

OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 10, 2013

THIRTY-THIRD DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 10, 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 Faber presented a resolution to the Coldwater High School girls bowling team on winning the 2013 State Championship.

Senator Lehner presented a resolution to Dr. Rusty Clifford as the 2013 Ohio Superintendent of the Year.

Senator Widener presented a resolution to Gennar Feucht as a 2013 Division III State Wrestling Champion.

Senator Widener presented a resolution to Austin Fooce on winning a 2013 Junior High State Wrestling Championship.

Senator Widener presented a resolution to Nick Corba for winning a 2013 Division I State Wrestling Championship.

Senator Tavares presented a resolution Honoring the Ohio United Way on its Centennial.

Senator Hite recognized the Friends of Northwest Ohio Alzheimer's Association.

Senator Hite recognized Brandon, Blake, Bria, Catherine, and Ron Tijerina.

Senator Smith recognized the Mosdos Ohr Hatorah school.

Senator Smith recognized Alanna Best, an Ohio State University Women in Politics intern.

Senator Beagle recognized Judge Bill Dues, Probate and Juvenile Courts Judge for Preble County.

Senator Faber recognized the Darke County Chamber of Commerce.

**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. 98-Senators Obhof, Kearney, et al.

To amend sections 1701.07, 1702.06, 1703.041, 1705.06, 1705.54, 1729.06, 1733.06, 1745.13, 1746.04, 1747.03, 1751.03, 1776.07, 1776.86, 1782.04, and 1782.49 of the Revised Code to expand the list of entities that may serve as statutory agents.

To the Committee on Civil Justice.

S. B. No. 99-Senators Oelslager, Tavares, et al.

To amend sections 1739.05 and 1751.35 and to enact sections 1751.69 and 3923.85 of the Revised Code regarding insurance coverage for orally administered cancer medications.

To the Committee on Insurance and Financial Institutions.

S. B. No. 100-Senator Tavares, et al.

To amend sections 3901.38, 3901.383, and 3901.3814 and to repeal section 5111.178 of the Revised Code to specify that the Ohio prompt payment law applies to payment of claims by Medicaid managed care organizations.

To the Committee on Insurance and Financial Institutions.

S. B. No. 101-Senator Burke, et al.

To enact sections 5101.274 and 5902.021 of the Revised Code to establish a process for identifying individuals who are medical assistance recipients that may be eligible to receive federal military-related health care benefits.

To the Committee on Medicaid, Health and Human Services.

YES - 9: KRIS JORDAN, SCOTT OELSLAGER, CHRIS WIDENER, TOM PATTON, LARRY OBHOF, KEVIN BACON, LOU GENTILE, ERIC H. KEARNEY, 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 Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **S. B. No. 33**-Senators Bacon, LaRose, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Brown, Coley, Burke, Skindell.

YES - 11: DAVE BURKE, BILL COLEY, JOE UECKER,
SHIRLEY A. SMITH, MICHAEL J. SKINDELL, FRANK
LAROSE, KEVIN BACON, LARRY OBHOF, BILL
SEITZ, CHRIS WIDENER, EDNA BROWN.

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 **S. C. R. No. 8**-Senator Hite, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Schaffer, LaRose.

YES - 10: JOHN EKLUND, BILL SEITZ, JIM HUGHES, PEGGY
B. LEHNER, LARRY OBHOF, TIMOTHY O.
SCHAFFER, JOSEPH SCHIAVONI, THOMAS
SAWYER, SHIRLEY A. SMITH, FRANK LAROSE.

NO - 0.

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

The report of the committee was accepted.

Senator Seitz submitted the following report:

The standing committee on Public Utilities, to which was referred **S. C. R. No. 7**-Senator Hite, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 11: LOU GENTILE, THOMAS SAWYER, FRANK LAROSE, BILL SEITZ, TROY BALDERSON, JOHN EKLUND, SHANNON JONES, CLIFF HITE, JOE UECKER, TOM PATTON, BILL COLEY.

NO - 2: CAPRI S. CAFARO, SHIRLEY A. SMITH.

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

The report of the committee was accepted.

Senator Faber submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

John B. Ackerman, from Monroe County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning January 9, 2013, ending at the close of business January 31, 2015.

Gary Baker, from Coshocton County, Ohio, as a Member of the Financial Planning and Supervision Commission for the Village of Newcomerstown for a term beginning February 25, 2013 and continuing at the pleasure of the Governor.

William E. Ball, from Summit County, Ohio, as a Member of the Solid Waste Management Advisory Council for a term beginning December 5, 2012, ending at the close of business June 22, 2014.

Amy E. Barker, from Montgomery County, Ohio, as a Member of the Sinclair Community College Board of Trustees for a term beginning January 9, 2013, ending at the close of business October 12, 2017 replacing Marva Cosby, whose term expired.

Sam D. Bassitt, from Allen County, Ohio, as a Member of the James A. Rhodes State College Board of Trustees for a term beginning January 9, 2013, ending at the close of business August 31, 2015 replacing Jane P. Krites, whose term expired.

Jennifer E. Blickle, from Summit County, Ohio, as a Member of the University of Akron Board of Trustees for a term beginning December 4, 2012, ending at the close of business July 1, 2017 replacing Jane E. Bond, whose term expired.

Craig B. Cairns, from Licking County, Ohio, as a Member of the State Board of Emergency Medical Services for a term beginning January 24, 2013, ending

at the close of business November 12, 2015 replacing Craig Self, whose term expired.

Richard A. Cappell, from Union County, Ohio, as a Member of the Reclamation Commission for a term beginning December 5, 2012, ending at the close of business June 28, 2017.

Floun'say R. Caver, from Cuyahoga County, Ohio, as a Member of the Financial Planning and Supervision Commission for the City of East Cleveland for a term beginning February 21, 2013 and continuing at the pleasure of the Governor.

Judith A. Church, from Montgomery County, Ohio, as a Member of the Board of Nursing for a term beginning January 7, 2013, ending at the close of business December 31, 2016.

Joseph J. Denen, from Fayette County, Ohio, as Member of the Solid Waste Management Advisory Council for a term beginning December 5, 2012, ending at the close of business June 22, 2014.

Nancy E. Fellows, from Lake County, Ohio, as a Member of the Board of Nursing for a term beginning January 7, 2013, ending at the close of business December 31, 2016 replacing Bertha M. Lovelace, whose term expired.

Derek Lee Ferguson, from Jefferson County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning January 17, 2013, ending at the close of business October 16, 2017 replacing Presley Gillespie, whose term expired.

Walter Fishburn, from Morrow County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning January 7, 2013, ending at the close of business January 31, 2014 replacing Lynn Foster, whose term expired.

Marvella Fletcher, from Darke County, Ohio, as a Member of the Edison State community College Board of Trustees for a term beginning February 22, 2013, ending at the close of business January 17, 2019 replacing Edward W. Curry, whose term expired.

John T. Gilmore, from Jefferson County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning January 15, 2013, ending at the close of business October 16, 2017.

James D. Gottfried, from Cuyahoga County, Ohio, as a Member of the Accountancy Board for a term beginning December 20, 2012, ending at the close of business October 20, 2019 replacing Mark LaPlace, whose term expired.

Anuj Goyal, from Montgomery County, Ohio, as a Member of the Wright State University Board of Trustees for a term beginning January 17, 2013, ending at the close of business June 30, 2019.

Carole Grimes, from Montgomery County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning December 7, 2012, ending at the close of business June 30, 2015.

Joseph Halter, from Stark County, Ohio, as a Member of the Northeast Ohio Medical University Board of Trustees for a term beginning January 14, 2013, ending at the close of business September 21, 2019 replacing Steven P. Schmidt, whose term expired.

Gary Heiman, from Hamilton County, Ohio, as a Member of the University of Cincinnati Board of Trustees for a term beginning January 16, 2013, ending at the close of business January 1, 2014 replacing Margaret E. Buchanan, who resigned.

Christopher Scott Jaskiewicz, from Trumbull County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning January 16, 2013, ending at the close of business October 16, 2017.

Robinson W. Joslin, from Shelby County, Ohio, as a Member of the Edison State Community College Board of Trustees for a term beginning February 22, 2013, ending at the close of business January 17, 2019 replacing Joan K. Lukey, whose term expired.

Peter J. Kambelos, from Hamilton County, Ohio, as a Member of the Cincinnati State Technical and Community College Board of Trustees for a term beginning February 13, 2013, ending at the close of business August 31, 2018 replacing John F. Steele Jr., whose term expired.

Carl H. Lindner III, from Hamilton County, Ohio, as a Member of the University of Cincinnati Board of Trustees for a term beginning January 16, 2013, ending at the close of business January 1, 2022 replacing Gary Heiman, whose term expired.

Larry Frank Long Jr., from Columbiana County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning January 15, 2013, ending at the close of business October 16, 2015.

Douglas E. Lumpkin, from Franklin County, Ohio, as a Member of the Central State University Board of Trustees for a term beginning December 5, 2012, ending at the close of business June 30, 2021 replacing Elizabeth McKinley Watkins, whose term expired.

Angela Papas Mastros, from Jefferson County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning January 15, 2013, ending at the close of business October 16, 2016.

Robert W. McKenna Jr., from Hamilton County, Ohio, as a Member of the Cincinnati State Technical and Community College Board of Trustees for a term beginning February 13, 2013, ending at the close of business August 31, 2018.

Ronald A. McMaster, from Wood County, Ohio, as a Member of the Owens State Community College Board of Trustees for a term beginning November

20, 2012, ending at the close of business September 21, 2018.

Rajbir S. Minhas, from Hamilton County, Ohio, as a Member of the Cincinnati State Technical and Community College Board of Trustees for a term beginning February 13, 2013, ending at the close of business August 31, 2018 replacing Karen D. Bankston, whose term expired.

William West Montgomery, from Mercer County, Ohio, as a Member of the Wright State University Board of Trustees for a term beginning January 17, 2013, ending at the close of business June 30, 2013 replacing Fred Strahorn, whose term expired.

Brian D. Morley, from Stark County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning January 7, 2013, ending at the close of business January 31, 2015.

Mary Ann Nowak, from Lorain County, Ohio, as a Member of the Financial Planning and Supervision Commission for the City of East Cleveland for a term beginning February 7, 2013 and continuing at the pleasure of the Governor.

Richard Sadler, from Montgomery County, Ohio, as a Member of the Sinclair Community College Board of Trustees for a term beginning January 8, 2013, ending at the close of business October 12, 2017 replacing Laurence P. Harkness, whose term expired.

Jeffery Scott Staggs, from Tuscarawas County, Ohio, as a Member of the Financial Planning and Supervision Commission for the Village of Newcomerstown for a term beginning February 25, 2013 and continuing at the pleasure of the Governor.

John Stainbrook, from Lucas County, Ohio, as a Member of the Ohio Athletic Commission for a term beginning November 20, 2012, ending at the close of business September 2, 2013.

Deloris Diane Stocker, from Tuscarawas County, Ohio, as a Member of the Financial Planning and Supervision Commission for the Village of Newcomerstown for a term beginning February 25, 2013 and continuing at the pleasure of the Governor.

Darshan Kirit Vyas, from Miami County, Ohio, as a Member of the Hearing Aid Dealers and Fitters Licensing Board for a term beginning February 25, 2013, ending at the close of business January 25, 2017.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 11: CHRIS WIDENER, TOM PATTON, LARRY OBHOF,
SCOTT OELSLAGER, DAVE BURKE, BILL COLEY,
JIM HUGHES, EDNA BROWN, NINA TURNER,
JOSEPH SCHIAVONI, ERIC H. KEARNEY.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

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 Senate advised and consented to said appointments.

Senator Faber submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

Jay Mulligan, from Trumbull County, Ohio, as a Member of the Board of Building Appeals for a term beginning December 20, 2012, ending at the close of business October 13, 2016.

Paul Ronald Beegan, from Cuyahoga County, Ohio, as a Member of the Board of Building Appeals for a term beginning December 4, 2012, ending at the close of business October 13, 2015 replacing Leon Humphries, whose term expired.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 10: TOM PATTON, LARRY OBHOF, SCOTT OELSLAGER, DAVE BURKE, BILL COLEY, JIM HUGHES, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, ERIC H. KEARNEY.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

Senator Widener moved that he be excused from voting pursuant to Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the Senate advise and consent to the appointments by the Governor?"

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

So the Senate advised and consented to said appointments.

RESOLUTIONS REPORTED BY COMMITTEE

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.

WHEREAS, The United States accounts for 20% of world energy consumption and is the world's largest petroleum consumer, consuming 15 million barrels of oil each day, and these amounts are not forecasted to change for decades; and

WHEREAS, Current oil imports amount to over 8 million barrels each day, approximately 50% of the United States' requirements; and

WHEREAS, The United States will remain dependent on imported energy for decades regardless of new technology, oil discoveries, alternative fuels, and conservation efforts; and

WHEREAS, A secure supply of crude oil is needed by Americans for heating their homes, cooking their food, and fueling their vehicles, and to allow the United States economy to thrive and be freed from the potential threats and disruptions of the crude oil supply from less secure parts of the world; and

WHEREAS, The growing production of conflict-free oil from the Canadian oil sands and the Bakken formation in Saskatchewan, Montana, and

North Dakota can replace crude oil imported from countries that do not share American values and therefore additional pipeline capacity to refineries in the United States Midwest and Gulf Coast regions is required; and

WHEREAS, Increasing energy imports from Canada makes sense for the United States because Canada is a trusted neighbor with a stable democratic government, strong environmental standards equal to that of the United States, and some of the most stringent human rights and worker protection laws in the world; and

WHEREAS, Improvements in production technology continue to reduce the carbon footprint of Canadian oil sands development; and

WHEREAS, Oil sands production accounts for 6.5% of Canada's greenhouse gas emissions and 0.1% of global greenhouse gas emissions, and total emissions from Canada's oil sands sector was 45 megatons in 2009 which is equivalent to 3.5% of emissions from United States coal fired power generation in the same year, despite oil sands crude having similar carbon dioxide emissions to other heavy oils and being 6% more carbon-intensive than the United States crude supply average on a wells-to-wheels basis; and

WHEREAS, The 58 refineries in the Gulf Coast region provide a total refining capacity of approximately 8.4 million barrels per day, or nearly half of the United States' refining capacity; and

WHEREAS, In 2009, Gulf Coast region refineries imported approximately 5 million barrels per day of crude oil from more than 40 countries with 21% coming from Mexico, 17% from Venezuela, 12% from Saudi Arabia, and 11% from Nigeria; and

WHEREAS, Crude oil imports from Mexico and Venezuela are declining as production from those countries decreases and supply contracts expire; and

WHEREAS, Once completed, the TransCanada's Keystone XL and Gulf Coast Pipeline Projects could displace roughly 40% of the oil the United States currently imports from the Middle East and Venezuela; and

WHEREAS, The Keystone XL Pipeline Project has been subject to the most thorough public consultation process of any proposed United States pipeline and the subject of multiple environmental impact statements and several United States Department of State studies that have concluded that the Pipeline poses the least impact to the environment as compared to, and is much safer than, other modes of transporting crude oil; and

WHEREAS, Pipelines are the safest method for the transportation of petroleum products when compared to other methods of transportation - for example, transporting by pipeline is 100 times safer than transporting by truck and 40 times safer than transporting by rail; and

WHEREAS, The Keystone XL Pipeline will replace the hauling capacity of a tanker train that is 25 miles long or 200 ocean tankers per year thereby

reducing greenhouse gas emissions by as much as 19 million tons, which is the equivalent of taking almost 4 million cars off the road; and

WHEREAS, The Keystone XL Pipeline Project will support over 10,000 jobs in United States construction and manufacturing industries such as pipefitting, welding, electrical, heavy equipment operating, and other sectors in virtually every state in the United States; and

WHEREAS, 75% of the pipe used to build the Keystone XL Pipeline in the United States will come from North American mills, including half made by workers in the United States, and goods for the pipeline valued at approximately \$800 million have already been sourced from manufacturers in the United States; now therefore be it

RESOLVED, That we, the members of the Ohio Senate of the 130th General Assembly, respectfully 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 in order to strengthen the United States' energy security, provide for critical pipeline infrastructure to achieve North American energy independence, and to stimulate the economy and create jobs; and be it further

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

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

The yeas and nays were taken and resulted - yeas 28, nays 5, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|----------|-----------|-----------|-----------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Coley | Eklund | Gardner |
| Gentile | Hite | Hughes | Jones |
| Jordan | Kearney | LaRose | Lehner |
| Manning | Obhof | Oelslager | Patton |
| Peterson | Sawyer | Schaffer | Schiavoni |
| Seitz | Uecker | Widener | Faber-28. |

Senators Cafaro, Skindell, Smith, Tavares, and Turner voted in the negative-5.

So the concurrent resolution was adopted.

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

Senator Hite moved to amend the title as follows:

Add the names: "Bacon, Burke, Coley, Eklund, Faber, Hughes, Manning,

Oelslager, Uecker, Widener."

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

The motion was agreed to and the title so amended.

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

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

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

WHEREAS, Ohio has the seventh largest prison population in the United States, with more than 48,800 men and women incarcerated in Ohio's prison system; and

WHEREAS, Between 1991 and 2007, the number of children who had an incarcerated parent increased by 80%. One out of every 28 children has a parent who is incarcerated. Approximately seven in ten women under correctional sanctions have minor children under the age of 18 and approximately five in ten men under correctional sanctions have minor children. On average, for every female prisoner, 2.4 children become invisible, forgotten victims. For every male prisoner, an average of 2.0 children become forgotten victims. Since incarceration rates are higher for males than for females, up to 90% of the children who have an incarcerated parent are socially fatherless; and

WHEREAS, Imprisonment disrupts positive, nurturing relationships, particularly between mothers and their children; and

WHEREAS, Parental incarceration is associated with greater risk that a child will experience material hardship and family instability; and

WHEREAS, Children of incarcerated parents face many problems typical to at-risk youth (lack of positive role models, unstable home life, poverty, poor school performance), including being five to six times more likely than peers to be incarcerated themselves, more likely to abuse substances and engage in antisocial behavior, more likely to drop out of school, run away, and become homeless, more likely to suffer from a negative self image, fear, anxiety, anger, resentment, and sadness, more likely to have high levels of truancy, physical aggression and disruptive behavior, and more likely to be traumatized by separation, stigmatized by shame of having a parent in prison; and

WHEREAS, Intervening in the lives of incarcerated parents and their children to preserve and strengthen positive family connections can yield positive societal benefits in the form of reduced recidivism, reduced crime through less intergenerational criminal justice system involvement and promotion of healthy child development; and

WHEREAS, Several studies have found that maintenance of family ties

during incarceration is linked to post-release success, defined as lower rates of recidivism and fewer parole violations; and

WHEREAS, It is in the best interest of the citizens of Ohio to encourage strong families, especially among Ohio's incarcerated population whenever possible; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly, recognizing the adverse impacts upon children of incarcerated parents, designate the month of April as Forgotten Victims of Crime Recognition Month and encourage all citizens of the state of Ohio, along with all state and local agencies that interact with the families of incarcerated Ohioans, to join with the General Assembly in acknowledgement and support of the families and children of incarcerated Ohioans; 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. 8**, 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 Hite moved to amend the title as follows:

Add the names: "Bacon, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Gentile, Jordan, Kearney, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Skindell, Tavares, 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

S. B. No. 33-Senators Bacon, LaRose.

Cosponsors: Senators Manning, Sawyer, Schaffer, Coley, Burke, Skindell,

Brown.

To enact section 5.075 of the Revised Code to adopt the Adena Pipe as the official artifact of the state, was considered the third time.

The question being, "Shall the bill, **S. B. No. 33**, pass?"

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 passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Eklund, Hite, Hughes, Obhof, Oelslager, Patton, Peterson, Smith, Tavares, Turner, Uecker."

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

The motion was agreed to and the title so amended.

S. B. No. 42-Senators Manning, Gardner.

Cosponsors: Senators Seitz, Hite.

To amend section 5705.21 of the Revised Code to authorize school districts to levy a property tax exclusively for school safety and security purposes, was considered the third time.

The question being, "Shall the bill, **S. B. No. 42**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 2, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|----------|-----------|-----------|-----------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Eklund |
| Gardner | Gentile | Hite | Hughes |
| Jordan | Kearney | LaRose | Lehner |
| Manning | Obhof | Oelslager | Patton |
| Peterson | Sawyer | Schaffer | Schiavoni |

Seitz
Uecker

Smith
Widener

Tavares

Turner
Faber-31.

Senators Jones and Skindell voted in the negative-2.

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: "Eklund, Oelslager, Patton, Peterson, Schaffer, 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. 102-Senator Hughes.

Cosponsors: Senators Gardner, Seitz, Widener, Hite, Brown, Turner.

To amend section 4501.21 and to enact section 4503.492 of the Revised Code to create the "Ovarian Cancer Awareness" license plate.

S. B. No. 103-Senator Skindell.

Cosponsors: Senators Gardner, Turner, Cafaro, Kearney, LaRose.

To enact section 5533.921 of the Revised Code to designate a portion of State Route 2 in Cuyahoga County as the "Governor Richard F. Celeste Shoreway."

S. B. No. 104-Senator Skindell.

Cosponsors: Senators Turner, Brown, Tavares.

To amend section 109.02 and to enact sections 3920.01 to 3920.15, 3920.21 to 3920.28, 3920.31, 3920.32, and 3920.33 of the Revised Code to establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

S. B. No. 105-Senator Kearney.

Cosponsors: Senators Lehner, Seitz.

To amend sections 3701.74, 4723.481, 4723.50, 4730.39, 4730.40, 4730.43, 4765.11, 4765.16, 4765.35, and 4765.37 and to enact sections 3701.138, 3709.42, 4723.488, 4729.282, 4730.431, 4731.94, and 4765.161 of the Revised Code concerning the availability of naloxone.

S. B. No. 106-Senator Schaffer.

To enact section 4511.714 of the Revised Code to prohibit the operation of a motor vehicle on or onto any location that is temporarily covered by a rise in water level and to impose on an offender a financial sanction of up to \$2,000 for the cost of the person's rescue, payable to the person's rescuer.

S. B. No. 107-Senators Patton, Turner.

Cosponsors: Senators Hughes, LaRose, Brown, Tavares.

To amend sections 2903.13 and 2917.41 and to enact section 306.20 of the Revised Code to increase the penalty for assault when the victim is an employee of an Ohio transit system whom the offender knows or has reasonable cause to know is such an employee engaged in the performance of the victim's duties; to permit the court to impose a fine of up to \$5000 and a six-month or lifetime prohibition from riding an Ohio transit system for assault committed in such specified circumstances; to authorize Ohio transit systems to post a warning sign indicating that abuse or assault of staff will not be tolerated and might result in a felony conviction; and to increase the penalty for evading payment of the known fares of a public transportation system.

OFFERING OF RESOLUTIONS

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

S. R. No. 80-Senator Hughes.

Honoring the Thomas Worthington High School girls swimming and diving team as the 2013 Division I State runner-up.

S. R. No. 81-Senator Widener.

Honoring Gennar Feucht as a 2013 Division III State Wrestling Champion.

S. R. No. 82-Senator Widener.

Honoring Austin Foose on winning a 2013 Junior High State Wrestling Championship.

S. R. No. 83-Senator Widener.

Honoring Nick Corba for winning a 2013 Division I State Wrestling Championship.

S. R. No. 84-Senators Gentile, Hite, Bacon, Brown, Cafaro, Gardner, Hughes, Jones, Kearney, Schaffer, Schiavoni, Seitz, Smith, Turner, LaRose.

Honoring Keep Ohio Beautiful on its 2013 Great American Cleanup of Ohio.

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

So the resolutions were adopted.

CLERK'S NOTATION

Pursuant to Article II, Section 10 of the Constitution of the State of Ohio, the following protest was filed by Senator Tom Sawyer on April 10, 2013:

Pursuant to Article II, Section 10 of the Ohio Constitution, I, Tom Sawyer, Senator from the 28th District, protest the action taken by the Ohio Senate on April 10th, 2013 to advise and consent in the appointment of Jennifer E. Blickle. The language presented by Governor Kasich as reported by the Senate Committee on Rules and as journalized reads as follows: "Jennifer E. Blickle, from Summit County, Ohio, as a Member of the University of Akron Board of Trustees for a term beginning December 4, 2012, ending at the close of business July 1, 2017 replacing Jane E. Bond, whose term expired." I object to such language as it mischaracterizes the reasons for replacing Judge Bond.

In 2008, Judge Jane E. Bond was appointed by Governor Ted Strickland to the University of Akron Board of Trustees to replace Dr. William Demas whose term expired in July 2008. Judge Bond was appointed to a term that was set to expire on July 1, 2017. However, through an error of paperwork, her appointment was never communicated to the Senate pursuant to Ohio Revised Code Section 3.03. Therefore, the appointment was never officially made, in that it was neither journalized nor confirmed by the Senate. Any attempt to characterize the term of Judge Jane E. Bond as having expired is inaccurate. For the record, Judge Bond did serve on the University of Akron Board of Trustees until she was forced to resign in September 2012 when Governor Kasich notified her by letter on August 21st, 2012 that she was never confirmed. I wish to conclude by noting that characterizing the replacement of Judge Bond because of the expiration of her term is, on its face, incorrect.

/s/ **TOM SAWYER**

Senator Tom Sawyer

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

Attest:

VINCENT L. KEERAN,
Clerk.