

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, MARCH 5, 2013

NINETEENTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, March 5, 2013, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Bob Abrams, Resurrection Evangelical Lutheran Church, Hilliard, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

Senator 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:

**H. B. No. 27**-Representatives Derickson, Letson, et al.

To enact section 5.2280 of the Revised Code to designate the last day of February as "Rare Disease Day."

To the Committee on Medicaid, Health and Human Services.

**H. B. No. 67**-Representatives Schuring, Ramos, et al.

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.

To the Committee on State Government Oversight and Reform.

**S. B. No. 57**-Senator Manning, et al.

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.

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

**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.

To the Committee on Public Utilities.

YES - 7: KRIS JORDAN, KEITH L. FABER, TOM PATTON, SCOTT OELSLAGER, CHRIS WIDENER, JOSEPH SCHIAVONI, ERIC H. KEARNEY.

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.

**RESOLUTIONS REPORTED BY COMMITTEE****S. C. R. No. 5**-Senators Obhof, Jordan.

Cosponsors: Senators Bacon, Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Gardner, Hite, Hughes, Jones, LaRose, Manning, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Tavares, Uecker, Widener, Cafaro.

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

WHEREAS, The United States Air Force 179th Airlift Wing is a military airlift organization assigned to the Ohio Air National Guard and stationed at Mansfield-Lahm Regional Airport; and

WHEREAS, Due to its superior record, the 179th Airlift Wing received a mission to operate the C-27J Spartan aircraft, a twin turboprop aircraft with short takeoff and landing capabilities, ideal for the nation's current military needs and for providing rapid response support for homeland emergencies; and

WHEREAS, The United States Air Force has published proposed personnel actions associated with plans to retire more than 300 aircraft nationwide, including the C-27J; and

WHEREAS, The United States Air Force has plans to move personnel positions among states to mitigate the impact of the reductions; and

WHEREAS, The United States Air National Guard, including the 179th Airlift Wing, is responsible for homeland defense, and the C-27J is an important tool in accomplishing this mission; and

WHEREAS, The 179th Airlift Wing has made United States Air National Guard history by deploying the C-27J in Afghanistan in Operation Enduring Freedom; and

WHEREAS, Closing the Air National Guard Station at Mansfield-Lahm, relocating its personnel, and diverting or retiring its C-27J aircraft would create discontinuity and weaken national defense and homeland disaster readiness; now therefore be it

RESOLVED, That the Congress of the United States is urged to maintain operation of the 179th Airlift Wing at Mansfield-Lahm Regional Airport to ensure Ohio and our nation will continue to benefit from the unique experience and capabilities of its personnel and the region; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the President Pro Tempore and Secretary of the United States Senate, to the Speaker and the Clerk of the United States House of Representatives, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 5**, be adopted?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the concurrent resolution was adopted.

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

Senator Obhof moved to amend the title as follows:

Add the names: "Oelslager, Peterson, Turner."

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

The motion was agreed to and the title so amended.

**S. C. R. No. 6**-Senator Bacon.

Cosponsors: Senators Balderson, Beagle, Brown, Burke, Eklund, Hite, Hughes, Jones, LaRose, Manning, Obhof, Peterson, Sawyer, Schaffer, Tavares, Uecker, Widener, Patton, Jordan, Seitz.

To urge the Secretary and the Chief of Staff of the United States Air Force to give full consideration to Rickenbacker Air Guard Station in Columbus, Ohio as the location for the KC-46A Main Operating Base.

WHEREAS, The United States Air Force currently is examining candidate bases for the initial fielding of twelve KC-46A aircraft; and

WHEREAS, The proven performance of the Ohio Air National Guard's 121st Air Refueling Wing, based at Rickenbacker Air Guard Station in Columbus, Ohio, in combination with the location, infrastructure, and community associated with the site, would be of unique benefit to the Air Force; and

WHEREAS, The men and women of the 121st Air Refueling Wing continue a lineage of proud service to our national defense that spans over seventy years; and

WHEREAS, These Guardsmen stand ready to fulfill any mission assigned to them, and have a proven track record of exemplary performance in the air refueling mission; and

WHEREAS, The 121st Air Refueling Wing has provided superior support to operations in Iraq, Afghanistan, and elsewhere around the world, and following the United Nations resolution concerning the Libya no-fly zone, was among the first units to respond within hours to rapidly developing tanker requirements; and

WHEREAS, The KC-135 crews at Rickenbacker Air Guard Station consistently demonstrate their superior performance as the only Air National Guard unit to compete in the biannual Air Mobility Command Rodeo, winning multiple awards over the past five years for Best KC-135 Aircrew, Air Refueling, and Cargo Loading across the Air Force; and

WHEREAS, Geographically, Rickenbacker Air Guard Station is well located to provide responsive support to the significant demand for aerial refueling in the eastern United States, particularly the heavy concentration of fighter and cargo aircraft in the southeastern states; and

WHEREAS, With Rickenbacker Air Guard Station's infrastructure currently supporting eighteen KC-135R aircraft, the base is well positioned to accept twelve KC-46A aircraft; and

WHEREAS, The local community is a strong supporter of the base and its resident Airmen, and low local area costs and the availability of community amenities make Rickenbacker Air Guard Station well suited to host an active

association unit; and

WHEREAS, The proven performance and wealth of experience of the 121st Air Refueling Wing, Rickenbacker Air Guard Station's outstanding facilities, and the strong local and statewide support the unit enjoys make Rickenbacker Air Guard Station an ideal location for a KC-46A Main Operating Base; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, urge the Honorable Michael B. Donley, the Secretary of the United States Air Force, and General Mark A. Welsh, the Chief of Staff of the United States Air Force, to give Rickenbacker Air Guard Station every consideration in selecting a location for the KC-46A Main Operating Base; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Secretary of the United States Air Force, to the Chief of Staff of the United States Air Force, and to the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 6**, be adopted?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the concurrent resolution was adopted.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Coley, Faber, Kearney, Oelslager, Schiavoni, Turner."

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. 28**-Senator Obhof.

Cosponsors: Senators Hite, Schaffer, Tavares.

To amend section 5701.11 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since December 20, 2012, into Ohio law, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the section, Section 3, 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 33, 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
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

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

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

Senator Obhof moved to amend the title as follows:

Add the names: "Beagle, Coley, Faber, Hughes, Oelslager, Peterson, Sawyer, Seitz, Uecker."

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

The motion was agreed to and the title so amended.

### **INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bills were introduced and considered the first time:

**S. B. No. 59**-Senator Beagle.

Cosponsors: Senators Balderson, Gardner, Lehner, Patton, Seitz.

To enact sections 167.20 to 167.36 of the Revised Code to authorize an eligible regional council of governments to establish itself as an education energy council for the purpose of issuing debt to pay for school district energy purchases.

**S. B. No. 60**-Senator Uecker.

Cosponsors: Senators Jordan, Beagle.

To amend section 2923.129 of the Revised Code to eliminate the journalist access exception from the general prohibition on the release of confidential records relative to the issuance, renewal, suspension, or revocation of a concealed handgun license.

**S. B. No. 61**-Senator Beagle.

Cosponsors: Senators Lehner, Seitz, Smith.

To enact section 149.451 of the Revised Code to prohibit a law enforcement agency from making available to the general public on the internet a motor vehicle accident report that contains a minor's personal information without redacting or encrypting the personal information.

**S. B. No. 62**-Senators Kearney, Tavares.

Cosponsors: Senators Turner, Brown, Lehner.

To amend sections 4507.05 and 4507.06 of the Revised Code to allow a person who has been approved for the Deferred Action for Childhood Arrivals program by United States Citizenship and Immigration Services to obtain a temporary instruction permit, driver's license, or motorcycle operator's license or endorsement and to amend the versions of sections 4507.05 and 4507.06 of the Revised Code that are scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date.



**OFFERING OF RESOLUTIONS**

Senator Hite offered the following concurrent resolution:

**S. C. R. No. 7**-Senator Hite.

Cosponsors: Senators Balderson, Beagle, Gardner, Jones, LaRose, Lehner, Schaffer, Seitz, Patton.

To urge the United States Department of State to approve the presidential permit application allowing the construction and operation of the TransCanada Keystone XL Pipeline between the United States and Canada.

The question being, "Shall the concurrent resolution, **S. C. R. No. 7**, be adopted?"

On the motion of Senator Widener, **S. C. R. No. 7**, was referred to the Committee on Reference.

Senator Hite offered the following concurrent resolution:

**S. C. R. No. 8**-Senator Hite.

Cosponsors: Senators Balderson, Beagle, Jones, Lehner, Seitz, Smith.

To designate the month of April as Forgotten Victims of Crime recognition month in Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 8**, be adopted?"

On the motion of Senator Widener, **S. C. R. No. 8**, was referred to the Committee on Reference.

Senator Patton offered the following concurrent resolution:

**S. C. R. No. 9**-Senator Patton.

Cosponsors: Senators Gardner, Cafaro, Brown, Lehner, Manning, Seitz, Jones, Hughes, Smith, Sawyer, Balderson, Skindell, Uecker.

To urge the President of the United States and the Congress of the United States to take all actions necessary to prevent Asian carp from entering the Great Lakes, including Lake Erie.

The question being, "Shall the concurrent resolution, **S. C. R. No. 9**, be adopted?"

On the motion of Senator Widener, **S. C. R. No. 9**, was referred to the Committee on Reference.

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

**S. R. No. 37**-Senators Faber, Hite.

Honoring the Union Bank Company of Delphos on its One Hundred Twentieth Anniversary.

**S. R. No. 38**-Senators Faber, Hite.

Honoring the National Lime and Stone Company on its One Hundred Tenth Anniversary.

**S. R. No. 39**-Senators Faber, Hite.

Honoring Delphos Knights of Columbus on its One Hundred Fifth Anniversary.

**S. R. No. 40**-Senators Faber, Hite.

Honoring the Delphos City School District on its One Hundred Forty-fifth Anniversary.

**S. R. No. 41**-Senators Faber, Hite.

Honoring the Fort Jennings Telephone Company on its One Hundred Fifth Anniversary.

**S. R. No. 42**-Senator Coley.

Honoring the Ross High School/Butler Tech engineering design team on winning a gold medal at the National SkillsUSA competition.

**S. R. No. 43**-Senators Faber, Hite.

Honoring Delphos Eagles Aerie 471 on its One Hundred Tenth Anniversary.

**S. R. No. 44**-Senators Faber, Hite.

Honoring the German Mutual Insurance Company on its One Hundred Forty-sixth Anniversary.

**S. R. No. 45**-Senators Bacon, Tavares.

Recognizing April 2013 as Child Abuse and Neglect Prevention Month in Ohio.

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 passed the following bills in which the concurrence of the Senate is requested:

#### **H. B. No. 33** -Representative Hackett

Cosponsors: Representatives Amstutz, Burkley, Grossman, Hall, Hayes, Henne, Hottinger, Huffman, Maag, McGregor, Sears, Terhar, Wachtmann, Speaker Batchelder

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2013, and ending June 30, 2015, and to provide authorization and conditions for the operation of Commission programs.

#### **Sub. H. B. No. 34** -Representative Hackett

Cosponsors: Representatives Amstutz, Anielski, Buchy, Grossman, Henne, Huffman, McGregor, Sears, Sprague, Wachtmann, Young, Speaker Batchelder

To amend Section 201 of Sub. H.B. 123 of the 129th General Assembly, as subsequently amended, and to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2013, and ending June 30, 2015, and to provide authorization and conditions for the operation of the Bureau's programs.

#### **Sub. H. B. No. 35** -Representative McGregor

Cosponsors: Representatives Amstutz, Baker, Beck, Buchy, Damschroder, Grossman, Hackett, Hill, Huffman, McClain, Sears, Sprague, Stebelton, Wachtmann, Young, Speaker Batchelder

To amend sections 9.33, 126.06, 127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 505.37, 505.375, 505.44, 505.72, 718.01, 3705.242, 3791.12, 3791.13, 3791.99, 4501.03, 4501.04, 4501.041, 4501.042, 4501.043, 4501.06, 4503.04, 4503.042, 4503.07, 4503.42, 4503.45, 4503.49, 4504.19, 4504.21, 4506.08, 4506.09, 4507.011, 4507.05, 4507.23, 4511.13, 4513.263, 4513.34, 4513.53, 4513.66, 4517.021, 4561.21, 4743.05, 4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 4765.31, 4765.32, 4765.33, 4765.37, 4765.38,

4765.39, 4765.40, 4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 4766.12, 4766.13, 4766.15, 4766.22, 5501.03, 5501.51, 5501.73, 5501.77, 5502.01, 5503.01, 5503.03, 5503.04, 5515.01, 5517.02, 5525.01, 5525.16, 5577.04, 5577.05, 5739.02, 5747.01, 5751.01, 5751.02, 5751.051, and 5751.20; to enact sections 4501.031, 4765.59, 5517.021, and 5553.051; and to repeal sections 126.60, 126.601, 126.602, 126.603, 126.604, 126.605, 3791.11, 4766.02, 4766.20, 4981.36, and 4981.361 of the Revised Code; to amend Section 10 of Am. Sub. H.B. 386 of the 129th General Assembly; and to amend Sections 203.80 and 203.83 of Sub. H.B. 482 of the 129th General Assembly; to amend the versions of sections 4503.04 and 4507.05 of the Revised Code that are scheduled to take effect January 1, 2017, to continue the amendments by this act on and after that effective date; to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2013, and ending June 30, 2015, and to provide authorization and conditions for the operation of those programs.

**Am. H. B. No. 51** -Representatives McGregor, Patmon

Cosponsors: Representatives Wachtmann, Amstutz, Beck, Grossman, Hackett, Huffman, Perales, Sears, Sprague, Stebelton, Terhar, Speaker Batchelder

To amend sections 9.33, 153.65, 718.01, 2937.221, 3354.13, 3355.10, 3357.12, 5503.31, 5503.32, 5513.01, 5533.31, 5537.01, 5537.02, 5537.03, 5537.04, 5537.05, 5537.051, 5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 5537.12, 5537.13, 5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 5537.21, 5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 5537.30, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, and 5751.01; to enact section 5537.18; and to repeal sections 126.60, 126.601, 126.602, 126.603, 126.604, and 126.605 of the Revised Code to authorize the Ohio Turnpike Commission to issue revenue bonds for infrastructure projects, to rename the Ohio Turnpike Commission as the Ohio Turnpike and Infrastructure Commission, to repeal authority allowing the Director of Budget and Management and the Director of Transportation to execute a contract with a private entity for the purpose of outsourcing turnpike-related highway services, to make other changes in the law governing the Ohio Turnpike Commission, and to make an appropriation.

Attest:

Bradley J. Young,  
Clerk.

Said bills were considered the first time.

On the motion of Senator Widener, the Senate adjourned until Wednesday, March 6, 2013 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.