

OHIO

SENATE

JOURNAL

TUESDAY, FEBRUARY 14, 2012

ONE HUNDRED FORTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, February 14, 2012, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Dan Alexoff, First Freedom Baptist Church, Kent, 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 and resolution, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 292-Representative Gonzales, et al.

To amend sections 4731.07, 4731.19, 4731.22, 4731.222, 4731.224, 4731.24, and 4731.25 and to enact sections 4778.01, 4778.02, 4778.03, 4778.04, 4778.05, 4778.06, 4778.07, 4778.08, 4778.09, 4778.10, 4778.11, 4778.12, 4778.14, 4778.15, 4778.16, 4778.18, 4778.19, 4778.20, 4778.21, 4778.22, 4778.24, and 4778.99 of the Revised Code to establish licensure requirements for genetic counselors and to modify certain laws governing the State Medical Board.

To the Committee on Health, Human Services and Aging.

Sub. H. B. No. 365-Representatives Beck, Dovilla, et al.

To amend section 5747.01 of the Revised Code to allow taxpayers who claim an enhanced federal income tax depreciation deduction to reduce the amount of the deduction the taxpayer must add-back for Ohio income tax purposes if the taxpayer increases payroll in the year the enhanced federal deduction is taken by at least ten per cent over the preceding year.

To the Committee on Ways and Means and Economic Development.

S. C. R. No. 26-Senators Burke, Lehner, et al.

To urge the President of the United States to direct the Secretary of Health and Human Services to rescind the rule requiring religious employers to include contraceptive services in their health insurance plans in violation of

their religious beliefs and to urge members of the United States Congress to enact the "Respect for Rights of Conscience Act."

To the Committee on Insurance, Commerce and Labor.

S. B. No. 288-Senator LaRose, et al.

To amend sections 124.23, 124.26, 3319.085, 3737.881, 3781.10, 4123.022, 5321.04, 5903.10, 5903.11, 5911.07, 5923.12, 5924.01, 5924.02, 5924.03, 5924.06, 5924.07, 5924.08, 5924.09, 5924.10, 5924.11, 5924.13, 5924.14, 5924.15, 5924.16, 5924.17, 5924.18, 5924.19, 5924.20, 5924.22, 5924.23, 5924.24, 5924.25, 5924.26, 5924.27, 5924.28, 5924.29, 5924.30, 5924.31, 5924.32, 5924.33, 5924.34, 5924.35, 5924.36, 5924.37, 5924.38, 5924.39, 5924.41, 5924.42, 5924.43, 5924.44, 5924.45, 5924.46, 5924.47, 5924.48, 5924.49, 5924.50, 5924.51, 5924.52, 5924.54, 5924.56, 5924.57, 5924.58, 5924.59, 5924.60, 5924.63, 5924.72, 5924.73, 5924.74, 5924.75, 5924.76, 5924.77, 5924.78, 5924.82, 5924.83, 5924.84, 5924.85, 5924.86, 5924.87, 5924.88, 5924.89, 5924.90, 5924.91, 5924.92, 5924.93, 5924.94, 5924.95, 5924.96, 5924.97, 5924.98, 5924.103, 5924.108, 5924.109, 5924.111, 5924.113, 5924.115, 5924.128, 5924.131, 5924.132, 5924.133, and 5924.146, to enact new sections 5924.21, 5924.61, 5924.62, 5924.64, 5924.65, 5924.66, 5924.70, 5924.71, and 5924.120 and sections 4743.04, 5924.501, 5924.502, 5924.503, 5924.504, 5924.505, 5924.506, 5924.581, 5924.582, 5924.67, 5924.68, 5924.69, 5924.761, and 5924.1121, and to repeal sections 5924.04, 5924.12, 5924.21, 5924.61, 5924.62, 5924.64, 5924.65, 5924.66, 5924.70, 5924.71, 5924.99, 5924.100, 5924.101, 5924.102, 5924.104, 5924.105, 5924.106, 5924.110, 5924.114, 5924.118, 5924.119, 5924.120, 5924.122, 5924.1231, 5924.124, 5924.125, 5924.126, 5924.129, 5924.130, 5924.145, and 5924.147 of the Revised Code to allow extra credit to military veterans and reserve component members on state civil service examinations, to provide for the reemployment of nonteaching school employees following military service in accordance with federal law, to extend the period of time within which persons serving in the Ohio National Guard may meet continuing education requirements for occupational licenses and renew their licenses, to require that workers' compensation claims of members of the organized militia be determined in accordance with applicable line of duty regulations, to require landlords to observe the rights of tenants who are service members under federal law, to recognize former members of the Ohio National Guard as veterans with regard to burial and related rights, to modify the order of priority in which veterans may participate in job training programs, to permit but not require the use of armories by patriotic and national organizations, to update references in the Revised Code to federal statutes relating to the National Guard, to conform the Ohio Code of Military Justice to the United States Code of Military Justice, and to make other

changes to the Ohio Code of Military Justice.

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

S. B. No. 289-Senators Coley, Schiavoni, et al.

To amend sections 3706.25 and 4928.01 of the Revised Code to include cogeneration technology using waste or byproduct gas from an air contaminant source as a renewable energy resource.

To the Committee on Energy and Public Utilities.

S. B. No. 290-Senator Jones, et al.

To amend sections 3734.01 and 3734.57 of the Revised Code to exempt source separated recyclable materials from the definition of "solid wastes" and to prohibit a solid waste management district from spending district money to purchase or operate assets for recycling purposes when two or more privately owned companies offer to provide or are providing recycling services for recyclable materials that are generated in the district.

To the Committee on Agriculture, Environment and Natural Resources.

S. B. No. 291-Senator Lehner, et al.

To enact section 3701.77 of the Revised Code regarding the practice of surgical technology in hospitals and ambulatory surgical facilities.

To the Committee on Health, Human Services and Aging.

S. B. No. 292-Senators Oelslager, Kearney, et al.

To amend sections 122.60, 122.71, 135.03, 135.032, 135.04, 135.06, 135.08, 135.10, 135.14, 135.144, 135.18, 135.32, 135.321, 135.33, 135.35, 135.353, 135.37, 135.51, 135.52, 135.53, 1733.04, 1733.041, 1733.24, 1733.30, 1733.31, 2909.32, and 2909.33 and to enact sections 135.011, 135.031, and 135.322 of the Revised Code to permit credit unions and farm credit system institutions to serve as public depositories under certain circumstances and to participate in the Capital Access Loan Program and the Small Business Loan Guarantee Program.

To the Committee on Financial Institutions.

S. B. No. 293-Senator Seitz, et al.

To amend section 3937.18 and to enact section 3937.46 of the Revised Code to prohibit an automobile insurer from enforcing an intrafamily exclusion in an accident where a member of the family dies.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 294-Senator Schaffer, et al.

To amend sections 3714.07, 3714.073, 3734.01, 3734.02, 3734.021, 3734.027, 3734.05, 3734.06, 3734.12, 3734.121, 3734.41, 3734.42, 3734.573, 3734.85, 3737.87, 3737.88, 3745.11, 3745.31, 3746.02, 6109.31, 6109.32, 6111.02, 6111.022, 6111.023, 6111.024, 6111.025, 6111.027, 6111.03, and 6111.30, to enact sections 3745.017, 6109.99, and 6111.0382, and to repeal sections 3734.022, 3734.131, 3734.132, and 3734.133 of the Revised Code to revise the laws governing environmental protection.

To the Committee on Agriculture, Environment and Natural Resources.

S. B. No. 295-Senator Coley.

To repeal the versions of sections of the Revised Code amended or enacted by Sections 1 and 3 of Am. Sub. H.B. 194 of the 129th General Assembly, to repeal the repeal of sections of the Revised Code by Sections 2 and 4 of Am. Sub. H.B. 194 of the 129th General Assembly, and to repeal Sections 5, 6, 7, and 8 of Am. Sub. H.B. 194 of the 129th General Assembly, to continue in operation the provisions of the Election Law currently in effect.

To the Committee on Government Oversight and Reform.

S. B. No. 296-Senator Balderson.

To establish state funding for job training related or ancillary to the oil and gas industry and to make an appropriation.

To the Committee on Finance.

YES - 9: THOMAS E. NIEHAUS, TOM PATTON, SHANNON JONES, MARK D. WAGONER, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, ERIC H. KEARNEY.

NO - 0.

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

The report of the committee was accepted.

Said bills and resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Hite submitted the following report:

The standing committee on Agriculture, Environment and Natural Resources, to which was referred **Sub. H. B. No. 276**-Representatives Buchy, Gentile, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Hite, Cafaro, Faber.

YES - 9: CLIFF HITE, TIMOTHY O. SCHAFFER, TROY BALDERSON, DAVE BURKE, GAYLE MANNING, CAPRI S. CAFARO, JOSEPH SCHIAVONI, LOU GENTILE, KEITH L. FABER.

NO - 0.

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

The report of the committee was accepted.

Senator Hite submitted the following report:

The standing committee on Agriculture, Environment and Natural Resources, to which was referred **Am. H. B. No. 389**-Representatives Hall, Okey, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Hite, Schaffer.

YES - 9: CLIFF HITE, TIMOTHY O. SCHAFFER, TROY BALDERSON, DAVE BURKE, KEITH L. FABER, GAYLE MANNING, LOU GENTILE, CAPRI S. CAFARO, JOSEPH SCHIAVONI.

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 20-Representatives Burke, Letson.

Cosponsors: Representatives Amstutz, Boose, Derickson, Gardner, Grossman, Murray, Pillich, Snitchler, Stautberg, Stinziano, Winburn, Garland, Bulp, Blessing, Hayes, Slaby, Adams, R., Anielski, Ashford, Barnes, Beck, Blair, Brenner, Butler, Carney, Coley, Combs, DeGeeter, Dovilla, Driehaus, Fedor, Fende, Gerberry, Gonzales, Goyal, Hackett, Hagan, C., Hagan, R., Luckie, Lundy, Mallory, McClain, McKenney, Milkovich, Newbold, O'Brien, Patmon, Phillips, Ramos, Reece, Roegner, Rosenberger, Ruhl, Sears, Szollosi, Thompson, Uecker, Weddington, Young, Speaker Batchelder. Senators Wagoner, Obhof.

To amend section 2921.04 of the Revised Code to specify that the offense of intimidation of an attorney, victim, or witness in a criminal case also applies to delinquency cases and to attempts to influence, intimidate, or hinder a witness to a criminal or delinquent act regardless of whether an action or proceeding is pending, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 20**, 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 | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | 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 Burke moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Coley, Daniels, Eklund, Faber, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Oelslager, Patton, Schaffer, Schiavoni."

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

The motion was agreed to and the title so amended.

H. B. No. 148-Representatives Letson, Anielski.

Cosponsors: Representatives Antonio, Blessing, Carey, Combs, Derickson, Fedor, Fende, Garland, Gerberry, Grossman, Mallory, Milkovich, Murray, Ramos, Ruhl, Slaby, Slesnick, Stebelton, Yuko, Wachtmann, Barnes, Burke, Carney, Celeste, Gardner, Hackett, Hagan, R., Hollington, Hottinger, Johnson, McKenney, Schuring, Sears, Adams, R., Amstutz, Ashford, Baker, Beck, Blair, Boose, Brenner, Bubb, Buchy, Budish, Butler, Clyde, Coley, Driehaus, Duffey, Foley, Gentile, Goyal, Hagan, C., Hall, Heard, Huffman, Landis, Luckie, Lundy, McClain, Mecklenborg, Newbold, O'Brien, Patmon, Pillich, Reece, Rosenberger, Stinziano, Uecker, Weddington, Williams, Winburn, Young. Senators Coley, Tavares.

To enact section 5.2267 of the Revised Code to designate March as "Macular Degeneration Awareness Month", was considered the third time.

The question being, "Shall the bill, **H. B. No. 148**, pass?"

Senator Oelslager moved to amend as follows:

In line 4, delete "5.2267" and insert "5.2276"

In line 6, delete "**5.2267**" and insert "**5.2276**"

In line 1 of the title, delete "5.2267" and insert "5.2276"

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

The motion was agreed to.

The question recurred, "Shall the bill, **H. B. No. 148**, 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 | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | 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 Oelslager moved to amend the title as follows:

Add the names: "Bacon, Balderson, Brown, Burke, Cafaro, Daniels, Faber, Gentile, Hite, Hughes, Kearney, Lehner, Manning, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Seitz, Skindell, 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. 276-Representatives Buchy, Gentile.

Cosponsors: Representatives Hall, Derickson, Peterson, Balderson, Boose, Ruhl, Murray, O'Brien, Huffman, Grossman, Amstutz, Hackett, Maag, Gonzales, Adams, R., Johnson, Yuko, Fende, Anielski, Antonio, Baker, Barnes, Blair, Bulp, Butler, Carey, Carney, Celeste, Combs, Damschroder, DeGeeter, Dovilla, Driehaus, Duffey, Fedor, Foley, Garland, Goodwin, Goyal, Hagan, C., Hayes, Heard, Henne, Hill, Hottinger, Kozlowski, Landis, Letson, Luckie, Lundy, Mallory, McClain, Milkovich, Newbold, Patmon, Pelanda, Phillips, Ramos, Roegner, Schuring, Sears, Slaby, Slesnick, Sprague, Stebelton, Szollosi, Thompson, Wachtmann, Winburn, Young, Speaker Batchelder. Senators Hite, Cafaro, Faber.

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; to provide for the establishment of best management practices for that production under the Concentrated Animal Feeding Facilities Law; to establish the Legislative Task Force to Study Anaerobic Digesters for Agricultural Use and Application in the State; and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

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 | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |

Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the section, Section 4, 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	Daniels
Eklund	Faber	Gentile	Hite
Hughes	Jones	Jordan	Kearney
LaRose	Lehner	Manning	Obhof
Oelslager	Patton	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 Gentile moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Burke, Coley, Eklund, Gentile, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Patton, Sawyer, Schaffer, Schiavoni, Seitz, 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. 275-Senator Hite.

To authorize the conveyance of state owned real estate in Defiance County to the City of Defiance, was considered the third time.

The question being, "Shall the bill, **S. B. No. 275**, pass?"

Senator Beagle moved to amend as follows:

After line 68, insert:

"Section 2. (A) The Governor is authorized to execute a deed in the name of the state conveying to Winsong Investments, LLC., of Columbus, Ohio (hereinafter the "grantee"), and its successors and assigns, all of the state's right, title, and interest in real estate located in the City of Dayton, County of Montgomery. The deed shall expressly release any and all rights of reversion for the benefit of the state and any covenants and restrictions with respect to the construction or use of the real estate contained in any prior deeds from the state with respect to the real estate, including, without limitation, the rights of revision, covenant, and restriction set forth in that certain Governor's deed dated June 22, 1982, and recorded in Deed Microfiche 82-334B03 of the Montgomery County, Ohio, Records, that certain Governor's deed dated September 11, 1984, and recorded in Deed Microfiche 84-0547B11 of the Montgomery County, Ohio, Records, and that certain Governor's deed dated August 16, 2001, and recorded in Deed Microfiche 01-0590A04 of the Montgomery County, Ohio, Records.

(B) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Montgomery County Recorder.

(C) This section expires one year after its effective date."

In line 2 of the title, after the second "Defiance" insert ", and to authorize the Governor to execute a deed for property in Montgomery County previously conveyed by the state to release all rights of reversion"

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

The motion was agreed to.

The question recurred, "Shall the bill, **S. B. No. 275**, 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 | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | 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 Hite moved to amend the title as follows:

Add the names: "Bacon, Beagle, Daniels, Lehner, Obhof, Wagoner."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 297-Senator Patton.

Cosponsor: Senator Tavares.

To amend section 4731.293 of the Revised Code to specify requirements for obtaining and renewing a clinical research faculty certificate and to declare an emergency.

S. B. No. 298-Senator Cafaro.

Cosponsors: Senators Brown, Seitz, Kearney.

To amend section 4303.29 and to enact section 4301.82 of the Revised Code to establish local entertainment districts in municipal corporations or unincorporated areas of counties of specified populations for the purpose of the issuance of D-1, D-2, and D-5 liquor permits under specified conditions.

S. B. No. 299-Senator Jordan.

Cosponsors: Senators Brown, Eklund, Schaffer.

To amend section 2953.31 of the Revised Code to define "final discharge" for purposes of the law governing the sealing of criminal records when used in connection with an offender who was convicted of an offense involving misconduct in public office.

S. B. No. 300-Senators Manning, Wagoner.

Cosponsors: Senators Brown, Hughes, Seitz.

To enact section 5533.181 of the Revised Code to designate the bridge spanning the Vermillion River, that is part of State Route 113, as the "Staff Sgt. James P. Hunter Memorial Bridge."

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

Am. H. B. No. 212 -Representative Grossman - et al.

Sub. H. B. No. 14 -Representative Sears - et al.

Sub. H. B. No. 32 -Representative Amstutz - et al.

Am. H. B. No. 185 -Representatives Carey, O'Brien - et al.

Sub. H. B. No. 267 -Representative McKenney - et al.

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

Attest: Jennifer E. Woodring,
Clerk.

The President signed said bills.

On the motion of Senator Faber, the Senate adjourned until Wednesday,
February 15, 2012 at 1:30 p.m.

Attest: VINCENT L. KEERAN,
Clerk.