

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 27, 2013

SEVENTEENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 27, 2013, 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 Hite recognized Owen Brigner for shadowing him at the Senate.

Senator Widener recognized Curtis Cline and Aaron Mahl, 3rd year Ph.D. students and Cedarville University alumni.

Senator Cafaro requested a moment of silence on the one-year anniversary of the Chardon High School shooting.

Senator Beagle presented a resolution to Sam Wharton for placing first at the 2012 Nike Nationals cross country competition in Portland.

Senator Hite presented a resolution to Aaron Gilbert as Ohio's Best Bagger for 2012.

Senator Hite presented a resolution to Dan Riegle and Wilson Football as the maker of the official footballs for Super Bowl XLVII.

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

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

H. C. R. No. 4-Representatives Romanchuk, Ruhl, et al.

To urge the Congress of the United States to maintain operation of the 179th Airlift Wing at Mansfield-Lahm Regional Airport in Mansfield, Ohio.

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

S. B. No. 48-Senator Balderson.

To amend section 4303.29 of the Revised Code to allow a specified C or D liquor permit that has been transferred to an economic development project to be subsequently transferred to a location that does not qualify as an economic development project.

To the Committee on Agriculture.

S. B. No. 49-Senator Patton, et al.

To enact sections 3959.18, 3964.01 to 3964.09, and 5111.0216 of the Revised Code to establish standards for physician designations by health care insurers.

To the Committee on Insurance and Financial Institutions.

S. B. No. 50-Senator Manning, et al.

To amend section 955.08 of the Revised Code to authorize county auditors to issue dog registration tags that are valid for more than one year and include a QR code on dog registration tags.

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

S. B. No. 51-Senator Coley, et al.

To amend sections 4781.40, 5301.072, and 5311.191 and to enact section 5321.131 of the Revised Code to prohibit manufactured homes park operators, condominium associations, neighborhood associations, and landlords from restricting the display of blue star banners, gold star banners, and other service flags, and to prohibit manufactured homes park operators and landlords from restricting the display of the United States flag.

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

S. B. No. 52-Senator Coley.

To amend sections 307.699, 3735.67, 5715.19, 5715.27, and 5717.01 of the

Revised Code to permit property tax complaints to be initiated only by the property owner.

To the Committee on Ways and Means.

S. B. No. 53-Senator Kearney, et al.

To amend section 4503.102 of the Revised Code to require the Registrar of Motor Vehicles and all deputy registrars to accept credit and debit cards for transactions of more than ten dollars.

To the Committee on Transportation.

S. B. No. 54-Senators Kearney, Eklund, et al.

To enact section 4731.45 of the Revised Code to require a physician interpreting a mammogram who determines that the patient has dense breast tissue to specify this in the mammography report sent to the patient.

To the Committee on Medicaid, Health and Human Services.

S. B. No. 55-Senator Kearney, et al.

To enact section 9.54 of the Revised Code to establish language standards for signs containing the international symbol of access.

To the Committee on State Government Oversight and Reform.

S. B. No. 56-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.

YES - 8: KRIS JORDAN, SCOTT OELSLAGER, KEITH L. FABER, TOM PATTON, KEVIN BACON, CHRIS

WIDENER, 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 and resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Beagle submitted the following report:

The standing committee on Workforce and Economic Development, to which was referred **S. C. R. No. 2**-Senator Beagle, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Tavares.

YES - 10: BILL BEAGLE, GAYLE MANNING, TROY
BALDERSON, TIMOTHY O. SCHAFFER, CHARLETA
B. TAVARES, JOSEPH SCHIAVONI, MICHAEL J.
SKINDELL, PEGGY B. LEHNER, RANDY GARDNER,
CHRIS WIDENER.

NO - 0.

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

The report of the committee was accepted.

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **S. B. No. 10**-Senators Coley, Smith, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 59, reinsert "At any" and delete "If a"; reinsert "that is" and delete "has been"

In line 60, delete "under division (B)(2) of this"

In line 61, delete "section"

In line 62, reinsert "elector's"

In line 63, delete " due to the inaccessibility of"

In line 64, delete " the polling place"

In line 392, after " who" delete the balance of the line

In line 393, delete " extent" and insert " requires the use of a disabled-accessible voting machine as"; delete " Americans with Disabilities" and insert " Help America Vote"

In line 394, delete " 1990" and insert " 2002"; delete " 104" and insert " 116"; delete " 327" and insert " 1704"; delete " 12101" and insert " 15481"

YES - 8: DAVE BURKE, BILL COLEY, JOE UECKER,
SHIRLEY A. SMITH, FRANK LAROSE, LARRY
OBHOF, MICHAEL J. SKINDELL, KEVIN BACON.

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:

Pursuant to Senate Rule No. 37, the standing committee on Rules recommends that **S. B. No. 36** – Jordan, having been referred to the standing committee on Public Safety, Local Government and Veterans' Affairs, be re-referred to the standing committee on Criminal Justice.

YES - 9: KEITH L. FABER, CHRIS WIDENER, EDNA BROWN,
DAVE BURKE, BILL COLEY, JIM HUGHES, LARRY
OBHOF, SCOTT OELSLAGER, TOM PATTON.

NO - 0.

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

Senator LaRose submitted the following report:

The standing committee on Public Safety, Local Government, and Veterans Affairs, to which was referred **S. C. R. No. 5**-Senators Obhof, Jordan, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 9: JOE UECKER, TIMOTHY O. SCHAFFER, TOM PATTON, JIM HUGHES, FRANK LAROSE, KEVIN BACON, MICHAEL J. SKINDELL, EDNA BROWN, CHARLETA B. TAVARES.

NO - 0.

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

The report of the committee was accepted.

Senator LaRose submitted the following report:

The standing committee on Public Safety, Local Government, and Veterans Affairs, to which was referred **S. C. R. No. 6**-Senator Bacon, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 9: CHARLETA B. TAVARES, EDNA BROWN, MICHAEL J. SKINDELL, KEVIN BACON, JIM HUGHES, FRANK LAROSE, TOM PATTON, JOE UECKER, TIMOTHY O. SCHAFFER.

NO - 0.

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

The report of the committee was accepted.

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **S. B. No. 21**-Senator Lehner, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Sawyer, Gardner.

YES - 9: THOMAS SAWYER, BILL BEAGLE, PEGGY B. LEHNER, CLIFF HITE, RANDY GARDNER, GAYLE MANNING, BILL COLEY, TROY BALDERSON, NINA TURNER.

NO - 1: JOSEPH SCHIAVONI.

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

The report of the committee was accepted.

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 2-Senator Beagle.

Cosponsors: Senators Bacon, LaRose, Lehner, Schaffer, Schiavoni, Tavares.

Declaring March 2013 as Reshoring Month in Ohio.

WHEREAS, The members of the 130th General Assembly of Ohio are pleased to designate the month of March 2013 as Reshoring Month in Ohio; and

WHEREAS, The massive trade deficit of the United States is a major cause of the decline of manufacturing over the past several decades, the high unemployment rate, and the debilitating budget deficit; and

WHEREAS, Offshoring work and well-paying jobs overseas ultimately contribute to waste and instability; and

WHEREAS, Many companies are shifting their operations back to the United States because offshoring has hindered their ability to rapidly deliver goods, maintain low inventories, uphold competitive costs, and meet demand for rapid adjustments to unique products; and

WHEREAS, Reshoring is an efficient way to reduce imports, increase exports, regain desirable manufacturing jobs in the United States, and quickly and efficiently strengthen the economy; and

WHEREAS, Reshoring helps companies and manufacturers recover from offshoring's poor quality, trade secret thefts, supply chain disruptions, and lengthy delivery times, all while staying cost-competitive; and

WHEREAS, Reshoring helps federal, state, and local governments by balancing budgets, motivating recruits to enter the skilled manufacturing workforce, and strengthening the industrial base for defense purposes; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of Ohio, in adopting this resolution, declare March 2013 as Reshoring Month 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 concurrent resolution, **S. C. R. No. 2**, be adopted?"

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	LaRose	Lehner
Manning	Obhof	Oelslager	Patton

Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the concurrent resolution was adopted.

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

Senator Beagle moved to amend the title as follows:

Add the names: "Balderson, Brown, Burke, Cafaro, Coley, Eklund, Gentile, Hite, Hughes, Jones, Manning, Obhof, Oelslager, Patton, Peterson, Smith, Turner, Uecker, Widener."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Am. S. B. No. 10-Senators Coley, Smith.

Cosponsors: Senators Obhof, Faber, Widener, Patton, Hite, Lehner, Oelslager, Eklund, LaRose, Burke, Jones, Bacon, Beagle, Manning, Gardner.

To amend sections 3501.29, 3501.35, 3505.181, 3505.23, 3505.24, and 3509.01 of the Revised Code to revise the law regarding polling places and voting machines, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 10**, 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	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
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 Coley moved to amend the title as follows:

Add the names: "Brown, Cafaro, Hughes, Peterson, Sawyer, Schaffer, Schiavoni, Tavares, Turner, Uecker."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 21-Senator Lehner.

Cosponsors: Senators Sawyer, Gardner.

To amend section 3313.608 of the Revised Code to revise the requirements for reading teachers under the Third-Grade Reading Guarantee and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

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	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the section, Section 4, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Seitz	Skindell
Smith	Tavares	Turner	Uecker
Widener			Faber-30.

Senator Schiavoni voted in the negative-1.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Lehner moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Coley, Eklund, Faber, Hite, Jones, Manning, Obhof, Peterson, Seitz, Turner, 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 24, 2013, 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. 57-Senator Manning.

Cosponsors: Senators Jones, Lehner, Hughes, Burke.

To establish a pilot project in Lorain County from August 1, 2013, to July 31, 2014, pursuant to which qualified emergency responders in that County may obtain and administer naloxone to revive a person suffering from an apparent opioid-related overdose.

S. B. No. 58-Senator Seitz.

To review and possibly modify the energy efficiency, peak demand reduction, and alternative energy resource provisions established by Ohio law governing competitive retail electric service.

OFFERING OF RESOLUTIONS

S. R. No. 35-Senator Faber.

Permitting the use of the Ohio Senate Chambers by the Ohio River Valley Junior State of America on April 27, 2013, from 9:00 a.m. - 6 p.m. and April 28, 2013, from 8:30 a.m. - 2:30 p.m.

WHEREAS, The members of the Senate of the 130th General Assembly of Ohio are pleased to learn that the Ohio River Valley Junior State of America has requested permission to use the Ohio Senate Chambers and four committee rooms during its annual Spring State Convention, April 27-28, 2013; and

WHEREAS, A beneficial educational organization, the Ohio River Valley Junior State of America provides students with the opportunity to better

appreciate and understand government and its components. The knowledge gained through this event will certainly be of value to participants in the years to come; and

WHEREAS, Utilizing the facilities that accommodate those involved in the state legislative process, the Ohio River Valley Junior State of America will effectively offer students an accurate depiction of state government and the manner in which legislation is processed; and

WHEREAS, Through participation in the Ohio River Valley Junior State of America's annual Spring State Convention, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 130th General Assembly of Ohio, in adopting this Resolution, grant the Ohio River Valley Junior State of America permission to use the Ohio Senate Chambers and four committee rooms for its 2013 Spring State Convention, contingent upon the availability of those facilities, and salute the participants as some of Ohio's finest young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the Ohio River Valley Junior State of America.

The question being, "Shall the resolution, **S. R. No. 35**, be adopted?"

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	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

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: "Coley, Jones, Lehner, Manning, Obhof, Sawyer, Tavares, Uecker, Widener."

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

The motion was agreed to and the title so amended.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 67 -Representatives Schuring, Ramos

Cosponsors: Representatives Amstutz, Adams, R., Anielski, Antonio, Ashford, Barborak, Beck, Becker, Blair, Blessing, Brenner, Brown, Budish, Burkley, Carney, Celebrezze, Derickson, Duffey, Foley, Gerberry, Green, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Hill, Johnson, Landis, Letson, Maag, Mallory, McClain, McGregor, Milkovich, O'Brien, Patterson, Pelanda, Phillips, Pillich, Ramos, Retherford, Rogers, Rosenberger, Ruhl, Sears, Smith, Sprague, Stebelton, Stinziano, Terhar, Thompson, Wachtmann, Young, Speaker Batchelder

To amend section 145.037 of the Revised Code to delay determinations by the Public Employees Retirement System of eligibility for retirement system membership and to declare an emergency.

Attest:

Bradley J. Young,
Clerk.

Said bill was considered the first time.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5540.02(C)(2) of the Ohio Revised Code, the President of the Senate appoints the following member to serve as a non-voting member on the Clermont County Transportation Improvement District:

Senator Joe Uecker

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3734.51 of the Ohio Revised Code, the President of the Senate appoints the following senator to serve on the Ohio Solid Waste Management Advisory Council:

Senator Troy Balderson

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5540.02(C)(2) of the Ohio Revised Code, the President

of the Senate appoints the following member to serve as a non-voting member on the Warren County Transportation Improvement District:

Senator Shannon Jones

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3379.02 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Ohio Arts Council:

Senator Manning

Senator Kearney

MESSAGE FROM THE PRESIDENT

Pursuant to Section 121.92(B)(2) of the Ohio Revised Code, the President of the Senate appoints the following member to serve on the Cyber Security Council for a term of two years:

Kathy J. Liszka

Professor, University of Akron

Akron, OH 44325-4003

On the motion of Senator Widener, the Senate adjourned until Thursday, February 28, 2013 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.