

OHIO

SENATE

JOURNAL

MONDAY, MARCH 31, 2014

ONE HUNDRED SIXTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Monday, March 31, 2014, 1:15 p.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Oelslager was selected to preside according to the rule.

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 and resolution, standing in order for second consideration, be referred to committee as recommended:

Am. H. B. No. 45-Representative Johnson, et al.

To enact section 4503.549 of the Revised Code to create "Military Sacrifice" license plates.

To the Committee on Transportation.

Sub. H. B. No. 162-Representatives Dovilla, Anielski, et al.

To amend sections 145.27, 145.572, 145.573, 145.581, 742.41, 742.463, 742.464, 742.53, 2329.66, 2901.43, 2929.192, 2929.193, 3305.08, 3305.11, 3305.12, 3305.20, 3307.20, 3307.372, 3307.373, 3309.22, 3309.672, 3309.673, 3309.691, 5505.04, 5505.262, 5505.263, and 5505.33, and to enact sections 2901.432, 2901.433, 2901.434, and 2927.28 of the Revised Code to add extortion and perjury and certain federal offenses to the offenses committed by a public retirement system member in the context of the member's public employment in a position of honor, trust, or profit that may result in forfeiture of retirement system benefits or the termination of retirement system disability benefits and to make the establishment of a long term care insurance program by a public retirement system discretionary.

To the Committee on State Government Oversight and Reform.

Am. H. B. No. 336-Representatives O'Brien, Hall, et al.

To amend sections 5735.01, 5735.012, 5739.025, 5747.98, and 5751.98 and to enact sections 122.079, 5735.015, 5735.016, 5747.78, and 5751.55 of the

Revised Code to create the Gaseous Fuel Vehicle Conversion Program, to allow a credit against the income or commercial activity tax for the purchase or conversion of an alternative fuel vehicle, to reduce the amount of sales tax due on the purchase or lease of a qualifying electric vehicle by up to \$500, to apply the motor fuel tax to the distribution or sale of compressed natural gas, to authorize a temporary, partial motor fuel tax exemption for sales of compressed natural gas used as motor fuel, and to make an appropriation.

To the Committee on Finance.

Sub. H. B. No. 352-Representatives Hayes, Thompson, et al.

To amend sections 2151.011, 2151.421, and 5103.02 and to enact sections 5103.50, 5103.51, 5103.52, 5103.53, 5103.54, and 5103.55 of the Revised Code to license private, nonprofit therapeutic wilderness camps.

To the Committee on Medicaid, Health and Human Services.

H. B. No. 373-Representative Terhar, et al.

To enact section 5533.471 of the Revised Code to designate a portion of State Route 264 within the city of Cincinnati as the "Elder High School Vietnam Veterans Memorial Highway"; to authorize the Director of Transportation to erect suitable markers along the highway indicating its name; and to authorize Elder High School, subject to approval by the Director, to erect auxiliary markers on a periodic basis indicating the name of one of the eleven Elder High School graduates who died during the Vietnam conflict.

To the Committee on Transportation.

Am. H. B. No. 402-Representatives Duffey, Landis, et al.

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.

To the Committee on Finance.

Am. H. B. No. 497-Representative Amstutz, et al.

To amend sections 9.981, 105.41, 111.26, 123.01, 125.29, 126.03, 126.11, 154.06, 154.24, 307.021, 307.022, 5120.102, 5120.104, 5120.29, 5120.47, 5139.23, and 5139.36 of the Revised Code and to make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2016.

To the Committee on Finance.

S. R. No. 296-Senator Kearney.

To encourage local community emergency response teams to incorporate training for agricultural emergencies and disasters in their training programs.

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

S. B. No. 302-Senator Schiavoni, et al.

To amend sections 4511.093, 4511.81, and 4513.263 of the Revised Code to allow the enforcement of child car seat, booster seat, and seat belt requirements as a primary offense and to repeal a provision of law that declares that the failure of an operator of a motor vehicle to secure a child in a car seat, in a booster seat, or with a seatbelt is inadmissible in certain civil and criminal proceedings.

To the Committee on Transportation.

S. B. No. 303-Senator Brown, et al.

To amend sections 5739.02 and 5739.05 of the Revised Code to provide a three-day sales tax "holiday" each April during which sales of qualifying Energy Star products are exempt from sales and use taxes.

To the Committee on Ways and Means.

S. B. No. 304-Senator Skindell, et al.

To amend section 3715.99 and to enact section 3715.522 of the Revised Code to prohibit the sale of microbeads.

To the Committee on Energy and Natural Resources.

S. B. No. 305-Senator Kearney.

To amend sections 4715.03, 4715.10, 4715.22, and 4715.30 of the Revised Code to limit the term of office of the Executive Director of the State Dental Board.

To the Committee on State Government Oversight and Reform.

S. B. No. 306-Senator Kearney.

To require the Department of Job and Family Services to conduct a feasibility study of current trends in the placement of children by public children services agencies into relative caregiver homes.

To the Committee on State Government Oversight and Reform.

S. B. No. 307-Senator Kearney.

To amend section 2927.12 of the Revised Code to include in the offense of ethnic intimidation the commission of specified offenses by reason of disability of the victim.

To the Committee on Criminal Justice.

S. B. No. 308-Senator Kearney.

To enact section 125.083 of the Revised Code to generally require that state agencies set aside a certain amount of purchases for which only small business enterprises may compete.

To the Committee on Finance.

S. B. No. 309-Senators Beagle, Tavares, et al.

To amend section 5725.33 of the Revised Code to modify the qualifications for the New Markets Tax Credit and the schedule for receiving the credit.

To the Committee on Ways and Means.

S. B. No. 310-Senator Balderson.

To amend sections 4928.20, 4928.64, 4928.65, and 4928.66 and to enact sections 4928.641 and 4928.661 of the Revised Code to make changes to the renewable energy, energy efficiency, and peak demand reduction requirements and to create a study committee.

To the Committee on Public Utilities.

S. B. No. 311-Senators Tavares, Lehner, et al.

To amend sections 3109.51, 3109.78, 3109.79, 3109.80, 3313.649, and 5103.99, to amend section 5103.17 and to recodify and subdivide it into sections 5103.17 and 5103.172, and to enact sections 3109.81, 3109.82, 3109.83, 3109.831, 3109.832, 3109.833, 3109.834, 3109.835, 3109.836, 3109.837, 3109.84, 3109.85, 3109.86, 3109.87, 3109.88, 3109.89, 3109.90, 3109.901, 3109.91, 3109.92, 3109.93, 3109.94, 3109.941, 3109.95, 3109.96, 3109.97, 3109.971, 3109.99, 5103.171, and 5103.173 of the Revised Code to revise the child custody law to include temporary physical care powers of attorney for children and to permit certain entities to advertise the adoption of children.

To the Committee on Civil Justice.

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

YES - 9 KRIS JORDAN, SCOTT OELSLAGER, TOM PATTON,
BILL COLEY, KEVIN BACON, DAVE BURKE, BOB
PETERSON, MICHAEL J. SKINDELL, CHARLETA B.
TAVARES.

NO - 0

The report of the committee was accepted.

Said bills and resolution were considered a second time and referred to committee as recommended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 312-Senators Jones, LaRose.

Cosponsors: Senators Lehner, Patton, Cafaro.

To require the Facilities Construction Commission to establish a school security grant program for nonpublic schools and certain local law enforcement agencies and to make an appropriation.

S. B. No. 313-Senator Kearney.

Cosponsor: Senator Turner.

To amend sections 2925.11, 2925.12, 2925.14, and 2925.141 and to enact section 2925.142 of the Revised Code to provide a qualified immunity from arrest, prosecution, conviction, penalizing, and supervised release sanctioning for a minor drug possession offense or a drug paraphernalia possession or use offense for a person who seeks assistance for self or another person who is experiencing an emergency drug overdose.

S. B. No. 314-Senator Kearney.

Cosponsors: Senators Turner, Tavares.

To enact section 5120.71 of the Revised Code to require the Director of Rehabilitation and Correction to establish programs in state correctional institutions to teach and promote entrepreneurship.

S. B. No. 315-Senators Kearney, Hughes.

Cosponsors: Senators Cafaro, Gentile, Turner, Hite.

To enact section 5.2296 of the Revised Code to designate May as "Asthma Awareness Month" and to designate May 5 as "Childhood Asthma Awareness Day."

S. B. No. 316-Senator Cafaro.

Cosponsors: Senators Turner, Brown, Schiavoni.

To amend sections 109.573 and 2933.82 of the Revised Code to require a law enforcement agency to review the agency's records pertaining to sexually oriented offenses within one year and to forward the contents of a sexual assault examination kit in the agency's possession to the Bureau of Criminal Identification and Investigation or another crime laboratory for DNA analysis based on the outcome of the agency's review, to require a law enforcement agency to forward the contents of a sexual assault examination kit to the Bureau of Criminal Identification and Investigation or another crime laboratory for DNA analysis within twenty days after the agency determines that one or more persons may have committed or participated in a sexually oriented offense or another offense committed during the course of a sexually oriented offense, and to prioritize the order in which the DNA specimens forwarded by law enforcement agencies undergo DNA analysis.

OFFERING OF RESOLUTIONS

Senators Skindell and Gardner offered the following resolution:

S. R. No. 300-Senators Skindell, Gardner.

To designate the week of May 4, 2014, to May 10, 2014, as "Ohio Junior Chamber International Senate Week."

The question being, "Shall the resolution, **S. R. No. 300**, be adopted?"

On the motion of Senator Coley, **S. R. No. 300**, was referred to the Committee on Reference.

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

S. R. No. 301-Senators Hite, Gardner.

Honoring The University of Findlay men's basketball team on winning the 2014 Great Lakes Intercollegiate Athletic Conference Tournament title.

S. R. No. 302-Senators LaRose, Sawyer.

Honoring the Jewish Community Board of Akron on its One Hundredth Anniversary.

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 concurred in the passage of the following bill:

Sub. S. B. No. 173 -Senator Hughes

Cosponsors: Senators Seitz, Uecker, Schiavoni, Balderson, Coley, Eklund, Hite, Jordan, Kearney, Oelslager Representatives Dovilla, Buchy, Gerberry, Amstutz, Barnes, Beck, Blessing, Boyd, Brenner, Brown, Burkley, Cera, Conditt, DeVitis, Duffey, Hackett, McClain, Milkovich, Pelanda, Ramos, Retherford, Rogers, Ruhl, Stebelton, Young

To amend sections 4301.171, 4303.184, 4303.208, and 4303.251 of the Revised Code to modify the law governing tasting samples of beer and intoxicating liquor and to allow an F-6 liquor permit to be issued for the same location as an F-8 liquor permit, provided that the two permits are not

exercised concurrently.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest: Bradley J. Young,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. S. B. No. 179 -Senator Eklund

Cosponsors: Senators Seitz, Coley, Hite, Kearney, Oelslager, Patton, Sawyer, Schiavoni, Turner, Uecker Representatives Anielski, Antonio, Baker, Beck, Blair, Boose, Boyd, Brown, Carney, Celebrezze, Conditt, Damschroder, DeVitis, Green, Grossman, Hackett, Letson, Mallory, McClain, Milkovich, Roegner, Rogers, Slaby, Stinziano, Winburn, Young, Speaker Batchelder

To amend section 3701.344 of the Revised Code to include recycled water as a private water system for purposes of regulation by the Department of Health and boards of health.

With the following additional amendment, in which the concurrence of the Senate is requested.

In line 13, after "~~private~~" insert an underlined quotation mark

Attest: Bradley J. Young,
Clerk.

Said amendments were laid over under the rule.

On the motion of Senator Coley, the Senate adjourned until Tuesday, April 1, 2014 at 1:30 p.m.

Attest: VINCENT L. KEERAN,
Clerk.