

**OHIO**

**SENATE**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, JANUARY 22, 2014**

ONE HUNDRED THIRTY-EIGHTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, January 22, 2014, 1:30 p.m.**

The Senate met pursuant to adjournment.

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

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

The following guests were recognized by the Senate prior to the commencement of business:

Senator Gentile recognized Terry and Andrea Bell on their visit to the Statehouse.

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

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

**Am. H. B. No. 171**-Representatives McClain, Patmon, et al.

To enact section 3313.6020 of the Revised Code to permit public school students to attend and receive credit for released time courses in religious instruction conducted off school property during regular school hours.

To the Committee on Education.

**H. B. No. 215**-Representative DeVitis, et al.

To amend sections 5747.08 and 5747.98 and to enact sections 3313.94 and 5747.64 of the Revised Code to authorize a board of education or governing authority of a school to enter into an agreement with a volunteer who is a current or retired law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to generally provide to a board of education or governing authority of a school and to such a volunteer immunity from civil liability for injury, death, or loss arising from the volunteer's services, and to provide a tax credit for volunteer service.

To the Committee on Finance.

**H. B. No. 218**-Representatives Rosenberger, Dovilla, et al.

To amend sections 102.02 and 107.63 and to enact section 107.631 of the Revised Code to require the Small Business Advisory Council to establish an entrepreneur in residence pilot program.

To the Committee on Workforce and Economic Development.

**Sub. H. B. No. 257**-Representatives Antonio, Schuring, et al.

To amend sections 2105.06, 2151.414, 3107.07, and 3111.04 and to enact sections 2105.062, 3109.50, 3109.501, 3109.502, 3109.503, 3109.504, 3109.505, and 3109.506 of the Revised Code concerning parental rights regarding a child conceived as a result of rape or sexual battery.

To the Committee on Criminal Justice.

**H. B. No. 286**-Representatives Sears, Letson, et al.

To amend section 5123.35 of the Revised Code to authorize the Ohio Developmental Disabilities Council to meet via interactive video conference or teleconference.

To the Committee on State Government Oversight and Reform.

**H. B. No. 310**-Representative Ruhl, et al.

To amend sections 955.011, 955.43, and 955.99 of the Revised Code to include persons diagnosed with posttraumatic stress disorder as mobility impaired persons for purposes of the statutes governing assistance dogs and to prohibit misrepresentation of a dog as an assistance dog.

To the Committee on State Government Oversight and Reform.

**Sub. H. B. No. 314**-Representatives Baker, Kunze, et al.

To amend sections 4715.30, 4723.481, and 4730.41 and to enact sections 3719.061, 4723.283, 4725.191, 4730.252, and 4731.229 of the Revised Code to require a prescriber to obtain written informed consent from a minor's parent, guardian, or other person responsible for the minor before issuing a prescription for a controlled substance that contains an opioid to the minor and

to establish sanctions for a prescriber's violation of this requirement.

To the Committee on Medicaid, Health and Human Services.

**H. B. No. 326**-Representatives Roegner, Reece, et al.

To amend section 4779.02 of the Revised Code to exempt diabetic shoe fitters from licensure.

To the Committee on Commerce and Labor.

**Am. H. B. No. 342**-Representatives Brenner, Driehaus, et al.

To amend Section 263.325 of Am. Sub. H.B. 59 of the 130th General Assembly to permit an educational service center to be a partner or the lead applicant of an education consortia seeking a grant under the Straight A Program and to modify the goals of projects supported by the program.

To the Committee on Education.

**S. B. No. 250**-Senators Jones, LaRose, et al.

To amend sections 3107.055, 3107.16, 5747.37, and 5747.98, to amend section 5103.17 and to recodify it by subdividing it into sections 5103.17 and 5103.172, and to enact sections 3107.056, 3107.0610, 3107.0611, 3107.0612, 3107.0613, 3107.0614, 3107.0615, 3107.0616, 5103.171, 5103.172, and 5103.173 of the Revised Code to require that certain pre-birth adoption notifications be sent to each putative father; to permit a person to advertise that the person will adopt children; to define for purposes of an adoption, "living expenses" of a birth mother, to specify how they must be paid, and to allow a credit or refund of those expenses; and to increase, and make refundable, the adoption income tax credit.

To the Committee on Civil Justice.

**S. B. No. 259**-Senators Skindell, Tavares.

To amend section 5747.08 of the Revised Code to require that same-sex married couples who file a joint federal income tax return must file a joint state tax return.

To the Committee on Ways and Means.

**S. B. No. 262**-Senator Tavares, et al.

To enact section 5101.543 of the Revised Code to require the Director of Job and Family Services to request a federal waiver of time limits for certain Supplemental Nutrition Assistance Program recipients.

To the Committee on Finance.

**S. B. No. 263**-Senators Peterson, Beagle, et al.

To amend section 5703.05 and to enact section 5703.77 of the Revised Code to require the Tax Commissioner to notify taxpayers of tax or fee overpayments, to authorize the Commissioner to either apply an overpayment to future tax liabilities or issue a refund, and to make an appropriation.

To the Committee on Finance.

**S. B. No. 264**-Senator Schaffer.

To enact section 3323.21 of the Revised Code to require the Department of Education to solicit from school districts and educational service centers regular studies of the time spent by occupational and physical therapists on certain activities and to use the studies to determine appropriate workloads.

To the Committee on Education.

**S. B. No. 265**-Senator Cafaro.

To enact section 5533.781 of the Revised Code to designate a portion of United States Route 20, between Ashtabula and North Kingsville, as the "World War I Veterans Highway."

To the Committee on Transportation.

**S. B. No. 266**-Senators Skindell, Lehner, et al.

To amend sections 3314.03, 3326.11, and 3328.24 and to enact section 3319.46 of the Revised Code with respect to the use of seclusion and physical

restraint on students and positive behavior intervention supports in public schools and to amend the version of section 3326.11 of the Revised Code that is scheduled to take effect July 1, 2014, to continue the provisions of this act on or after that effective date.

To the Committee on Education.

YES - 8: KRIS JORDAN, SCOTT OELSLAGER, RANDY GARDNER, MICHAEL J. SKINDELL, JOSEPH SCHIAVONI, LOU GENTILE, LARRY OBHOF, CHRIS WIDENER.

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 Bacon submitted the following report:

The standing committee on Commerce and Labor, to which was referred **Sub. H. B. No. 202**-Representative Blessing, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Bacon.

YES - 10: KRIS JORDAN, BILL SEITZ, JOE UECKER, JOHN EKLUND, NINA TURNER, ERIC H. KEARNEY, KEVIN BACON, EDNA BROWN, SCOTT OELSLAGER, SHANNON JONES.

NO - 0.

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

The report of the committee was accepted.

Senator Bacon submitted the following report:

The standing committee on Commerce and Labor, to which was referred **S. B. No. 78**-Senator Hughes, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Brown.

YES - 10: KRIS JORDAN, SCOTT OELSLAGER, JOE UECKER, EDNA BROWN, NINA TURNER, KEVIN BACON, JOHN EKLUND, ERIC H. KEARNEY, BILL SEITZ, SHANNON JONES.

NO - 0.

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

The report of the committee was accepted.

Senator Bacon submitted the following report:

The standing committee on Commerce and Labor, to which was referred **S. B. No. 227**-Senator Beagle, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 10: KRIS JORDAN, BILL SEITZ, JOE UECKER, JOHN EKLUND, NINA TURNER, ERIC H. KEARNEY, KEVIN BACON, EDNA BROWN, SCOTT OELSLAGER, SHANNON JONES.

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, to which was referred **S. B. No. 150**-Senators Hite, Peterson, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: CLIFF HITE, TROY BALDERSON, FRANK LAROSE, GAYLE MANNING, BOB PETERSON, LOU GENTILE, CAPRI S. CAFARO, SHIRLEY A. SMITH, DAVE BURKE.

NO - 0.

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

The report of the committee was accepted.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **S. B. No. 230**-Senators Manning, Oelslager, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Brown, Tavares.

YES - 8: RANDY GARDNER, PEGGY B. LEHNER, DAVE BURKE, SHANNON JONES, SCOTT OELSLAGER, CAPRI S. CAFARO, EDNA BROWN, CHARLETA B. TAVARES.

NO - 1: KRIS JORDAN.

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

The report of the committee was accepted.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **S. B. No. 185**-Senator Faber, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Manning, LaRose, Gentile.

YES - 6: GAYLE MANNING, TROY BALDERSON, FRANK LAROSE, CAPRI S. CAFARO, LOU GENTILE, NINA TURNER.

NO - 0.

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

The report of the committee was accepted.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **S. B. No. 209**-Senator Manning, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Gentile, Turner, LaRose.



YES - 6: GAYLE MANNING, TROY BALDERSON, LOU GENTILE, NINA TURNER, FRANK LAROSE, CAPRI S. CAFARO.

NO - 0.

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

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **S. B. No. 222**-Senator LaRose, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Manning, Cafaro, Gentile, Turner.

YES - 6: GAYLE MANNING, TROY BALDERSON, FRANK LAROSE, CAPRI S. CAFARO, LOU GENTILE, NINA TURNER.

NO - 0.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **S. B. No. 245**-Senators Coley, Seitz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Manning, LaRose, Cafaro, Gentile.

YES - 6: GAYLE MANNING, TROY BALDERSON, FRANK LAROSE, CAPRI S. CAFARO, LOU GENTILE, NINA TURNER.

NO - 0.

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

Senator Faber submitted the following report:

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

**Billy Oral Barclay**, from Columbus, Franklin County, Ohio, as Member of

the Chemical Dependency Professionals Board for a term beginning May 22, 2013, ending at the close of business December 23, 2014, replacing Edna Marie Jones, Term expired.

**Verna Riffe Beimel**, from Walton Hills, Cuyahoga County, Ohio, as Member of the Ohio Respiratory Care Board for a term beginning April 25, 2013, ending at the close of business March 14, 2015, replacing Sandra Stabile Harwood, Term expired.

**Kathleen Bracken Borkowski**, from Lewis Center, Delaware County, Ohio, as Member of the State Board of Psychology for a term beginning May 13, 2013, ending at the close of business October 4, 2016, replacing Gayle Lanctot, Term expired.

**Ronald D. Brown**, from Cincinnati, Hamilton County, Ohio, as Member of the University of Cincinnati Board of Trustees for a term beginning June 6, 2013, ending at the close of business January 1, 2018, replacing Stanley Chesley, Resigned.

**Juan P. Cespedes**, from Columbus, Franklin County, Ohio, as Member of the Ohio Arts Council for a term beginning July 11, 2013, ending at the close of business July 1, 2014, replacing Jacquelyn Nance, term expired.

**Alan D. Demmit**, from Troy, Miami County, Ohio, as Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning May 13, 2013, ending at the close of business October 10, 2015, replacing Tommie Robertson, Term expired.

**Kenneth E. Flierl**, from Milford, Clermont County, Ohio, as Member of the Banking Commission for a term beginning June 11, 2013, ending at the close of business January 31, 2016, replacing Benedict Weissenrieder, Term expired.

**Jane A. Foulk**, from Thornville, Fairfield County, Ohio, as Member of the Ohio Arts Council for a term beginning June 25, 2013, ending at the close of business July 1, 2015, replacing Rori Herman Zoldan, term expired.

**Tony Grotrain**, from Findlay, Hancock County, Ohio, as Member of the Chemical Dependency Professionals Board for a term beginning April 26, 2013, ending at the close of business December 23, 2015, replacing Hope Taft, Term expired.

**Shalini Gupta**, from Cincinnati, Hamilton County, Ohio, as Member of the State Board of Cosmetology for a term beginning May 2, 2013, ending at the close of business October 31, 2017, replacing Marilyn J. Huheey, Term expired.

**Cirous Haghazari**, Democrat, from Westerville, Delaware County, Ohio, as Member of the Motor Vehicle Salvage Dealer's Licensing Board for a term beginning June 24, 2013, ending at the close of business July 31, 2015, replacing Maurice M. Leiser, term expired.

**Timothy R. Hanely**, from Canal Winchester, Franklin County, Ohio, as

Member of the Ohio Rail Development Commission for a term beginning June 19, 2013, ending at the close of business October 20, 2015, replacing Larry C. Sowers, term expired.

**Asim Z. Haque**, from Springfield, Clark County, Ohio, as Member of the Public Utilities Commission for a term beginning June 6, 2013, ending at the close of business April 10, 2016, replacing Andre T. Porter, Resigned.

**Cheryl A. Hilvert**, Republican, from Montgomery, Hamilton County, Ohio, as Member of the Petroleum Underground Storage Tank Release Compensation Board for a term beginning May 15, 2013, ending at the close of business July 10, 2015.

**Ricky D. Hoffman**, from Bremen, Fairfield County, Ohio, as Member of the State Emergency Response Commission for a term beginning May 30, 2013, ending at the close of business January 13, 2015.

**Jerry N. Hruby**, Republican, from Brecksville, Cuyahoga County, Ohio, as Member of the Ohio Turnpike and Infrastructure Commission for a term beginning July 1, 2013, ending at the close of business June 30, 2021.

**Lamond Jasper, Jr.**, from Sandusky, Erie County, Ohio, as Member of the Advisory Board on Amusement Ride Safety for a term beginning May 3, 2013, ending at the close of business January 1, 2019.

**Maninder Singh Kalra**, from Mason, Warren County, Ohio, as Member of the Ohio Respiratory Care Board for a term beginning June 11, 2013, ending at the close of business March 14, 2016, replacing Robert C. Cohn, Term expired.

**Benjamin J. Keefe**, from Cincinnati, Hamilton County, Ohio, as Member of the University of Cincinnati Board of Trustees for a term beginning June 24, 2013, ending at the close of business May 13, 2015, replacing Nicholas P. Hertlein, term expired.

**Bruce William Kranz**, from Avon Lake, Lorain County, Ohio, as Member of the Petroleum Underground Storage Tank Release Compensation Board for a term beginning May 20, 2013, ending at the close of business July 10, 2015, replacing Duane Cable, Term expired.

**Marc K. Mays**, Republican, from Grove City, Franklin County, Ohio, as Member of the Ohio Respiratory Care Board for a term beginning March 28, 2013, ending at the close of business March 14, 2016.

**Joan McBride**, from Ada, Hardin County, Ohio, as Member of the Maternity and Newborn Advisory Council for a term beginning May 6, 2013, ending at the close of business October 30, 2013, replacing Laurie Conkright, Term expired.

**John B. McCarthy**, from Franklin, Franklin County, Ohio, as Director of the Department of Medicaid for a term beginning July 1, 2013, and continuing at the pleasure of the Governor.

**Donald A. McDonald**, from Doylestown, Wayne County, Ohio, as Member of the State Emergency Response Commission for a term beginning May 31, 2013, ending at the close of business January 13, 2015, replacing Nancy C. Osborn, Term expired.

**Brian Keith Michael**, from Hillsboro, Highland County, Ohio, as Member of the Southern Ohio Agricultural and Community Development Foundation for a term beginning June 3, 2013, ending at the close of business June 2, 2018.

**Erin Michel**, from Columbus, Franklin County, Ohio, as Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning May 9, 2013, ending at the close of business October 10, 2014, replacing Jennifer Hadden, Resigned.

**Lawrence B. Mixon, Sr.**, Democrat, from Columbus, Franklin County, Ohio, as Member of the Wildlife Council for a term beginning March 26, 2013, ending at the close of business January 31, 2017.

**Robert R. Morton**, from Defiance, Defiance County, Ohio, as Member of the Environmental Education Council for a term beginning April 30, 2013, ending at the close of business October 1, 2014, replacing Sally Banfield, Term expired.

**Rebecca Culbertson Nesbitt**, from Gallipolis, Gallia County, Ohio, as Member of the Southern Ohio Agricultural and Community Development Foundation for a term beginning June 3, 2013, ending at the close of business June 2, 2018.

**Emma Scharefenberger Off**, from Cincinnati, Hamilton County, Ohio, as Member of the Ohio Arts Council for a term beginning June 21, 2013, ending at the close of business July 1, 2014, replacing Neal F. Zimmers, term expired.

**Malcum Jamie Patton**, from Richwood, Union County, Ohio, as Member of the County Sheriffs' Standard Car-Marking and Uniform Commission for a term beginning June 14, 2013, and continuing at the pleasure of the Governor, replacing David J. Westrick.

**Fred Pieper**, Republican, from Paulding, Paulding County, Ohio, as Member of the Ohio Advisory Council for the Aging for a term beginning April 15, 2013, ending at the close of business November 21, 2015, replacing Robert W. Dell, Term expired.

**Todd Raines**, from Seaman, Adams County, Ohio, as Member of the Southern Ohio Agricultural and Community Development Foundation for a term beginning May 15, 2013, ending at the close of business June 2, 2014.

**James E. Roberts**, from Poland, Mahoning County, Ohio, as Member of the Youngstown State University Board of Trustees for a term beginning June 26, 2013, ending at the close of business April 30, 2022, replacing Richard R. Schulick, term expired.

**Sushil M. Sethi**, from Mansfield, Richland County, Ohio, as Member of the State Medical Board for a term beginning April 30, 2013, ending at the close

of business March 18, 2016, replacing Dr. Salsukh A. Madia, Resigned.

**Amol Soin**, from Xenia, Greene County, Ohio, as Member of the State Medical Board for a term beginning April 17, 2013, ending at the close of business March 18, 2018, replacing Dr. Darshan Mahajan, Term expired.

**Anita M. Steinbergh**, from Columbus, Franklin County, Ohio, as Member of the State Medical Board for a term beginning July 1, 2013, ending at the close of business April 25, 2018.

**Malcum Jamie Patton**, from Richwood, Union County, Ohio, as Member of the County Sheriffs' Standard Car-Marking and Uniform Commission for a term beginning June 14, 2013, and continuing at the pleasure of the Governor, replacing David J. Westrick.

**Susan W. Stevens**, from Findlay, Hancock County, Ohio, as Member of the Occupational Therapy, Physical Therapy, and Athletic Trainers Board for a term beginning June 25, 2013, ending at the close of business August 27, 2014, replacing Rebekah Ruth Bower, term expired.

**Susan Turano**, from Willoughby Hills, Lake County, Ohio, as Member of the Hearing Aid Dealers and Fitters Licensing Board for a term beginning May 6, 2013, ending at the close of business January 25, 2017, replacing Walter H. Whitney, Term expired.

**Michael G. Verich**, Democrat, from Warren, Trumbull County, Ohio, as Member of the Environmental Review Appeals Commission for a term beginning June 7, 2013, ending at the close of business October 22, 2018, replacing Lisa Eschleman, Term expired.

**Patrick M. Wall**, from Dublin, Franklin County, Ohio, as Member of the Maternity and Newborn Advisory Council for a term beginning May 21, 2013, ending at the close of business October 30, 2017.

**Brian Matthew Weaver**, from Grove City, Franklin County, Ohio, as Member of the State Board of Orthotics, Prosthetics and Pedorthics for a term beginning May 21, 2013, ending at the close of business December 6, 2015, replacing David M. DeLuccia, Term expired.

**Cynthia Lynn Emerick-Whitson**, from Camden, Preble County, Ohio, as Member of the Advisory Board on Amusement Ride Safety for a term beginning May 7, 2013, ending at the close of business January 1, 2019.

**Kimpton E. Williams**, from Waynesville, Warren County, Ohio, as Member of the Ohio Thoroughbred Racing Advisory Committee for a term beginning April 25, 2013, ending at the close of business January 31, 2015, replacing Stephen Montemarano, Term expired.

**Thomas R. Winters**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the State Racing Commission for a term beginning August 16, 2013, ending at the close of business March 31, 2017, replacing William B. Koester, term expired.

**Rita J. Wolfe**, from Columbus, Franklin County, Ohio, as Member of the Commercial Dog Breeding Advisory Board for a term beginning June 19, 2013, ending at the close of business March 12, 2015.

**Donald P. Woodward**, Democrat, from Geneva-on-the-Lake, Ashtabula County, Ohio, as Member of the Advisory Board on Amusement Ride Safety for a term beginning May 3, 2013, ending at the close of business January 1, 2019.

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

YES - 11: KEITH L. FABER, CHRIS WIDENER, LARRY OBHOF, SCOTT OELSLAGER, DAVE BURKE, BILL COLEY, JIM HUGHES, LOU GENTILE, EDNA BROWN, CHARLETA B. TAVARES, JOSEPH SCHIAVONI.

NO - 0.

Senator Widener moved that the appointment of Jerry N. Hruby be removed from the list and voted on separately.

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

The motion was agreed to.

The question being, "Shall the Senate advise and consent to the appointment of Jerry N. Hruby?"

Senator LaRose moved that he be excused from voting pursuant to Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the Senate advise and consent to the appointment of Jerry N. Hruby?"

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
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	Lehner
Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

So the Senate advised and consented to said appointment.

The question being, "Shall the Senate advise and consent to the remaining appointments by the Governor?"

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	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the Senate advised and consented to said appointments.

Senator Faber submitted the following report:

The Standing Committee on Rules to which were referred the appointment by the Governor of:

**Tracy J. Plouck**, from Delaware, Delaware County, Ohio, as Director of the Department of Mental Health and Addiction Services for a term beginning July 1, 2013, and continuing at the pleasure of the Governor.

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

YES - 10: KEITH L. FABER, CHRIS WIDENER, LARRY OBHOF, SCOTT OELSLAGER, DAVE BURKE, BILL COLEY, JIM HUGHES, LOU GENTILE, EDNA BROWN, JOSEPH SCHIAVONI.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment by the Governor?"

Senator Tavares moved that she be excused from voting pursuant to Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the Senate advise and consent to the appointment 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	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Turner
Uecker	Widener		Faber-31.

So the Senate advised and consented to said appointment.

Senator Faber submitted the following report:

The Standing Committee on Rules to which were referred the appointment by the Attorney General of:

**Fred Cooke**, Democrat, Shelby, Richland County, Ohio, representing family farmers on the Ohio Consumers' Counsel Governing Board, term beginning September 1, 2013 and ending September 1, 2016.

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

YES - 11: KEITH L. FABER, CHRIS WIDENER, LARRY OBHOF, SCOTT OELSLAGER, DAVE BURKE, BILL COLEY, JIM HUGHES, LOU GENTILE, EDNA BROWN, CHARLETA B. TAVARES, JOSEPH SCHIAVONI.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment by the Attorney General?"

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	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.



So the Senate advised and consented to said appointment.

**BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 150**-Senators Hite, Peterson.

To amend sections 903.25, 905.31, 905.32, 905.34, 905.36, 905.39, 905.41, 905.45, 905.46, 905.47, 905.48, 905.49, 905.50, 905.99, 907.111, 1511.01, 1511.02, 1511.021, 1511.07, 1511.071, 1515.01, 1515.02, 1515.08, 3717.53, 6111.03, 6111.04, and 6111.44; to amend for the purpose of adopting a new section number as indicated in parentheses section 905.501 (905.503); and to enact new section 905.501 and sections 905.321, 905.322, 905.323, 905.324, 905.325, 905.502, and 1511.023 of the Revised Code to revise the law governing the abatement of agricultural pollution, to require a person that applies fertilizer for the purposes of agricultural production to be certified to do so by the Director of Agriculture, to make other changes to the Agricultural Additives, Lime, and Fertilizer Law, and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 150**, 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	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

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: "Coley, Eklund, Hughes, Kearney, Lehner, Manning, Sawyer, Turner, Uecker."

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

The motion was agreed to and the title so amended.

**S. B. No. 185**-Senator Faber.

Cosponsors: Senators Bacon, Balderson, Brown, Cafaro, Eklund, Hite, Jones, Kearney, Patton, Schiavoni, Seitz, Skindell, Turner, Uecker, Manning,

LaRose, Gentile.

To enact section 5533.821 of the Revised Code to designate a portion of State Route 67 within Auglaize County as the "Staff Sgt. Sonny Zimmerman Memorial Highway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 185**, 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	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Beagle, Burke, Coley, Gardner, Hughes, Lehner, Obhof, Oelslager, Peterson, Schaffer, Smith, Tavares, Widener."

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

The motion was agreed to and the title so amended.

**S. B. No. 222**-Senator LaRose.

Cosponsors: Senators Manning, Cafaro, Gentile, Turner.

To enact section 5533.096 of the Revised Code to designate a portion of State Route 8 in the municipal corporation of Stow as the "Second Lieutenant David E. Rylander Memorial Highway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 222**, 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	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni

Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

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: "Bacon, Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Gardner, Hite, Hughes, Jones, Kearney, Lehner, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**S. B. No. 226**-Senator Beagle.

Cosponsors: Senators Manning, Gardner, LaRose, Gentile.

To enact section 5533.411 of the Revised Code to designate a portion of State Route 41 in Miami County as the "Sheriff's Sgt. Robert "Bobby" Elliott Memorial Highway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 226**, 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	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Beagle moved to amend the title as follows:

Add the names: "Bacon, Balderson, Brown, Burke, Coley, Eklund, Faber, Hite, Hughes, Jones, Kearney, Lehner, Obhof, Oelslager, Peterson, Schaffer, Schiavoni, Smith, Tavares, Turner, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**S. B. No. 230**-Senators Manning, Oelslager.

Cosponsors: Senators Jones, Lehner, Patton, Cafaro, Brown, Tavares.

To enact section 4729.43 of the Revised Code to establish standards for the delivery of non-self-injectable cancer drugs, was considered the third time.

The question being, "Shall the bill, **S. B. No. 230**, 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	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

Senator Jordan voted in the negative-1.

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: "Eklund, LaRose, Schiavoni, Seitz, Skindell, Turner."

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

The motion was agreed to and the title so amended.

### **MOTIONS**

Senator Obhof moved that Senators absent the week of Sunday, January 19, 2014, 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.

Senator Cafaro moved to withdraw **S. B. No. 248**.

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

The motion was agreed to.

**OFFERING OF RESOLUTIONS**

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

**S. R. No. 251**-Senator Faber.

Honoring the Marion Local High School girls volleyball team on winning the 2013 Division IV State Championship.

**S. R. No. 252**-Senators Faber, Bacon.

Honoring Joseph Hallett on his retirement.

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

So the resolutions were adopted.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rules No. 19 and 20, the President of the Senate appoints Senator Eric H. Kearney to the standing committee on Public Utilities as the Ranking Minority Member, replacing Senator Lou Gentile.

**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 joint resolution:

**S. J. R. No. 7** -Senator Obhof - et al.

Attest:

Bradley J. Young,  
Clerk.

The President signed said resolution.

On the motion of Senator Widener, the Senate recessed until 2:40 p.m.

The Senate met pursuant to the recess.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred

in the adoption of the following joint resolution:

**S. J. R. No. 6** -Senators Bacon, Manning

Cosponsors: Senators Coley, Oelslager, Hughes, Jones, LaRose, Gardner, Sawyer, Skindell, Smith, Tavares, Peterson, Balderson, Beagle, Brown, Eklund, Faber, Hite, Lehner, Schaffer, Seitz, Turner, Uecker Representatives Amstutz, Adams, R., Lundy, Maag, Smith, Cera, Driehaus, Sykes, Ramos, Ashford, Sears, Grossman, Hall, Rosenberger, McGregor, McClain, Adams, J., Anielski, Antonio, Barborak, Barnes, Blessing, Boose, Boyce, Brown, Buchy, Budish, Burkley, Celebrezze, Clyde, Conditt, Damschroder, Derickson, DeVitis, Duffey, Foley, Green, Hackett, Hagan, C., Hayes, Heard, Hottinger, Johnson, Landis, Letson, Lynch, Milkovich, Patterson, Perales, Redfern, Reece, Rogers, Ruhl, Schuring, Sheehy, Slaby, Slesnick, Sprague, Stinziano, Strahorn, Wachtmann, Speaker Batchelder

Proposing to enact Section 2s of Article VIII of the Constitution of the State of Ohio to permit the issuance of additional general obligation bonds to fund public infrastructure capital improvements.

Attest:

Bradley J. Young,  
Clerk.

On the motion of Senator Faber, the Senate adjourned until Thursday, January 23, 2014 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.