

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 12, 2014

ONE HUNDRED FORTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 12, 2014, 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.

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

Senator Coley recognized Lynda O'Connor, Todd Parnell, Karen Mantia, Jenni Logan, the Lakota School Board, and Superintendent and Treasurer 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:

S. B. No. 271-Senator Jones, et al.

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.

To the Committee on Commerce and Labor.

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

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

To the Committee on State Government Oversight and Reform.

S. B. No. 273-Senator Gardner, et al.

To permit school district boards of education to excuse graduating twelfth-grade students from attending school on make-up days that occur after

the scheduled high school graduation ceremonies and to declare an emergency.

To the Committee on Education.

S. B. No. 274-Senator Hughes, et al.

To amend sections 4505.101, 4513.60, and 4921.25 and to enact sections 4511.80 and 4513.67 of the Revised Code to authorize towing companies to obtain title to vehicles removed from private tow-away zones that remain unclaimed, to revise the notification process regarding vehicles left unclaimed at a repair garage or place of storage, to establish vehicle owner and lienholder notifications for vehicles removed from a private tow-away zone, to require towing companies to use and display certain identifying information, and to make other changes in the law governing towing motor vehicles.

To the Committee on State Government Oversight and Reform.

S. B. No. 275-Senator Hite.

To enact section 5.2292 of the Revised Code to designate March 9 as "Meningitis Awareness Day."

To the Committee on Medicaid, Health and Human Services.

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

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 Coley submitted the following report:

The standing committee on Finance, to which was referred **S. B. No. 263**-Senators Peterson, Beagle, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Coley.

YES - 10: FRANK LAROSE, SHANNON JONES, JIM HUGHES, BILL COLEY, BOB PETERSON, RANDY GARDNER, THOMAS SAWYER, MICHAEL J. SKINDELL, CHARLETA B. TAVARES, DAVE BURKE.

NO - 0.

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

The report of the committee was accepted.

Senator Eklund submitted the following report:

The standing committee on Criminal Justice, to which was referred **Sub. H. B. No. 144**-Representative Kunze, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: JOHN EKLUND, BILL SEITZ, JIM HUGHES, FRANK LAROSE, PEGGY B. LEHNER, LARRY OBHOF, TIMOTHY O. SCHAFFER, MICHAEL J. SKINDELL, ERIC H. KEARNEY.

NO - 0.

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

The report of the committee was accepted.

Pursuant to Senate Rules No. 37, the standing committee on Rules recommends that **S. B. No. 96**-Senator LaRose, having been referred to the standing committee on Education, be recommitted to the standing committee on Education.

YES - 9: KEITH L. FABER, CHRIS WIDENER, EDNA BROWN, DAVE BURKE, BILL COLEY, LOU GENTILE, JIM HUGHES, LARRY OBHOF, JOSEPH SCHIAVONI.

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 **H. B. No. 95**-Representative Hill, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Jordan, Gardner, Jones, Tavares.

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

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Am. Sub. H. B. No. 19-Representative Thompson.

Cosponsors: Representatives Damschroder, Ruhl, Celebrezze, Hagan, R., Johnson, Milkovich, Perales, Adams, R., Anielski, Antonio, Ashford, Baker, Barborak, Barnes, Beck, Bishoff, Blair, Blessing, Boose, Boyce, Brenner, Brown, Buchy, Budish, Burkley, Butler, Carney, Cera, Clyde, Conditt, Curtin, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Gerberry, Gonzales, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hill, Hood, Hottinger, Huffman, Landis, Letson, Lundy, Lynch, Maag, Mallory, McClain, McGregor, Patmon, Patterson, Pelanda, Phillips, Pillich, Ramos, Redfern, Reece, Retherford, Rogers, Romanchuk, Rosenberger, Scherer, Schuring, Sears, Slaby, Slesnick, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Terhar, Wachtmann, Winburn, Young, Speaker Batchelder. Senators Manning, Gardner, LaRose, Cafaro, Gentile, Turner.

To enact sections 5533.061, 5533.182, 5533.191, 5533.342, 5533.542, 5533.592, 5533.647, 5533.649, 5533.725, 5533.755, and 5533.903 of the Revised Code to designate several memorial highways, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 19**, pass?"

Senator Schaffer moved to amend as follows:

In line 5, after "That" insert "section 5533.376 be amended and"

Between lines 38 and 39, insert:

"**Sec. 5533.376.** In addition to the designation in section 5533.37 of the Revised Code, that portion of the road known as interstate route number seventy-seven, commencing in Tuscarawas county at mile marker number seventy-nine and proceeding in a northerly direction to mile marker number eighty-one, shall be known as the "Army ~~Private First Class~~ Corporal Keith Nepsa Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name."

After line 93, insert:

"**Section 2.** That existing section 5533.376 of the Revised Code is hereby repealed."

In line 1 of the title, after "To" insert "amend section 5533.376 and to"

In line 4 of the title, after "Code" insert "to rename part of Interstate 77 in Tuscarawas County as the "Army Corporal Keith Nepsa Memorial Highway" and"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 19**, 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 Manning moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Hite, Hughes, Jones, Jordan, 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.

Sub. H. B. No. 95-Representative Hill.

Cosponsors: Representatives Huffman, Adams, J., Buchy, Beck, Becker, Blair, Boose, Brown, Conditt, Derickson, Gonzales, Hood, Ruhl, Sprague, Stebelton, Terhar, Milkovich, Wachtmann, Antonio, Bishoff, Carney, Adams, R., Amstutz, Anielski, Baker, Barborak, Barnes, Blessing, Brenner, Burkley, Butler, Celebrezze, Cera, Curtin, Damschroder, DeVitis, Dovilla, Driehaus, Fedor, Foley, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hottinger, Landis, Lynch, Mallory, McClain, O'Brien, Patmon, Patterson, Phillips, Pillich, Ramos, Reece, Retherford, Rogers, Rosenberger, Scherer, Schuring, Sears, Slaby, Smith, Stautberg, Stinziano, Sykes, Thompson, Winburn, Young, Speaker Batchelder. Senators Jordan, Gardner, Jones, Tavares.

To amend sections 3701.46, 3705.01, 3705.09, 3705.15, 3705.20, and 3705.23 of the Revised Code regarding the issuance of certificates recognizing stillborn infants and the provision by certified nurse-midwives of information for birth certificates, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 95**, 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 Jones moved to amend the title as follows:

Add the names: "Faber, Balderson, Beagle, Burke, Coley, Eklund, Hite, Hughes, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Schaffer, Uecker, Widener."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 144-Representative Kunze.

Cosponsors: Representatives Gonzales, Duffey, Hood, Ruhl, Strahorn, Becker, Pillich, Grossman, Hackett, Stebelton, Wachtmann, Brown, Lynch, Sears, Smith, Amstutz, Baker, Blair, Boose, Brenner, Buchy, Burkley, Butler, DeVitis, Green, Hagan, C., Hayes, Huffman, Johnson, McClain, Patmon, Pelanda, Romanchuk, Scherer, Sprague, Young, Speaker Batchelder.

To amend sections 2151.87, 2927.02, 2927.021, and 2927.022 of the Revised Code to include alternative nicotine products within the restrictions that apply to the sale or distribution to, and possession or use by, minors of cigarettes and other tobacco products, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 144**, 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 Eklund moved to amend the title as follows:

Add the names: "Beagle, Eklund, Hughes, Lehner, Peterson."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 263-Senators Peterson, Beagle.

Cosponsors: Senators Jones, Obhof, Bacon, Patton, Schaffer, Hughes, Gardner, Burke, Coley.

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, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 263**, 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 Peterson moved to amend the title as follows:

Add the names: "Balderson, Eklund, Faber, Jordan, LaRose, Manning, Oelslager, Schiavoni, Tavares, Uecker, Widener."

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 9, 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. 276-Senators Jones, Tavares.

To amend sections 3701.63 and 3701.64 and to enact sections 3701.66 and 3701.67 of the Revised Code to require the Department of Health to establish the Safe Sleep Education Program, hospitals and freestanding birthing centers to implement an infant safe sleep screening policy, and certain persons and entities to adopt an internal infant safe sleep policy.

S. B. No. 277-Senators Jones, Tavares.

To enact section 3701.66 of the Revised Code to create the Commission on

Infant Mortality.

S. B. No. 278-Senators Jones, Tavares.

To amend section 313.121 of the Revised Code to require the completion of a sudden unexplained infant death investigation reporting form (SUIDI reporting form) developed by the United States Centers for Disease Control and Prevention, or an alternative reporting form developed by the Director of Health, whenever a child one year of age or younger dies suddenly when in apparent good health and to require that the appropriate child fatality review board receive a copy of each completed form.

S. B. No. 279-Senators Jones, Tavares.

To require the Director of Health to establish and operate a prenatal group health care pilot program that is based on the centering pregnancy model of care and to make an appropriation.

S. B. No. 280-Senators Jones, Tavares.

To enact sections 3701.68, 5162.135, and 5167.15 of the Revised Code to require that case management services for postpartum care be included in the Medicaid managed care system, to require the Director of Health to award grants for community-based services that are not covered by Medicaid and are intended to reduce infant mortality rates among at-risk populations, and to make an appropriation.

S. B. No. 281-Senators Cafaro, Schiavoni.

Cosponsor: Senator Manning.

To enact section 5.2288 of the Revised Code to designate the month of May as "Bartter Syndrome Awareness Month."

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 266-Senator Seitz.

Honoring the Marcia and Dick Weiland Theater on its reopening.

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

So the resolution was 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:

Am. Sub. H. B. No. 123 -Representatives Gonzales, Wachtmann - et al.

Am. H. B. No. 139 -Representative Gonzales - et al.

Attest: Bradley J. Young,
Clerk.

The President signed said bills.

MESSAGE FROM THE PRESIDENT

Pursuant to Ohio Revised Code section 3505.063 and H.C.R. 46 of the 130th General Assembly, the President of the Senate appoints the following members to prepare arguments in favor of S.J.R. 6:

Senator Kevin Bacon
Senator Gayle Manning
Senator Eric Kearney

MESSAGE FROM THE PRESIDENT

Pursuant to Section 753.30 of Am. Sub. H.B. No. 59 of the 130th General Assembly, the President of the Senate appoints the following member to the State Facility Utilization and Consolidation Task Force:

Senator Cliff Hite

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5139.44(A)(1)(d) of the Ohio Revised Code, the President of the Senate appoints the following member to serve on the RECLAIM Advisory Committee:

Senator John Eklund

On the motion of Senator Widener, the Senate adjourned until Thursday, February 13, 2014 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.