

OHIO

SENATE

JOURNAL

WEDNESDAY, MARCH 6, 2013

TWENTIETH DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 6, 2013, 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 LaRose recognized Elyse Hirsch, Colleen Unroe, and Jack O'Toole, visitors from Stow, Ohio.

**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:

H. B. No. 33-Representative Hackett, et al.

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.

To the Committee on Commerce and Labor.

Sub. H. B. No. 34-Representative Hackett, et al.

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.

To the Committee on Commerce and Labor.

Sub. H. B. No. 35-Representative McGregor, et al.

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.

To the Committee on Transportation.

Am. H. B. No. 51-Representatives McGregor, Patmon, et al.

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.

To the Committee on Transportation.

S. C. R. No. 7-Senator Hite, et al.

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.

To the Committee on Public Utilities.

S. C. R. No. 8-Senator Hite, et al.

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

To the Committee on Criminal Justice.

S. C. R. No. 9-Senator Patton, et al.

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.

To the Committee on Energy and Natural Resources.

S. B. No. 59-Senator Beagle, et al.

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.

To the Committee on Public Utilities.

S. B. No. 60-Senator Uecker, et al.

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.

To the Committee on Criminal Justice.

S. B. No. 61-Senator Beagle, et al.

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.

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

S. B. No. 62-Senators Kearney, Tavares, et al.

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.

To the Committee on State Government Oversight and Reform.

YES - 8: KEITH L. FABER, KRIS JORDAN, TOM PATTON,
KEVIN BACON, SCOTT OELSLAGER, JOSEPH
SCHIAVONI, LOU GENTILE, 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 and resolutions were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **H. B. No. 67**-Representatives Schuring, Ramos, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Brown.

YES - 10: DAVE BURKE, BILL SEITZ, LARRY OBHOF, FRANK LAROSE, CHRIS WIDENER, KEVIN BACON, SHIRLEY A. SMITH, EDNA BROWN, MICHAEL J. SKINDELL, BILL COLEY.

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. 47**-Senator Seitz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Coley.

YES - 7: BILL SEITZ, LARRY OBHOF, BILL COLEY, DAVE BURKE, JOE UECKER, KEVIN BACON, FRANK LAROSE.

NO - 3: SHIRLEY A. SMITH, EDNA BROWN, MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

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. Senator Brown.

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, 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 Burke moved to amend the title as follows:

Add the names: "Balderson, Beagle, Eklund, Hite, Hughes, Jones, LaRose,

Lehner, Obhof, Oelslager, Patton, 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. 47-Senator Seitz.

Cosponsors: Senators Eklund, Coley.

To amend sections 3.02, 302.09, 305.02, 503.24, 733.31, 1901.10, 2301.02, 3501.301, 3501.38, 3503.06, 3503.14, 3503.16, 3503.19, 3503.28, 3505.13, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.04, 3509.05, 3511.02, 3511.05, 3511.09, 3513.04, 3513.262, 3513.263, 3513.30, 3513.31, 3519.05, and 3519.16 and to enact section 3501.302 of the Revised Code to revise the Election Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 47**, pass?"

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Gardner	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Schaffer	Seitz
Uecker	Widener		Faber-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Kearney
Sawyer	Schiavoni	Skindell	Smith
Tavares			Turner-10.

So the bill passed.

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

Senator Seitz moved to amend the title as follows:

Add the name: "Burke."

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 bill was introduced and considered the first time:

S. B. No. 63-Senator Hughes.

Cosponsors: Senators Patton, Schaffer.

To amend section 2913.02 and to enact section 2913.08 of the Revised

Code to establish penalties for theft of a computer or telecommunications device, to prohibit the use of a computer or telecommunications device to intercept information relating to the transfer of funds, and to prohibit the use of intercepted information to obtain or exert control over the property of another.

OFFERING OF RESOLUTIONS

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

S. R. No. 46-Senators Tavares, Turner.

Recognizing March 2013 as Women's History Month in Ohio.

S. R. No. 47-Senators LaRose, Sawyer.

Honoring Brianna Machuga on receiving the George and Helen Hartzog Award for Outstanding Volunteer Service - Youth Award.

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

So the resolutions were adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, William E. Ball, from Cuyahoga Falls, Summit County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning December 5, 2012 and ending at the close of business June 22, 2014.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of December in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Paul Ronald Beegan, Republican, from Lakewood, Cuyahoga County, Ohio, as a Member of the Board of Building Appeals for a term beginning December 4, 2012 and ending at the close of business October 13, 2015, replacing Leon Humphries, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of December in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Jennifer E. Blickle, from Akron, Summit County, Ohio, as a Member of the University of Akron Board of Trustees for a term beginning December 4, 2012 and ending at the close of business July 1, 2017, replacing Jane E. Bond, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 4th day of December in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Richard A. Cappell, from Marysville, Union County, Ohio, as a Member of the Reclamation Commission for a new term beginning December 5, 2012 and ending at the close of business June 28, 2017.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused

the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of December in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Joseph J. Denen, from Washington Court House, Fayette County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning December 5, 2012 and ending at the close of business June 22, 2014.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of December in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Carole Grimes, from Dayton, Montgomery County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning December 7, 2012 and ending at the close of business June 30, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 7th day of December in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Vidya Iyengar, from Marion, Marion County, Ohio, as a Member of the Credit Union Council for a new term beginning November 20, 2012 and ending at the close of business September 22, 2014.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 20th day of November in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Gregory A. Kidwell, from Sugar Grove, Fairfield County, Ohio, as a Member of the Credit Union Council for a new term beginning November 20, 2012 and ending at the close of business September 22, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 20th day of November in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Michael R. King, from Nashport, Muskingum County, Ohio, as a Member of the Credit Union Council for a term beginning November 21, 2012 and ending at the close of business September 22, 2015.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 21st day of November in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Douglas E. Lumpkin, from Columbus, Franklin County, Ohio, as a Member of the Central State University Board of Trustees for a term beginning December 5, 2012 and ending at the close of business June 30, 2021, replacing Elizabeth McKinley Watkins, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 5th day of December in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Ronald A. McMaster, Ph.D, from Perrysburg, Wood County, Ohio, as a Member of the Owens State Community College Board of Trustees for a new term beginning November 20, 2012 and ending at the close of business September 21, 2018.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 20th day of November in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, John N. Pavlis, from North Canton, Stark County, Ohio, as a Member of the Board of Building Standards for a term beginning November 16, 2012 and ending at the close of business October 13, 2013, replacing Charles J. Ruma, who

resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 16th day of November in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Jon Stainbrook, Republican, from Toledo, Lucas County, Ohio, as a Member of the Ohio Athletic Commission for a term beginning November 20, 2012 and ending at the close of business September 2, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 20th day of November in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Roberto Vazquez, Independent, from Upper Arlington, Franklin County, Ohio, as a Member of the Motor Vehicle Dealers Board for a new term beginning December 7, 2012 and ending at the close of business October 4, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 7th day of December in the year of our Lord, two thousand and twelve.

[Seal]

John R. Kasich,
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Widener, the Senate adjourned until Thursday, March 7, 2013 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.