

OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 17, 2013

THIRTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 17, 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 Eklund presented a resolution to the Mentor High School Boy's Basketball Team team on winning the 2013 Division I State Championship.

Senator Turner presented a resolution to Ryan Harris as a 2013 Division III State Wrestling Champion.

Senator Eklund presented a resolution to Billy Miller as a 2013 Division II State Wrestling Champion.

Senator Turner presented a resolution to Anthony Tutolo as a 2013 Division II State Wrestling Champion.

Senator Faber recognized Dr. Bill Minton and Dr. Craig Miesse, veterinarians attending OVMA lobby day.

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

Sub. H. B. No. 9-Representative Stautberg, et al.

To amend sections 2333.22, 2715.21, 2735.01, 2735.02, and 2735.04 of the Revised Code to add to and clarify the powers of a receiver and to provide a procedure for a receiver's sale of property.

To the Committee on Civil Justice.

Sub. H. B. No. 37-Representatives Duffey, Scherer, et al.

To amend sections 4141.09, 4141.11, 4141.24, and 4141.35 and to enact sections 4141.50 to 4141.56 of the Revised Code to create the SharedWork Ohio Program, to create a monetary penalty for individuals who commit fraud to obtain unemployment compensation benefits, to charge an employer's

account when actions of the employer led to an improper payment of unemployment compensation benefits, and to declare an emergency.

To the Committee on Commerce and Labor.

H. B. No. 61-Representatives Pelanda, Antonio, et al.

To amend sections 149.43, 1347.08, 2101.16, 2101.162, 2101.24, 3107.071, 3107.081, 3107.082, 3107.083, 3107.09, 3107.091, 3107.141, 3107.17, 3107.18, 3107.19, 3107.38, 3107.45, 3107.66, 3705.07, 3705.08, 3705.12, 3705.23, 3705.241, 3705.29, 5103.151, and 5103.152, to enact new sections 3107.39 and 3107.40 and sections 3107.171, 3705.121, 3705.122, 3705.123, 3705.124, 3705.125, and 3705.126, and to repeal sections 3107.39, 3107.40, 3107.41, 3107.42, 3107.43, and 3107.44 of the Revised Code regarding access to adoption records.

To the Committee on Medicaid, Health and Human Services.

S. B. No. 108-Senator Jones, et al.

To amend sections 5747.01, 5747.37, 5747.70, and 5747.98 of the Revised Code to repeal the income tax deduction for wagering losses, to increase the income tax credit for the legal adoption of a child to \$10,000 for each child, and to increase the maximum income tax deduction for college savings contributions to \$10,000 annually for each beneficiary.

To the Committee on Ways and Means.

S. B. No. 109-Senator Obhof.

To amend sections 2101.44, 3501.01, 3501.05, 3501.051, 3501.11, 3501.13, 3501.17, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3503.02, 3503.26, 3505.07, 3505.08, 3505.16, 3505.17, 3505.18, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.06, 3513.131, 3513.18, 3513.19, 3513.21, 3515.04, 3517.106, 3517.11, 3599.07, 3599.17, 3599.19, and 3599.31, to enact section 3506.021, and to repeal section 3506.16 of the Revised Code to revise the law regarding election administration, ballots, and candidates.

To the Committee on State Government Oversight and Reform.

S. B. No. 110-Senator Turner, et al.

To amend sections 111.29, 145.053, 329.051, 742.042, 2961.01, 2967.17, 3307.072, 3309.072, 3313.77, 3501.01, 3501.011, 3501.012, 3501.04, 3501.05, 3501.11, 3501.13, 3501.18, 3501.30, 3501.31, 3501.33, 3501.90, 3503.02, 3503.07, 3503.09, 3503.10, 3503.11, 3503.111, 3503.12, 3503.13, 3503.14, 3503.15, 3503.16, 3503.17, 3503.18, 3503.19, 3503.191, 3503.21, 3503.24, 3503.25, 3503.26, 3503.28, 3503.30, 3503.33, 3505.20, 3509.03, 3509.04, 3511.02, 3511.021, 3511.04, 3517.01, 3517.08, 3517.1013, 3517.18, 3599.02, 3599.11, 3599.161, 3599.18, 3599.26, 3599.31, 4501.023, 4503.03, 4507.06, 4507.51, 5101.54, 5115.05, and 5505.044; to enact new section 3599.111 and section 3503.192; to repeal sections 3503.29 and 3599.111 of the Revised Code; and to amend the version of section 4507.06 of the Revised Code that is scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date to permit sixteen and seventeen year olds to preregister to vote and to revise the law concerning compensated voter registration workers and petition circulators.

To the Committee on State Government Oversight and Reform.

YES - 7: KRIS JORDAN, TOM PATTON, KEVIN BACON,
CHRIS WIDENER, LARRY OBHOF, LOU GENTILE,
JOSEPH SCHIAVONI.

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 Beagle submitted the following report:

The standing committee on Workforce and Economic Development, to which was referred **S. B. No. 1**-Senators Beagle, Balderson, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Schaffer.

YES - 10: CHARLETA B. TAVARES, JOSEPH SCHIAVONI,
MICHAEL J. SKINDELL, TIMOTHY O. SCHAFFER,

TROY BALDERSON, BILL BEAGLE, GAYLE
MANNING, CHRIS WIDENER, PEGGY B. LEHNER,
RANDY GARDNER.

NO - 0.

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

The report of the committee was accepted.

Senator Faber submitted the following report:

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

Angela Thi Bennett, from Cuyahoga County, Ohio, as a Member of the State Board of Education for a term beginning January 11, 2013, ending at the close of business December 31, 2016.

Merom Brachman, from Franklin County, Ohio, as a Member of the Ethics Commission for a term beginning January 10, 2013, ending at the close of business January 1, 2019.

John A. Brandt, Republican, from Westerville, Franklin County, Ohio, as a Member of the Motor Vehicle Salvage Dealers Licensing Board for a term beginning February 1, 2013, ending at the close of business July 31, 2014, replacing Alan J. Rapoport, term expired.

George W. Byers Jr., Republican, from London, Franklin County, Ohio, as a Member of the Motor Vehicle Dealers Board for a term beginning March 19, 2013, ending at the close of business October 4, 2015.

Louis J. Carson, Republican, from Lancaster, Fairfield County, Ohio, as a Member of the Motor Vehicle Dealers Board for a term beginning March 19, 2013, ending at the close of business October 4, 2015.

David Goodman, Republican, from Bexley, Franklin County, Ohio, as Director of the Development Services Agency for a term beginning March 18, 2013, and continuing at the pleasure of the Governor.

Vidya Iyengar, from Marion County, Ohio, as a Member of the Credit Union Council for a term beginning November 20, 2012, ending at the close of business September 22, 2014.

C. Todd Jones, from Franklin County, Ohio, as a Member of the State Board of Education for a term beginning January 11, 2013, ending at the close of business December 31, 2016.

Gregory A. Kidwell, from Fairfield County, Ohio, as a Member of the Credit Union Council for a term beginning November 20, 2012, ending at the close of business September 22, 2015.

Michael R. King, from Muskingum County, Ohio, as a Member of the Credit Union Council for a term beginning November 21, 2012, ending at the close of business September 22, 2015.

Darryl Mehaffie, from Darke County, Ohio, as a Member of the State Board of Education for a term beginning January 4, 2013, ending at the close of business December 31, 2014 replacing A. Dennis Shelton, whose term expired.

Mark A. Smith, from Pickaway County, Ohio, as a Member of the State Board of Education for a term beginning January 11, 2013, ending at the close of business December 31, 2016 replacing Noah D. Greene, whose term expired.

Roberto Vazquez, from Upper Arlington, Franklin County, Ohio, as a Member of the Motor Vehicle Dealers Board for a term beginning December 7, 2012, ending at the close of business October 4, 2013.

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

YES - 10: KEITH L. FABER, CHRIS WIDENER, TOM PATTON, LARRY OBHOF, DAVE BURKE, BILL COLEY, JIM HUGHES, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI.

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.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 1-Senators Beagle, Balderson.

Cosponsors: Senators Faber, Bacon, Eklund, Gardner, Hite, LaRose, Lehner, Manning, Oelslager, Seitz, Uecker, Widener, Peterson, Obhof, Schaffer.

To enact section 6301.14 of the Revised Code to create the OhioMeansJobs Workforce Development Revolving Loan Fund, to create the OhioMeansJobs Workforce Development Revolving Loan Program, to allocate a portion of casino license fees to finance the loan program, and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 1**, pass?"

Senator Beagle moved to amend as follows:

In line 187, delete "each"; after "year" insert "2014"

In line 189, delete "each"; after "year" insert "2014"

In line 194, after the period insert "To the extent that reappropriated funds are available, of the foregoing appropriation item 235684, OhioMeansJobs Workforce Development Revolving Loan Program, up to \$250,000 in fiscal year 2015 may be used by the Chancellor of the Board of Regents for administrative expenses of the Program, and up to \$250,000 in fiscal year 2015 may be used by the Treasurer of State for administrative expenses of the Program."

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 1**, 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 Beagle moved to amend the title as follows:

Add the names: "Burke, Hughes, Jones, Patton."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 5-Senators Brown, Manning.

Cosponsors: Senators Schiavoni, Seitz, Kearney, Sawyer, LaRose, Hite, Bacon, Jones, Tavares, Turner, Smith, Uecker, Lehner, Coley, Beagle, Eklund, Patton, Balderson, Widener, Faber, Obhof, Schaffer.

To enact sections 4927.25, 4927.26, 4927.27, and 4927.28 of the Revised Code to require wireless service providers to provide device location information to law enforcement officers or agencies in certain emergency situations, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 5**, pass?"

Senator Brown moved to amend as follows:

In line 6, after "That" delete the balance of the line

In line 7, delete "4927.28" and insert "section 2921.231"

In line 8, delete "**4927.25.**" and insert "**2921.231. (A)**"; after "in" delete the balance of the line

In line 9, delete "Revised Code" and insert "this section"

At the beginning of line 10, insert "(1)"

At the beginning of line 12, insert "(2)"

At the beginning of line 14, insert "(3)"

In line 16, delete "**4927.26.**" and insert "(B)"

In line 20, delete "(A)" and insert "(1)"

In line 23, delete "(B)" and insert "(2)"

In line 27, delete "**4927.27.**" and insert "(C)"

In line 30, delete "**4927.28.**" and insert "(D)"

In line 34, after "with" delete the balance of the line

In line 35, delete "of the Revised Code" and insert "this section"

In line 1 of the title, after "enact" delete the balance of the line

In line 2 of the title, delete "4927.28" and insert "section 2921.231"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 5**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

Senator Skindell voted in the negative-1.

So the bill passed.

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

Senator Brown moved to amend the title as follows:

Add the names: "Gardner, Hughes, Oelslager, Peterson."

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

The motion was agreed to and the title so amended.

OFFERING OF RESOLUTIONS

Senators Faber and Kearney offered the following resolution:

S. C. R. No. 12-Senators Faber, Kearney.

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

In memory of the Honorable Charlie Wilson.

WHEREAS, The members of the 130th General Assembly of Ohio were deeply saddened to learn of the death of the Honorable Charlie Wilson and extend our heartfelt condolences to his family and friends; and

WHEREAS, Charlie Wilson left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A former United Auto Workers member employed at the Ford Automotive Plant in Lorain, he was the owner of several small businesses and the president of Wilson Funeral Homes

and the Wilson Furniture Store, and he served eight years in the Ohio House of Representatives and two years in the Ohio Senate before serving two terms in the United States House of Representatives; and

WHEREAS, Charlie Wilson's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and

WHEREAS, A devoted father to his four sons and the proud grandfather of nine grandchildren, Charlie Wilson always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him but also to those he left behind. Although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it

RESOLVED, That we, the members of the 130th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of the Honorable Charlie Wilson and, in so doing, pay tribute to the memory of a truly unique individual; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the family of the Honorable Charlie Wilson.

The question being, "Shall the resolution, **S. C. R. No. 12**, 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 resolution was adopted.

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

S. R. No. 87-Senator Turner.

Honoring Ryan Harris on winning a 2013 Division III State Wrestling Championship.

S. R. No. 88-Senator Eklund.

Honoring Billy Miller as a 2013 Division II State Wrestling Champion.

S. R. No. 89-Senator Eklund.

Honoring Anthony Tutolo as a 2013 Division II State Wrestling Champion.

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

So the resolutions were adopted.

On the motion of Senator Widener, the Senate recessed until Wednesday, April 17, 2013, 3:05 p.m.

The Senate met pursuant to the recess.

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. 48 -Senator Balderson

Cosponsors: Senators Hite, Burke, Faber, Seitz Representatives Dovilla, Buchy, Gerberry, Cera, Clyde, Adams, R., Anielski, Antonio, Baker, Barborak, Beck, Bishoff, Blair, Boose, Brown, Burkley, Carney, Celebrezze, Damschroder, DeVitis, Foley, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Heard, Henne, Hill, Hottinger, Lynch, Maag, McClain, McGregor, Milkovich, O'Brien, Pillich, Ramos, Retherford, Rogers, Rosenberger, Scherer, Sears, Slesnick, Smith, Stinziano, Strahorn, Szollosi, Wachtmann, Winburn, Young, Speaker Batchelder

To amend sections 1333.84, 4301.24, 4301.47, 4303.02, 4303.021, 4303.06, 4303.20, 4303.29, 4303.33, and 4303.332 and to enact section 4303.022 of the Revised Code to prohibit a distributor or manufacturer of alcoholic beverages from taking certain actions regarding the awarding or acquiring of franchises or distribution territories, to create the A-1c liquor permit for beer manufacturers that produce beer below specified quantities, to limit the A-1 liquor permit to beer manufacturers that produce beer above specified quantities, to alter requirements related to the A-1 liquor permit, and to make certain changes regarding liquor permit quotas.

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

Attest:

Bradley J. Young,

Clerk.

Senator Obhof moved that the amendments of the House of Representatives to **Sub. S. B. No. 48** - Senator Balderson - et al. be brought up for immediate consideration, pursuant to Senate Rule No. 44.

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

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

Senator LaRose 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 concur in the amendments of the House of Representatives?"

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

So the Senate concurred in the amendments of the House of Representatives.

On the motion of Senator Widener, the Senate adjourned until Thursday, April 18, 2013 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.