

OHIO

SENATE

JOURNAL

TUESDAY, APRIL 24, 2012

ONE HUNDRED SEVENTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Tuesday, April 24, 2012, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Avrohom Weinrib, Congregation Zichron Elizer, Amberley Village, 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:

H. C. R. No. 33-Representatives Derickson, Newbold, et al.

To urge the Congress of the United States to take action on the federal Workforce Investment Act to allow states greater flexibility to address current economic realities.

To the Committee on Ways and Means and Economic Development.

Sub. H. B. No. 327-Representative Gonzales, et al.

To amend section 122.17 of the Revised Code to authorize employers who meet certain wage and other requirements to receive a job creation tax credit for the employment of home-based employees and to require the Director of Development to issue a report on the credit after six years.

To the Committee on Ways and Means and Economic Development.

Sub. H. B. No. 396-Representatives McGregor, Murray, et al.

To amend sections 101.35, 103.0511, 107.54, 111.15, 117.20, 119.01, 119.03, 119.04, 121.39, 121.73, 121.74, 121.81, 121.82, 121.83, 127.18, 1531.08, 3319.22, 3319.221, 3333.021, 3333.048, 3737.88, 3746.04, 4117.02, 4141.14, 5103.0325, 5117.02, 5703.14, 6111.31, and 6111.51; to enact sections 106.01, 106.02, 106.021, 106.022, 106.023, 106.03, 106.031, 106.032, 106.04, 106.041, and 106.042; and to repeal sections 119.031 and 119.032 of the Revised Code to revise rule-making and rule review procedures

and to declare an emergency.

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

S. B. No. 330-Senator Schiavoni.

To amend section 2929.22 of the Revised Code to require a court in determining the sentence for a misdemeanor offense to consider emotional, mental, or physical conditions traceable to an offender's military service that contributed to the offender's commission of the offense and to consider whether the offender has provided military service in a clearly exceptional manner.

To the Committee on Judiciary.

S. B. No. 331-Senator Patton, et al.

To amend section 122.85 of the Revised Code to increase the maximum total amount of tax credits allowed per year for completion of motion pictures certified as tax credit-eligible productions.

To the Committee on Ways and Means and Economic Development.

S. B. No. 332-Senator Kearney, et al.

To amend sections 2152.17, 2152.72, 2929.14, and 5103.0319 and to enact section 2941.1424 of the Revised Code to require the imposition of a ten-year prison term upon a person who discharges a firearm while committing an offense and causes injury or death to a child.

To the Committee on Judiciary.

YES - 10: THOMAS E. NIEHAUS, ERIC H. KEARNEY, JOSEPH SCHIAVONI, TOM PATTON, SHANNON JONES, NINA TURNER, CHRIS WIDENER, SCOTT OELSLAGER, KEITH L. FABER, EDNA BROWN.

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 **S. B. No. 294**-Senator Schaffer, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

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

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 **Sub. S. B. No. 302**-Senator Manning, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: LOU GENTILE, JOSEPH SCHIAVONI, CLIFF HITE, TIMOTHY O. SCHAFFER, GAYLE MANNING, BOB PETERSON, TROY BALDERSON, DAVE BURKE.

NO - 1: CAPRI S. CAFARO.

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. 158-Representatives Stebelton, Okey.

Cosponsors: Representatives Gardner, Grossman, Hackett, Huffman, Letson, Murray, Schuring, Yuko, Adams, J., Beck, Blair, Carney, Combs,

Damschroder, Fedor, Gerberry, Hottinger, Johnson, Kozlowski, Luckie, McClain, Milkovich, Young, Speaker Batchelder. Senator Jordan.

To enact sections 303.214, 519.214, 713.082, and 5502.031 of the Revised Code to codify federal restrictions on local zoning of amateur station antenna structures thereby preserving amateur radio service communications as a Homeland Security resource and to place the burden of proof for compliance on the zoning authority, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 158**, 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
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Turner	Widener		Niehaus-31.

So the bill passed.

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Balderson, Beagle, Burke, Hite, Hughes, Manning, Oelslager, Patton, Peterson."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 288-Senator LaRose.

Cosponsors: Senators Seitz, Patton.

To amend sections 124.23, 124.26, 3319.085, 3737.881, 3781.10, 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 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, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 288**, 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
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Turner	Widener		Niehaus-31.

So the bill passed.

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

Senator LaRose moved to amend the title as follows:

Add the names: "Balderson, Cafaro, Coley, Eklund, Faber, Hite, Hughes, Lehner, Manning, Obhof, Peterson, Sawyer, Skindell, Widener."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 294-Senator Schaffer.

Cosponsors: Senators Balderson, Hite, Jones, Eklund, Bacon, LaRose.

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, 3734.57, 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, 6111.035, 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, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 294**, pass?"

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
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Smith	Turner
Widener			Niehaus-30.

Senator Skindell voted in the negative-1.

So the bill passed.

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Beagle, Coley, Lehner, Manning, Niehaus, Patton, Peterson, Seitz."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 302-Senator Manning.

Cosponsors: Senators Coley, Patton, Seitz.

To amend sections 3734.41 and 3734.42 of the Revised Code to revise

requirements governing background investigations for purposes of the Solid, Hazardous, and Infectious Wastes Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 302**, 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
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Turner	Widener		Niehaus-31.

So the bill passed.

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

Senator Manning moved to amend the title as follows:

Add the names: "Balderson, Beagle, Eklund, Faber, Hite, Jones, Lehner, Niehaus, Peterson, Schaffer."

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. 333-Senator Obhof.

Cosponsors: Senators Beagle, Coley, LaRose, Seitz.

To amend sections 1321.52 and 1322.02 and to enact sections 1321.537 and 1322.042 of the Revised Code to authorize the Superintendent of Financial Institutions to issue a temporary mortgage loan originator license under certain circumstances.

S. B. No. 334-Senator Obhof.

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

To enact section 5.2276 of the Revised Code to designate October 15 as "Pregnancy and Infant Loss Remembrance Day."

S. B. No. 335-Senators Turner, Lehner.

Cosponsors: Senators Jones, LaRose, Eklund, Obhof, Wagoner.

To amend sections 124.36, 2903.13, 2921.02, 3302.03, 3302.04, 3302.061, 3307.01, 3311.71, 3311.72, 3311.74, 3311.76, 3313.41, 3313.411, 3313.975, 3314.012, 3314.016, 3314.10, 3314.35, 3314.36, 3316.07, 3318.08, 3319.02, 3319.071, 3319.10, 3319.112, 3319.12, 3319.13, 3319.14, 3319.141, 3319.143, 3319.151, 3319.18, 3319.283, 4141.29, 5705.192, 5705.21, 5705.212, 5705.215, 5705.216, 5705.218, 5705.251, 5705.261, and 5748.01 and to enact sections 3311.77 to 3311.86, 3313.412, and 3314.351 of the Revised Code to revise the management of municipal school districts and community schools located within municipal school districts; to permit the establishment of a Municipal School District Transformation Alliance; to expand the offense of bribery to cover directors, officers, and employees of the Alliance; and to authorize municipal school districts to levy property taxes the revenue from which may be shared with qualifying community schools.

OFFERING OF RESOLUTIONS

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

S. R. No. 238-Senator Patton.

Honoring the Brecksville-Broadview Heights High School gymnastics team as the 2012 State Champion.

S. R. No. 239-Senator Tavares.

Honoring the Columbus Africentric Early College High School girls basketball team as the 2012 Division III State Champion.

S. R. No. 240-Senator Balderson.

Honoring the Ohio University men's basketball team as the 2012 Mid-American Conference Champion.

S. R. No. 241-Senator Beagle.

Honoring the Dunbar High School indoor track and field team as the 2012 Division II State Champion.

S. R. No. 242-Senator Wagoner.

Honoring Carolyn Sowa on winning the 2012 Ohio VFW Voice of Democracy speech contest.

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. 18 -Representative Baker - et al.

Sub. S. B. No. 268 -Senator Eklund - et al.

Attest:

Jennifer E. Woodring,
Clerk.

The President signed said bills.

On the motion of Senator Faber, the Senate adjourned until Wednesday, April 25, 2012 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.