

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, FEBRUARY 4, 2014

ONE HUNDRED FORTY-THIRD DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, February 4, 2014, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Greg Maturi, St. Dominic's Church, Youngstown, 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 LaRose recognized Detective Larry S. Brown, Deputy Danny E. Francis, Deputy Larry J. Peters, and Deputy Shane W. Smith of the Summit County Sheriff's Office for receiving the Federal Bureau of Investigation's Shield of Bravery.

Senator Balderson recognized Lloyd Barnes as a member of the Muskingum County Veterans Hall of Fame.

Senator Balderson recognized Sarah Morris as Ohio's Best Bagger for 2013.

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

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

**Am. Sub. H. B. No. 8**-Representatives Roegner, Kunze, et al.

To amend sections 109.78, 121.22, 149.433, 2923.122, 3313.536, and 4117.08 and to enact sections 3313.94, 3314.43, and 3326.28 of the Revised Code to authorize off-duty peace officers to possess deadly weapons or dangerous ordnance in a school safety zone, to authorize a board of education or governing body of any school to designate employees who may carry concealed handguns in a school safety zone, to generally prohibit the disclosure of the names of the designated employees, to exclude from collective bargaining the development and implementation of a protocol to designate the employees, and to generally provide immunity from civil liability to a board of education or governing authority of any school and to a designated employee of any such school for injury, death, or loss arising from the employee's possession or use of a handgun in a school safety zone.

To the Committee on Civil Justice.

**Am. H. B. No. 113**-Representatives Antonio, Henne, et al.

To amend section 3313.603 of the Revised Code to specify that school districts and chartered nonpublic schools may excuse from high school physical education students who participate in a school-sponsored athletic club.

To the Committee on Education.

**Sub. H. B. No. 129**-Representative Stautberg, et al.

To amend sections 2903.21, 2903.211, and 2903.22 and to enact section 2903.215 of the Revised Code to specify that aggravated menacing, menacing by stalking, and menacing include words or conduct that are directed at or identify a corporation, association, or other organization that employs the victim or to which the victim belongs, to authorize the corporation, association, or other organization that employs two or more victims or to which two or more victims belong to seek protection orders in certain cases, and to increase the penalty for aggravated menacing or menacing by stalking if there are four or more victims.

To the Committee on Criminal Justice.

**Sub. H. B. No. 193**-Representative Brenner, et al.

To amend sections 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.16, 3302.02, 3302.03, 3302.031, 3310.14, 3310.522, 3313.532, 3313.603, 3313.61, 3313.611, 3313.612, 3313.614, 3313.615, 3313.976, 3314.017, 3314.03, 3314.36, 3325.08, 3326.11, 3328.24, 3328.25, 3329.07, 3329.08, and 3333.123 and to enact sections 3301.946, 3302.036, 3313.618, 3314.019, 3329.081, and 3329.082 of the Revised Code with respect to state academic achievement assessments and high school graduation requirements; 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.

**Sub. H. B. No. 203**-Representative Johnson, et al.

To amend sections 9.68, 109.69, 109.731, 109.85, 109.86, 311.41, 311.42,

2901.09, 2917.11, 2917.31, 2923.11, 2923.125, 2923.1213, 2923.13, and 2923.14 and to repeal sections 2923.1210 and 2923.22 of the Revised Code to modify concealed handgun law; to permit investigators employed by the Attorney General to investigate Medicaid fraud to go armed in the same manner as sheriffs and regularly appointed police officers; to expand the locations at which a person has no duty to retreat before using force in self-defense; and to provide that the exercise of a constitutional or statutory right is not, in itself, the offense of disorderly conduct or inducing panic and does not constitute reasonable, articulable suspicion of criminal activity.

To the Committee on Civil Justice.

**Sub. H. B. No. 213**-Representatives Pelanda, Celebrezze, et al.

To amend sections 2151.281, 2151.353, 2151.414, 2151.415, 2151.417, 2151.421, 5101.802, 5103.035, and 5103.162 and to enact section 2151.315 of the Revised Code to permit a court to grant a motion for permanent custody of a child to a movant if the child or another child in the custody of the parent has been adjudicated an abused, neglected, or dependent child on three separate occasions, to require the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child to file any motions and other court papers in accordance with rules adopted by the Supreme Court, to require court appointed special advocates and guardian ad litem to report suspected child abuse or neglect, to require foster caregivers to use a reasonable and prudent parent standard when authorizing a foster child to participate in activities, to require the department of job and family services to adopt rules that establish policies and procedures for determining when a foster child or an alleged or adjudicated abused, neglected, or dependent child subject to out-of-home care may participate in certain activities, to exempt a public children services agency, private child placing agency, or private noncustodial agency from civil liability that results from a foster caregiver's or agency's decisions using a reasonable and prudent parent standard, to limit the circumstances under which a child is placed into a planned permanent living arrangement, to extend the period for incentive payments under the kinship permanency incentive program, and to provide factors for a person or facility to consider when determining if an alleged or adjudicated abused, neglected, or dependent child subject to out-of-home care is able to participate in certain activities.

To the Committee on Civil Justice.

**Am. H. B. No. 261**-Representatives Butler, Stinziano, et al.

To amend sections 2701.03, 2701.031, 2743.03, 2743.04, 2743.09, 2743.121, 2743.20, 2743.52, 2743.53, 2743.531, 2743.55, 2743.60, 2743.601, 2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 2743.66, 2743.67, 2743.68, 2743.69, and 2743.71, to enact section 2743.041, and to repeal section 2743.54 of the Revised Code to abolish the office of the Court of Claims commissioner, to transfer the powers of a judge of the Court of Claims to the court; to specify certain powers of a Court of Claims magistrate, to modify the Attorney General's annual report on the crime victims compensation program, to conform existing law to the existing filing period for filing a claim for reparations by an adult, to eliminate the procedure for filing an affidavit of disqualification for a judge of a municipal or county court and instead include the disqualification of a judge of a municipal or county court and a judge of the court of claims within the procedure for filing an affidavit of disqualification for a probate judge, a judge of a court of appeals, and a judge of the court of common pleas, and to change the basis of the per diem compensation of a retired judge who serves on the Court of Claims from the annual compensation of a judge of a court of appeals to the annual compensation of a judge of a court of common pleas.

To the Committee on Civil Justice.

**Am. Sub. H. B. No. 274**-Representatives Patmon, Sears, et al.

To amend sections 959.131, 959.132, and 959.99 and to enact section 4741.05 of the Revised Code to revise provisions and penalties regarding treatment of companion animals, to revise the definition of "companion animal" in the Offenses Relating to Domestic Animals Law, and to provide a state collaborative effort to assist veterinarians in identifying clients who may use their animals to secure opioids for abuse.

To the Committee on Agriculture.

**Sub. H. B. No. 307**-Representative Buchy, et al.

To amend sections 3107.055, 3107.062, 3107.064, 3107.07, 3107.16, 5103.17, 5747.37, and 5747.98 and to enact sections 3107.067, 3107.068, 3107.069, 3107.0610, 3107.0611, 3107.0612, 3107.0613, 3107.0614, 3107.0615, 3107.0616, and 3107.0617 of the Revised Code to require that certain pre-birth adoption notifications be sent to each putative father; to reduce the time within which a putative father must register with the putative father registry; to reduce the period of time to appeal an adoption decree; to permit certain entities to advertise regarding the adoption of children; to define for purposes of an adoption "living expenses" of a birth mother and to specify

how they must be paid; and to increase the adoption income tax credit.

To the Committee on Civil Justice.

**Sub. H. B. No. 315**-Representative Wachtmann, et al.

To amend sections 3711.12 and 3719.41 and to enact sections 3711.13 and 3711.30 of the Revised Code to require reports to the Department of Health regarding newborns diagnosed as opioid dependent, to update the chemical name for a type of controlled substance, and to specify procedures for granting variances or waivers of any requirement in the rules governing operation of maternity homes.

To the Committee on Medicaid, Health and Human Services.

**Am. H. B. No. 318**-Representatives Roegner, O'Brien, et al.

To amend sections 4503.312 and 4517.22 of the Revised Code to permit a new motor vehicle dealer to display new motor vehicles at a location other than the dealer's licensed location if such display is for an educational institution, to alter the statutory procedures governing motor vehicle shows, and to clarify the law governing the retail sale of utility and certain other trailers.

To the Committee on Commerce and Labor.

**H. B. No. 399**-Representatives Sheehy, Sprague, et al.

To amend section 5.2269 of the Revised Code to designate the first Friday of May as "Prescription Drug Abuse Awareness and Education Day."

To the Committee on Medicaid, Health and Human Services.

**S. C. R. No. 30**-Senator Gentile, et al.

To urge Congress to enact the Coal Mine Health Care and Pension Protection Act.

To the Committee on Energy and Natural Resources.

**S. C. R. No. 31**-Senators Manning, Tavares, et al.

To recognize the outstanding service of the 65th Infantry Regiment from Puerto Rico and to urge the award of a Congressional Gold Medal to the Regiment.

To the Committee on Public Safety, Local Government, and Veterans Affairs.

**S. C. R. No. 32**-Senator Cafaro.

To urge Congress to consider and implement appropriate sanctions against Ukraine.

To the Committee on State Government Oversight and Reform.

**S. B. No. 252**-Senator Patton, et al.

To amend sections 4123.01 and 4123.026 of the Revised Code to make peace officers and firefighters diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law.

To the Committee on Finance.

**S. B. No. 267**-Senators Turner, Schiavoni.

To enact section 5533.671 of the Revised Code to designate portions of United States Route 422 within the municipal corporations of Cleveland and Youngstown as the "Arnold R. Pinkney Memorial Way."

To the Committee on Transportation.

**S. B. No. 268**-Senator Cafaro, et al.

To amend sections 5104.01 and 5104.38 and to enact section 5104.023 of the Revised Code to permit a type B family day-care home to have more than six children on the premises under certain circumstances.

To the Committee on Medicaid, Health and Human Services.

**S. B. No. 269**-Senator Brown, et al.

To amend Section 733.10 of Am. Sub. H.B. 59 of the 130th General Assembly to permit state payments to school districts, STEM schools, and community schools that exceed, by up to three days, the number of permitted "calamity" days in the 2013-2014 school year and to declare an emergency.

To the Committee on Education.

**S. B. No. 270**-Senators Skindell, Bacon, et al.

To amend sections 5123.162, 5123.19, 5123.191, 5123.21, 5123.61, 5123.75, and 5123.76 of the Revised Code to require copies of surveys conducted by the Director of Developmental Disabilities and related plans of correction to be made available on the Department of Developmental Disabilities' web site and to modify statutory references to the Director's designee.

To the Committee on State Government Oversight and Reform.

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

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.

**RESOLUTIONS REPORTED BY COMMITTEE**

**S. C. R. No. 23**-Senators Burke, Cafaro.

Cosponsors: Senators Brown, Gentile, Gardner, Patton, Hughes, Jones, Tavares.

Declaring May 12, 2014 "National Fibromyalgia Awareness Day" in Ohio.

WHEREAS, Millions of people in the United States have fibromyalgia, a medical disorder for which there is no known cure; and



WHEREAS, Fibromyalgia is a chronic illness that causes debilitating pain and fatigue in women, men, and children of all ethnicities; and

WHEREAS, Patients with this illness often have to learn to live with widespread pain throughout their bodies, extreme fatigue, sleep disorders, migraine headaches, and impairment of memory and concentration; and

WHEREAS, Patients with fibromyalgia often have a number of co-existing conditions, which may include chronic myofascial pain, irritable bowel syndrome, temporomandibular joint disorder, environmental sensitivities, anxiety, and depression; and

WHEREAS, Increased awareness and expanded knowledge of the realities of living with fibromyalgia and its impact on patients' quality of life will allow the community to better support people who struggle with the challenges of this chronic-pain illness; and

WHEREAS, Early diagnosis and a multi-disciplinary approach to treatment reduces severity of symptoms; and

WHEREAS, The National Fibromyalgia & Chronic Pain Association; Kevin Hackshaw, M.D., Associate Professor of Medicine at The Ohio State University College of Medicine; E. Michelle Lee, host of *The Exceptions to the Rules* radio program; and other groups around the country have joined together to promote fibromyalgia awareness and support; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, in adopting this resolution, declare May 12, 2014, as "National Fibromyalgia Awareness Day" in Ohio; 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. C. R. No. 23**, be adopted?"

The yeas and nays were taken and resulted - yeas 30, 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    | LaRose    | Lehner    |
| Manning  | Obhof     | Oelslager | Peterson  |
| Sawyer   | Schaffer  | Schiavoni | Seitz     |
| Skindell | Smith     | Tavares   | Uecker    |
| Widener  |           |           | Faber-30. |

So the resolution was adopted.

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

Senator Burke moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Coley, Eklund, Hite, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Skindell, Smith, Widener."

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. 202**-Representative Blessing.

Cosponsors: Representatives Duffey, Hood, Gonzales, Butler, Beck, Amstutz, Grossman, Smith, Wachtmann, Terhar, Stinziano, Milkovich, Perales, Thompson, Conditt, Anielski, Blair, Brenner, Brown, Buchy, Burkley, Damschroder, Hagan, C., Hall, Letson, Mallory, McClain, Retherford, Sprague, Winburn, Young, Speaker Batchelder. Senator Bacon.

To amend sections 4703.30, 4733.01, 4733.09, 4733.11, 4733.12, 4733.13, 4733.15, and 4733.151 of the Revised Code to make changes to the examination, reporting, and educational requirements of professional engineers and surveyors, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 202**, pass?"

Senator Schaffer 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 bill, **Sub. H. B. No. 202**, pass?"

The yeas and nays were taken and resulted - yeas 29, 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    | LaRose    | Lehner    |
| Manning | Obhof     | Oelslager | Peterson  |
| Sawyer  | Schiavoni | Seitz     | Skindell  |
| Smith   | Tavares   | Uecker    | Widener   |
|         |           |           | Faber-29. |

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Burke, Coley, Eklund, Peterson, Seitz, Uecker."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 192**-Senator Manning.

Cosponsors: Senators Patton, Seitz, Skindell, Hite, Peterson.

To enact section 901.50 of the Revised Code to grant the Director of Agriculture exclusive authority to regulate invasive plant species, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 192**, pass?"

The yeas and nays were taken and resulted - yeas 29, 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	LaRose	Lehner	Manning
Obhof	Oelslager	Peterson	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Tavares	Uecker	Widener
			Faber-29.

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: "Balderson, Burke, Coley, Eklund, Gardner, Lehner."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 245**-Senators Coley, Seitz.

Cosponsors: Senators Turner, Schiavoni, Hughes, Patton, Widener, Manning, LaRose, Cafaro, Gentile.

To amend section 5533.977 and to enact sections 5533.542, 5533.543, 5533.544, and 5533.545 of the Revised Code to designate four new memorial highways in Butler, Hamilton, and Warren counties and to revise a memorial highway designation, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 245**, pass?"

The yeas and nays were taken and resulted - yeas 30, 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	LaRose	Lehner
Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Uecker
Widener			Faber-30.

So the bill passed.

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

Senator Coley moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Burke, Eklund, Faber, Gardner, Hite, Jones, Jordan, Lehner, Obhof, Oelslager, Peterson, Schaffer, Skindell, Smith, Tavares, Uecker."

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, February 2, 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.

### INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

**S. B. No. 271**-Senator Jones.

Cosponsor: Senator Seitz.

To enact section 4729.553 of the Revised Code to require a retail terminal distributor of dangerous drugs to verify the prospective purchaser's identity when dispensing a controlled substance or tramadol.

**S. B. No. 272**-Senators Cafaro, Eklund.

To enact section 5.2288 of the Revised Code to designate March as "Maple Syrup Month."

**OFFERING OF RESOLUTIONS**

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

**S. R. No. 261**-Senator Coley.

Honoring the Lakota West High School marching band on being selected to perform at the 2013 Macy's Thanksgiving Day Parade.

**S. R. No. 262**-Senators LaRose, Obhof, Sawyer, Eklund.

Honoring the Great Trail Council of the Boy Scouts of America on its One Hundredth Anniversary.

**S. R. No. 263**-Senators Obhof, Burke.

Honoring Ryan Teglovic as a 2013 All-Ohio Division VI High School Football Co-Coach of the Year.

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 House of Representatives has adopted the following concurrent resolution in which the concurrence of the Senate is requested:

**H. C. R. No. 46** -Speaker Batchelder

To delegate to the President of the Senate and the Speaker of the House of Representatives authority to designate groups of members to prepare arguments for and against amendments to the Ohio Constitution proposed by the General Assembly, a person or persons to prepare an argument for any law, section, or item submitted to the electors by referendum petition, and a person or persons to prepare an argument against any constitutional amendment proposed by initiative petition.

Attest:

Bradley J. Young,  
Clerk.

The question being, "Shall the resolution, **H. C. R. No. 46**, be adopted?"

The yeas and nays were taken and resulted - yeas 30, 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	LaRose	Lehner
Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Uecker
Widener			Faber-30.

So the resolution was adopted.

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

Senator Widener moved to amend the title as follows:

Add the names: "Faber, Widener, Burke, Coley, Obhof."

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

The motion was agreed to and the title so amended.

On the motion of Senator Widener, the Senate adjourned until Thursday, February 6, 2014 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.