

OHIO

SENATE

JOURNAL

WEDNESDAY, NOVEMBER 14, 2012

TWO HUNDRED THIRTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, November 14, 2012, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Thomas Wise, Valleyview Church, Dayton, 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 resolutions, standing in order for second consideration, be referred to committee as recommended:

H. C. R. No. 51-Representative Baker, et al.

To urge Congress to enact the Stop Invasive Species Act, S. 2317 of the 112th Congress.

To the Committee on Agriculture, Environment and Natural Resources.

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

To amend sections 3314.03, 3319.303, and 3326.11 and to enact sections 3313.539, 3314.142, 3326.26, 3707.51, 3707.511, and 3707.52 of the Revised Code with regard to concussions and head injuries in youth sports.

To the Committee on Health, Human Services and Aging.

Am. Sub. H. B. No. 479-Representatives Hagan, C., Blessing, et al.

To amend sections 317.08, 317.32, 317.321, 1336.04, 1701.73, 1702.38, 1703.22, 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, 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; and to make certain changes in the exempt interests law, the fraudulent transfers law, the secured transactions recording law, and the rule against perpetuities.

To the Committee on Judiciary.

Am. H. B. No. 495-Representative Johnson, et al.

To amend sections 109.69, 109.731, 311.41, 311.42, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, and 2953.37 of the Revised Code to authorize the automatic validity in Ohio of a concealed handgun license issued by another state if the other state automatically recognizes as valid in that state an Ohio concealed handgun license without the need for any reciprocity agreement between the states; to repeal the competency certification currently required for renewal of a concealed handgun license; to revise the definition of "unloaded" that applies to the offense of "improperly handling firearms in a motor vehicle" and the related vessel-based offense; and to simplify, through the use of new definitions, the law regarding concealed handgun licenses.

To the Committee on Judiciary.

Sub. H. B. No. 535-Representative Hill, et al.

To amend section 2933.52 of the Revised Code to exempt under certain circumstances a parent or a person acting in loco parentis from the prohibition of the interception of wire, oral, or electronic communications.

To the Committee on Judiciary.

S. C. R. No. 31-Senator Patton.

To recognize November 2012 as Personal Health Care Month.

To the Committee on Health, Human Services and Aging.

S. C. R. No. 32-Senator Jordan, et al.

To urge Congress to pass the "Federal Reserve Transparency Act of 2012."

To the Committee on Finance.

S. B. No. 357-Senators Tavares, Sawyer, et al.

To amend sections 2743.02 and 3333.31 and to enact section 3333.311 of the Revised Code to classify as residents of the state for higher education purposes individuals who are not citizens or permanent legal residents of the United States if they meet certain eligibility requirements.

To the Committee on Finance.

S. B. No. 358-Senator Schaffer.

To enact sections 2937.223 and 2967.132 of the Revised Code to require the court clerk to promptly give written notice to the county sheriff and chief law enforcement officer of the political subdivision in which a person accused of an offense of violence will reside as a condition of bail if the offense was not committed in that political subdivision and to require the Adult Parole Authority to give similar notice to the chief law enforcement officer of the political subdivision in which an inmate who served a prison term for an offense of violence and is on parole or post-release control establishes a residence if not the political subdivision in which that offense was committed.

To the Committee on Judiciary.

S. B. No. 359-Senator Sawyer, et al.

To enact sections 3333.072 and 3345.38 of the Revised Code and to amend sections 205.30, 205.39.10, and 205.39.30 of Sub. H.B. 482 of the 129th General Assembly to limit state university overload fees and to make an appropriation.

To the Committee on Finance.

S. B. No. 360-Senator Tavares.

To amend sections 3701.99 and 5123.19 and to enact sections 3701.048, 3711.021, 3712.041, 3721.033, 3727.58, 3793.062, 5103.0329, 5119.021, 5119.203, 5119.222, 5119.713, 5123.1910, 5139.88, and 5155.39 of the Revised Code to require that employees in certain health care and other facilities be notified of bed bug or lice infestations.

To the Committee on Health, Human Services and Aging.

S. B. No. 361-Senator Tavares.

To amend section 3715.52 of the Revised Code to prohibit the sale or manufacture of certain products containing bisphenol-A.

To the Committee on Health, Human Services and Aging.

S. B. No. 362-Senator Schaffer, et al.

To enact section 5.2283 of the Revised Code to designate April 27 as "Emma 'Grandma' Gatewood Day."

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

S. B. No. 363-Senator Turner.

To permit, for a limited time, the abatement of unpaid property taxes, penalties, and interest owed on property owned by a municipal corporation that would have been tax exempt except for a failure to comply with certain tax-exemption procedures and to declare an emergency.

To the Committee on Ways and Means and Economic Development.

S. B. No. 364-Senator Seitz, et al.

To amend sections 5705.29, 5747.51, 5747.53, and 5751.20, to enact new section 5747.52, and to repeal section 5747.52 of the Revised Code to establish a new default formula for determining the share allocated to each subdivision from a county's Local Government Fund distribution.

To the Committee on Finance.

S. B. No. 365-Senator Kearney, et al.

To amend sections 126.35 and 5747.11 and to enact section 5747.114 of the Revised Code to require the Department of Taxation to provide taxpayers the option of receiving their income tax refund in the form of a prepaid debit card.

To the Committee on Ways and Means and Economic Development.

S. B. No. 366-Senator Turner, et al.

To amend sections 3509.01, 3509.03, 3511.02, and 3511.10 of the Revised Code to establish minimum hours during which absent voter's ballots must be available for use in person and to declare an emergency.

To the Committee on Government Oversight and Reform.

S. B. No. 367-Senator Gentile, et al.

To enact sections 3333.0412, 5903.05, and 5907.071 of the Revised Code to enhance support and services for veterans at state institutions of higher education and to require each institution to develop a policy for awarding academic credit to veterans for training received while in the military.

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

S. B. No. 368-Senator Schiavoni, et al.

To enact section 5.2283 of the Revised Code to designate the first week in October as "Nonviolence Week."

To the Committee on Judiciary.

S. B. No. 369-Senator Schiavoni, et al.

To enact sections 4174.01, 4174.02, 4174.03, 4174.04, 4174.05, 4174.06, and 4174.07 of the Revised Code to require the Director of Commerce to keep a list of Ohio call centers, or facilities or operating units within a call center, that transfer or relocate to a foreign country, to prohibit call centers operating in a foreign country from receiving state funds, and to require call center employees to disclose their location to United States consumers if the call center is operating in a foreign country and transfer a consumer to a United States call center upon request.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 370-Senator Schiavoni, et al.

To amend section 5709.12 of the Revised Code to specify that a nonprofit corporation, the principal purpose of which is operating a halfway house, community-based correctional facility, or other venue offering rehabilitative residential programming to criminal offenders is presumed to be a charitable

institution exempt from property taxation.

To the Committee on Ways and Means and Economic Development.

S. B. No. 371-Senator Schiavoni, et al.

To enact section 2305.52 of the Revised Code to prohibit certain indemnity agreements in motor vehicle carrier transportation contracts.

To the Committee on Highways and Transportation.

S. B. No. 372-Senator Brown, et al.

To amend sections 3313.813, 3715.52, 3717.22, 3717.42, and 5104.051 and to enact sections 3327.18 and 3717.60 of the Revised Code to require school districts to allow alternative summer meal sponsors to use school facilities to provide food service for summer intervention services regardless of financial reasons if at least half of the students are federally eligible for free lunches, to allow the distribution and consumption of meals on a school bus, and to create a healthy food license for child day-care centers and school child programs.

To the Committee on Education.

S. B. No. 373-Senator Manning, et al.

To enact section 5533.608 of the Revised Code to designate a portion of State Route 10 in Lorain County as the "Master Sergeant Adam F. Benjamin Memorial Highway."

To the Committee on Highways and Transportation.

S. B. No. 374-Senator Tavares, et al.

To amend sections 4112.01, 4112.02, 4112.05, 4112.08, 4112.14, 4112.15, and 4112.99 of the Revised Code to restrict a person's ability to require, solicit, mail, and publicly display social security numbers.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 375-Senator Tavares, et al.

To enact section 3717.56 of the Revised Code to require that employees of food service operations be trained in performing the Heimlich maneuver.

To the Committee on Health, Human Services and Aging.

S. B. No. 376-Senators Schiavoni, Brown, et al.

To amend section 1739.05 and to enact sections 1751.621 and 3923.521 of the Revised Code to require insurance providers to cover human papillomavirus screenings and vaccines.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 377-Senator Seitz, et al.

To amend sections 325.31 and 5705.30 and to enact sections 319.70 and 5705.271 of the Revised Code to permit a county budget commission to authorize voluntary audits of county offices and make nonbinding recommendations regarding proposed county tax levies and budgets.

To the Committee on Ways and Means and Economic Development.

S. B. No. 378-Senator Schiavoni, et al.

To amend section 1509.021 and to enact section 1509.16 of the Revised Code to revise the required setback distance of a well from an occupied dwelling and to establish oil and brine storage tank requirements.

To the Committee on Agriculture, Environment and Natural Resources.

S. B. No. 379-Senator Skindell.

To amend sections 1509.06, 1509.10, and 1509.31 and to enact section 1509.091 of the Revised Code to revise the requirements concerning an oil and gas permit application, an oil and gas well completion record, designation of trade secret protection for chemicals used to drill or stimulate an oil and gas well, and disclosure of chemical information to a medical professional, to require an owner to report all chemicals brought to a well site, and to make other changes in the Oil and Gas Law.

To the Committee on Agriculture, Environment and Natural Resources.

S. B. No. 380-Senator Jordan, et al.

To enact sections 317.45 and 5902.05 of the Revised Code to authorize county recorders to issue veterans identification cards.

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

S. B. No. 381-Senator Seitz, et al.

To amend sections 1751.01, 3923.281, and 3923.282 of the Revised Code to include pervasive developmental disorders in the mental health insurance parity law.

To the Committee on Health, Human Services and Aging.

S. B. No. 382-Senator Manning, et al.

To enact section 4905.912 of the Revised Code to require operators and pipeline companies to disclose the country in which oil country tubular goods steel products were manufactured.

To the Committee on Agriculture, Environment and Natural Resources.

S. B. No. 383-Senator Coley, et al.

To amend sections 2305.07, 4112.01, 4112.02, 4112.04, 4112.05, 4112.08, and 4112.99, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4112.051 (4112.054) and 4112.052 (4112.055), to enact new sections 4112.051, 4112.052, and 4112.14 and sections 2305.071 and 4112.053, and to repeal section 4112.14 of the Revised Code to modify Ohio civil rights laws related to employment and the statute of limitations for other specified claims against an employer.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 384-Senator Jordan, et al.

To amend section 5747.02 and to enact section 101.88 of the Revised Code

to establish a Joint Committee on Government Efficiency that, on or before August 1, 2014, must issue a report recommending the elimination or consolidation of state agencies and proposing an income tax rate reduction corresponding to the savings projected from its recommendations.

To the Committee on Finance.

S. B. No. 385-Senators LaRose, Sawyer.

To enact section 5533.095 of the Revised Code to designate a portion of State Route 619 within the municipal corporation of Barberton as the "Staff Sergeant Howard E. Woodford Medal of Honor Recipient Memorial Highway."

To the Committee on Highways and Transportation.

S. B. No. 386-Senator Jordan.

To amend section 5739.02 of the Revised Code to exempt from sales and use taxes the sale or use of investment metal bullion and coins.

To the Committee on Ways and Means and Economic Development.

S. B. No. 387-Senator Bacon, et al.

To amend section 715.691 of the Revised Code to specify that income tax revenue generated within a joint economic development zone (JEDZ) may be used for the purposes of any party to the JEDZ agreement including contracting townships.

To the Committee on Ways and Means and Economic Development.

S. B. No. 388-Senator Coley, et al.

To amend sections 2333.22, 2715.21, 2735.02, and 2735.04 of the Revised Code to add to and clarify the powers of a receiver and to provide a procedure for a receiver's sale of real property.

To the Committee on Judiciary.

YES - 11: KEITH L. FABER, SHANNON JONES, TOM PATTON, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, ERIC H. KEARNEY, THOMAS E. NIEHAUS.

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Sub. H. B. No. 417**-Representative Grossman, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Brown, Bacon, Beagle, Hite.

YES - 11: NINA TURNER, EDNA BROWN, BOB PETERSON, KEVIN BACON, BILL BEAGLE, JIM HUGHES, SHANNON JONES, KRIS JORDAN, TIMOTHY O. SCHAFFER, CLIFF HITE, CAPRI S. CAFARO.

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:

Pursuant to Senate Rule No. 37, the standing committee on Rules and Reference recommends that **H. B. No. 247**-Representative Butler, et al., having been referred to the standing committee on Judiciary, be re-committed to the standing committee on Judiciary.

YES - 11: THOMAS E. NIEHAUS, KEITH L. FABER, EDNA BROWN, SHANNON JONES, ERIC H. KEARNEY, SCOTT OELSLAGER, TOM PATTON, JOSEPH SCHIAVONI, NINA TURNER, MARK D. WAGONER,

CHRIS WIDENER.

NO - 0.

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

The report of the committee was accepted.

RESOLUTIONS REPORTED BY COMMITTEE

S. R. No. 115-Senator Kearney.

Cosponsors: Senators Sawyer, Wilson, Cafaro, Schiavoni, Turner, Smith, Grendell, Wagoner, Seitz, Beagle, Widener.

To recognize the importance of Ohio's county fairs and to urge continued state support for those fairs.

WHEREAS, County fairs have played an integral part in the lives of Ohio citizens for well over one hundred years; and

WHEREAS, In the past, county fairs served as an opportunity for rural residents to socialize as well as share information and ideas regarding agricultural activities; and

WHEREAS, County fairs have evolved since their early days. Today's county fairs provide not only continued opportunities for the display and exchange of agricultural information and ideas, but also opportunities for children and youth to complete and submit for display and judging projects on numerous scientific, agricultural, and arts topics; and

WHEREAS, The value of today's county fairs to Ohio's communities and its children and youth far outweighs the monetary investment in the operation of the fairs. It is therefore imperative that state support for county fairs continue as an investment in the state's future; now therefore be it

RESOLVED, That we, the members of the Senate of the 129th General Assembly of the State of Ohio, recognize the importance of Ohio's county fairs and urge continued state support for those fairs; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the news media of Ohio.

The question being, "Shall the resolution, **S. R. No. 115**, be adopted?"

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 resolution was adopted.

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

Senator Kearney moved to amend the title as follows:

Add the names: "Bacon, Balderson, Brown, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Schaffer, Skindell, Tavares."

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. 365-Representatives Beck, Dovilla.

Cosponsors: Representatives Stebelton, Blessing, Terhar, Hollington, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Baker, Barnes, Blair, Boose, Boyd, Brenner, Bubp, Buchy, Butler, Combs, Conditt, Damschroder, Derickson, DeVitis, Duffey, Gardner, Garland, Grossman, Hackett, Hagan, C., Hall, Hayes, Henne, Hill, Hottinger, Johnson, Kozlowski, Landis, Letson, Maag, Martin, McGregor, Milkovich, Newbold, O'Brien, Peterson, Roegner, Rose, Rosenberger, Ruhl, Schuring, Sears, Slaby, Slesnick, Sprague, Stinziano, Szollosi, Thompson, Uecker, Winburn, Young, Speaker Batchelder. Senators Schaffer, Beagle.

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, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 365**, 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
Tavares

Seitz
Turner

Skindell
Wagoner

Smith
Widener
Niehaus-33.

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: "Bacon, Balderson, Coley, Eklund, Faber, Hite, Hughes, Jones, LaRose, Lehner, Obhof, Oelslager, Patton, Sawyer, Tavares, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

H. B. No. 423-Representative Gonzales.

Cosponsors: Representatives Blessing, Wachtmann, Stebelton, Conditt, Schuring, Brenner, Garland, Huffman, Landis, Lynch, Newbold, Sears, Stautberg.

To amend section 755.181 of the Revised Code to provide for the dissolution of a joint recreation district, was considered the third time.

The question being, "Shall the bill, **H. B. No. 423**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon
Burke
Faber
Jones
Lehner
Patton
Schiavoni
Tavares

Balderson
Cafaro
Gentile
Jordan
Manning
Peterson
Seitz
Turner

Beagle
Coley
Hite
Kearney
Obhof
Sawyer
Skindell
Wagoner

Brown
Eklund
Hughes
LaRose
Oelslager
Schaffer
Smith
Widener
Niehaus-33.

So the bill passed.

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

The title was agreed to.

On the motion of Senator Faber, the Senate adjourned until Thursday, November 15, 2012 at 10:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.