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

Julia R. Bates, Democrat, from Toledo, Lucas County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning September 16, 2011 and ending at the close of business September 3, 2014.

Jeffrey Paul Kruithoff, from Wilmington, Clinton County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning September 16, 2011 and ending at the close of business September 3, 2014.

Dwight E. Radcliff, Democrat, from Circleville, Pickaway County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning September 16, 2011 and ending at the close of business September 3, 2014.

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

YES - 9: THOMAS E. NIEHAUS, TOM PATTON, SCOTT OELSLAGER, JOSEPH SCHIAVONI, EDNA BROWN, CAPRI S. CAFARO, KEITH L. FABER, CHRIS WIDENER, MARK D. WAGONER.

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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

So the Senate advised and consented to said appointments.

RESOLUTIONS REPORTED BY COMMITTEE

Am. S. R. No. 69-Senator Wagoner.
Cosponsors: Senators Seitz, Sawyer, Schiavoni, Wilson, Coley, LaRose.

To urge Congress to support the continued and increased importation of oil derived from Canadian oil sands and urge Congress to ask the U.S. Secretary of State to approve the TransCanada Keystone XL pipeline project from Alberta to Oklahoma.

WHEREAS, The United States is still many years away from ending its dependence on nonrenewable energy resources despite the recent focus on renewable energy. In order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources such as ethanol and other renewable energy sources; and

WHEREAS, The United States currently depends on foreign imports for more than half of our petroleum usage. As the largest consumer of petroleum in the world, our dependence on foreign oil has created difficult geopolitical relationships with damaging consequences for our national security; and

WHEREAS, Canadian oil reserves are vast and are second only to Saudi Arabia as determined by using current measurements and technology. Oil sands now account for more than half of western Canada's total oil output; and

WHEREAS, A recent study by the U.S. Department of Energy found that increasing importation of oil derived from Canadian oil sands by the United States has the potential to substantially reduce our country's dependency on sources outside of North America. Canada is a friendly neighbor with whom the United States has an excellent trading and political relationship. Canadian oil sands provide greater fuel supply reliability and reduce the risk of supply disruptions to consumers; and

WHEREAS, Canada sends more than 99% of its oil exports to the United States, the bulk of which goes to Midwestern refineries. Oil companies are investing huge sums to expand and upgrade refineries in the Midwest and elsewhere to make gasoline and other refined products from Canadian oil derived from oil sands. The expansion and upgrade projects will create many new construction jobs over the next five years and, in Ohio, substantially add to our states's gross state product; and

WHEREAS, The same money used to buy Canadian oil will likely later be spent directly on U.S. goods and services in contrast with the money sent to hostile oil-producing governments that is later used to further anti-democratic agendas. Supporting the continued shift towards reliable and secure sources of Canadian oil is of vital interest to the United States and the state of Ohio; now therefore be it

RESOLVED, That we, the members of the Senate of the 129th General Assembly of the state of Ohio support continued and increased importation of oil derived from Canadian oil sands, urge Congress to support that continued and increased importation, and urge Congress to ask the U.S. Secretary of State to approve the TransCanada Keystone XL pipeline project from Alberta to Oklahoma that has been awaiting a presidential permit since 2008 to reduce dependence on unstable governments, improve our national security, and strengthen ties with an important ally; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

The question being, "Shall the resolution, **Am. S. R. No. 69**, be adopted?"

The yeas and nays were taken and resulted - yeas 25, nays 7, as follows:

Those who voted in the affirmative were: Senators

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

Senators Brown, Cafaro, Kearney, Skindell, Smith, Tavares, and Turner voted in the negative-7.

So the resolution was adopted.

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Daniels, Faber, Hite, Hughes, Jordan, Lehner, Niehaus, Oelslager, Patton, Schaffer."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 66-Representative McGregor.
Cosponsors: Representatives Beck, Adams, J., Brenner, Ruhl, Huffman, Derickson, Blessing, Dovilla, Kozlowski, Grossman, Amstutz, Combs, Stebelton, Hackett, Hottinger, Hollington, Pillich, Blair, Maag, Adams, R., Anielski, Antonio, Baker, Barnes, Boose, Bubp, Buchy, Butler, Carney, Celeste, Clyde, Coley, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gonzales, Goodwin, Goyal, Hagan, C., Hall, Hayes, Henne, Johnson, Letson,

Luckie, Lundy, Martin, McClain, McKenney, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Patmon, Peterson, Phillips, Ramos, Roegner, Schuring, Sears, Slaby, Sprague, Sykes, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Young, Yuko, Speaker Batchelder.

To amend section 124.341 and to enact section 117.103 of the Revised Code to require the Auditor of State to establish a fraud-reporting system for residents and public employees to file anonymous complaints of fraud and misuse of public funds by public offices or officials, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 66**, 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	Cafaro	Coley	Daniels
Eklund	Faber	Gentile	Hite
Hughes	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

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: "Bacon, Balderson, Beagle, Burke, Cafaro, Daniels, Faber, Hite, Hughes, Jordan, LaRose, Manning, Obhof, Oelslager, Patton, Schaffer, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 116-Representative Barnes.
Cosponsors: Representatives Patmon, Fedor, Yuko, Letson, Antonio, Luckie, Beck, Buchy, Carney, Driehaus, Duffey, Foley, Garland, Goyal, Mallory, Milkovich, O'Brien, Ramos, Reece, Weddington, Winburn, Speaker Batchelder. Senators Sawyer, Beagle, Coley, Hite.

To amend sections 3313.666, 3313.667, 3319.073, and 3333.31 of the Revised Code to enact the "Jessica Logan Act" regarding public schools' policies prohibiting harassment, intimidation, or bullying and to qualify certain homeschooled students for in-state tuition at state institutions of higher

education, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 116**, pass?"

Senator Skindell moved to amend as follows:

In line 18, after "once" insert " that is based on any actual or perceived trait or characteristic of a student,"

Between lines 23 and 24, insert:

" (3) "Trait or characteristic of a student" includes but is not limited to age, color, creed, national origin, race, religion, marital status, gender, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status."

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 22, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Daniels	Eklund	Faber
Hite	Hughes	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Wagoner
Widener			Niehaus-22.

Those who voted in the negative were: Senators

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

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 116**, pass?"

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	Daniels
Eklund	Faber	Gentile	Hite
Hughes	Kearney	LaRose	Lehner

Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

Senator Jordan voted in the negative-1.

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: "Brown, Cafaro, Gentile, Kearney, Lehner, Manning, Obhof, Patton, Schiavoni, Skindell, Smith, Tavares, Turner, Wagoner."

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

The motion was agreed to and the title so amended.

S. B. No. 37-Senator Hughes.
Cosponsors: Senators Bacon, Grendell, Sawyer, Seitz.

To enact section 5501.70 of the Revised Code to require the Director of Transportation to designate portions of state highways, county or township roads, or streets or highways located within municipal corporations as memorial highways in honor of each State Highway Patrol trooper, county sheriff, deputy sheriff, township constable, or police officer of a township police department or district or law enforcement agency of a municipal corporation who is or has been killed in the line of duty, was considered the third time.

The question being, "Shall the bill, **S. B. No. 37**, pass?"

Senator Hughes moved to amend as follows:

In line 12, delete "5501.70" and insert "5501.313"

In line 14, delete "**5501.70**" and insert "**5501.313**"

In line 1 of the title, delete "5501.70" and insert "5501.313"

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

The motion was agreed to.

The question recurred, "Shall the bill, **S. B. No. 37**, 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	Cafaro	Coley	Daniels
Eklund	Faber	Gentile	Hite
Hughes	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Wagoner	Widener	Niehaus-32.

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: "Beagle, Brown, Burke, Cafaro, Daniels, Faber, Gentile, Jordan, Lehner, Balderson, Manning, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Skindell, Tavares, Turner, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Patton moved that Senators absent the week of Sunday, January 15, 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 bill was introduced and considered the first time:

S. B. No. 283-Senator Turner.
Cosponsors: Senators Sawyer, Tavares, Cafaro, Brown, Kearney, Schiavoni, Skindell, Smith, Gentile.

To amend section 2907.29 and to enact sections 3727.60, 3727.601, and 3727.602 of the Revised Code to establish the Compassionate Assistance for Rape Emergencies Act regarding hospital services provided to victims of sexual assault.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 186-Senator Schaffer.

Recognizing March 2012 as American Red Cross Month.

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

So the resolution was adopted.

On the motion of Senator Faber, the Senate adjourned until Thursday, January 19, 2012 at 11:00 o'clock a.m.

Attest: VINCENT L. KEERAN,
Clerk.