

OHIO

SENATE

JOURNAL

TUESDAY, APRIL 30, 2013

FORTIETH DAY
Senate Chamber, Columbus, Ohio
Tuesday, April 30, 2013, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Roger McKinney, Hiram Christian Church, Hiram, 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 recognized Lynne Crow for her service to the Ohio Senate.

Senator Faber recognized Nathan Piper for his service to the Ohio Senate.

Senator Faber recognized the Anna High School Varsity Girls Basketball team for winning the Division III State title.

Senator Skindell recognized Bill Cohen on his retirement.

**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:

H. C. R. No. 6-Representatives Brenner, Huffman, et al.

To urge the Congress of the United States and the President of the United States to repeal the new federal excise tax on medical devices.

To the Committee on Medicaid, Health and Human Services.

H. B. No. 95-Representative Hill, et al.

To amend sections 3705.20 and 3705.23 of the Revised Code to rename certificates recognizing the delivery of a stillborn infant as certificates of birth resulting in stillbirth.

To the Committee on Medicaid, Health and Human Services.

S. B. No. 115-Senator Faber.

To amend Section 12 of Am. Sub. H.B. 386 of the 129th General Assembly to extend the moratorium on new establishments conducting sweepstakes by sweepstakes terminal devices, to require establishments to file a new affidavit, and to declare an emergency.

To the Committee on State Government Oversight and Reform.

S. B. No. 116-Senator Kearney, et al.

To amend section 4301.62 and to enact section 4301.82 of the Revised Code to allow municipal corporations with a population of more than 50,000 to create municipal entertainment districts and to exempt persons within such districts from the open container law.

To the Committee on Agriculture.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Balderson submitted the following report:

The standing committee on Energy and Natural Resources, to which was referred **S. B. No. 94**-Senator Balderson, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

In line 7, delete "Product" and insert "Products"

YES - 11: LOU GENTILE, CAPRI S. CAFARO, JOSEPH SCHIAVONI, TROY BALDERSON, CLIFF HITE, JOE UECKER, JOHN EKLUND, TIMOTHY O. SCHAFFER, BOB PETERSON, KRIS JORDAN, TOM PATTON.

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 was referred the appointment by the Governor of:

J. Edward Hess, from Bexley, Franklin County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning March 11, 2013, ending at the close of business June 30, 2013, replacing Lisa G. McAlister, who resigned.

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

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

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment 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 appointment.

Senator Faber submitted the following report:

The Standing Committee on Rules to which was referred the appointment by the Governor of:

Beth Trombold, from Columbus, Franklin County, Ohio, as Member of the Public Utilities Commission of Ohio for a term beginning April 11, 2013, ending at the close of business April 10, 2018.

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

YES - 8: KEITH L. FABER, CHRIS WIDENER, TOM PATTON, LARRY OBHOF, SCOTT OELSLAGER, BILL COLEY, JIM HUGHES, DAVE BURKE.

NO - 3: EDNA BROWN, NINA TURNER, ERIC H. KEARNEY.

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

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 Senate advised and consented to said appointment.

Senator Faber submitted the following report:

The Standing Committee on Rules to which was referred the appointment by the Attorney General of:

Tony Jones, Democrat, Canal Winchester, Fairfield County, representing organized labor on the Ohio Consumers' Counsel Governing Board, term beginning March 27, 2013 and ending September 1, 2013. (new appointment

replacing Harold Cassel who resigned.)

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

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

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment by the Attorney General?"

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 appointment.

BILLS FOR THIRD CONSIDERATION

S. B. No. 19-Senators Tavares, Manning.

Cosponsors: Senators Schiavoni, Brown, Turner, Kearney, Smith, Sawyer, Gentile, Skindell, Cafaro.

To enact section 5101.345 of the Revised Code to create the Ohio Family Stability Commission and to repeal section 5101.345 of the Revised Code four years after the effective date of that section, was considered the third time.

The question being, "Shall the bill, **S. B. No. 19**, 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	Kearney	LaRose	Lehner

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

Senator Jordan voted in the negative-1.

So the bill passed.

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

Senator Tavares moved to amend the title as follows:

Add the names: "Beagle, Coley, Gardner, Hite, Jones, LaRose, Lehner, Obhof, Oelslager, Patton, Peterson."

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. 117-Senator Smith.

Cosponsors: Senators Brown, Cafaro, Gentile, Kearney, Sawyer, Schiavoni, Skindell, Tavares, Turner.

To enact sections 5111.0126, 5111.0127, and 5111.0128 of the Revised Code to permit the Medicaid program to cover the eligibility expansion group authorized by the Patient Protection and Affordable Care Act and to make an appropriation.

S. B. No. 118-Senator Tavares.

To enact sections 1739.23, 1751.69, 3923.235, and 5111.026 of the Revised Code regarding insurance and Medicaid coverage of telemedicine services.

OFFERING OF RESOLUTIONS

Senator Schiavoni offered the following resolution:

S. J. R. No. 3-Senator Schiavoni.

Proposing to amend Section 6 of Article XV of the Constitution of the State of Ohio to provide for the licensing and regulation of sweepstakes terminal device operators, vendors, and key employees and proposing to amend Section 6 of Article XV of the Constitution of the State of Ohio to prohibit conducting a sweepstakes with the use of a sweepstakes terminal device.

The question being, "Shall the resolution, **S. J. R. No. 3**, be adopted?"

On the motion of Senator Widener, **S. J. R. No. 3**, was referred to the Committee on Reference.

Senator LaRose offered the following resolution:

S. C. R. No. 13-Senator LaRose.

Cosponsors: Senators Gardner, Turner, Obhof, Hite, Brown, Cafaro, Bacon, Patton, Burke, Tavares, Skindell, Sawyer, Kearney, Seitz, Jones.

Honoring the State of Israel on its Sixty-fifth Anniversary.

WHEREAS, The members of the 130th General Assembly of Ohio are pleased to congratulate the State of Israel on the Sixty-fifth Anniversary of its independence; and

WHEREAS, After World War I, Great Britain was tasked by the League of Nations to govern the area of the Middle East known as Mandatory Palestine, which was populated by Arabs, Muslims, and Jews, but after World War II, the huge influx of Jewish refugees fleeing the Holocaust led to unrest in the region. Unable to resolve disagreements between Arabs and Jews, Great Britain announced plans to withdraw from Mandatory Palestine, and on May 14, 1948, the day before the termination of British rule, David Ben-Gurion, the executive head of the World Zionist Organization and president of the Jewish Agency for Palestine, declared the establishment of the State of Israel. The United States was one of the first countries to recognize its independence; and

WHEREAS, The people of Israel have established a parliamentary democracy that incorporates the freedoms cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed. Israel continues to serve as a shining model of democratic values, and it has become a world leader in such areas as economics, technology, health care, energy, and humanitarianism. The Israeli government has worked with the governments of neighboring Egypt and Jordan to establish bilateral peaceful relations, and despite not being recognized by other nearby countries, it continues to seek peace in the Middle East; and

WHEREAS, Israel maintains a strategic partnership with the United States based on shared democratic values, friendship, and respect. Because we, as Americans, appreciate and respect the backgrounds of each of our nation's citizens, we are pleased to join in the celebration of Israel's Independence Day, which on the Jewish calendar, coincides with April 16, 2013; therefore be it

RESOLVED, That we, the members of the 130th General Assembly of Ohio, in adopting this Resolution, commend the State of Israel on the Sixty-fifth Anniversary of its independence and extend best wishes to its citizens on the celebration of this milestone; 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 resolution, **S. C. R. No. 13**, be adopted?"

So the resolution was adopted.

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

Senator LaRose moved to amend the title as follows:

Add the names: "Balderson, Beagle, Coley, Eklund, Faber, Gentile, Hughes, Lehner, Manning, Oelslager, Peterson, Schaffer, Smith, Uecker, Widener."

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

The motion was agreed to and the title so amended.

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

S. R. No. 98-Senators Skindell, Faber, Kearney, Turner, Brown, Manning, Gardner, Obhof, Hite, Burke, Gentile, Uecker, Seitz, Sawyer, Cafaro, Schiavoni, Tavares, Hughes, Coley, Schaffer, Smith, LaRose, Beagle, Eklund, Lehner, Oelslager, Jordan, Peterson, Bacon, Patton, Balderson, Jones.

Honoring Bill Cohen on his retirement.

S. R. No. 99-Senator Lehner.

Honoring the Kettering Fairmont High School girls basketball team on winning the 2013 Division I State Championship.

S. R. No. 100-Senator Balderson.

Honoring the Ohio Christian University men's basketball team as the 2013 NCCAA Division II National Champion.

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 Speaker of the House of Representatives has signed the following bill:

Sub. H. B. No. 3-Representatives Sears, Kunze - et al.

Attest:

Bradley J. Young,
Clerk.

The President signed said bill.

CLERK'S NOTATION

Pursuant to Article IV, Section 5(B) of the Ohio Constitution, the Ohio Senate received revisions to the proposed amendments to the Ohio Rules of Appellate Procedure, Ohio Rules of Civil Procedure, Ohio Rules of Criminal Procedure, and Ohio Rules of Juvenile Procedure from the Ohio Supreme Court that were filed on January 15, 2013.

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

Attest:

VINCENT L. KEERAN,
Clerk.