

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 8, 2013

FORTY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 8, 2013, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Daniel Whisner, The Church at Chapel Hill, Mount Vernon, 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 Tavares recognized Paloma Arroyo, Ohio Senate intern.

Senator Obhof recognized the Ashland University Girls' Basketball Team for winning the Division II National title.

On the motion of Senator Widener, the Senate recessed until 2:50 p.m.

The Senate met pursuant to the recess.

**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. B. No. 77-Representatives Dovilla, Celebrezze, et al.

To enact section 5.2279 of the Revised Code to designate October as "Manufacturing Month."

To the Committee on Workforce and Economic Development.

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.

To the Committee on State Government Oversight and Reform.

S. B. No. 117-Senator Smith, et al.

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.

To the Committee on Finance.

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.

To the Committee on Insurance and Financial Institutions.

S. B. No. 119-Senator Tavares, et al.

To amend sections 4111.02, 4111.08, 4111.10, 4111.14, 4112.01, and 4112.05 and to enact sections 4111.031 and 4112.024 of the Revised Code to require that domestic workers be paid the minimum wage, as provided in Section 34a of Article II, Ohio Constitution, to require that domestic workers be paid overtime wages, to make certain conduct directed toward a domestic worker an unlawful discriminatory practice, and to require a weekly day of rest for domestic workers.

To the Committee on Commerce and Labor.

S. B. No. 120-Senator Kearney, et al.

To amend section 122.151 of the Revised Code to increase the total amount of credits that may be awarded under the Technology Investment Tax Credit Program from \$45 to \$145 million.

To the Committee on Finance.

S. B. No. 121-Senators Hughes, LaRose, et al.

To amend sections 2152.17, 2929.13, 2929.14, 2941.141, 2941.144, 2941.145, 2941.146, and 2941.1412 and to enact sections 2923.132 and 2941.1424 of the Revised Code to double the mandatory prison term for an offender who is convicted of a firearm specification and previously has been convicted of a firearm specification; to similarly double the period of authorized or mandatory commitment to the Department of Youth Services of a delinquent child who is guilty of a firearm specification and previously has been adjudicated a delinquent child for committing an act that would constitute a violation of a firearm specification if committed by an adult; to prohibit violent career criminals from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance; and to require a mandatory prison term for a violent career criminal convicted of committing a violent felony offense while armed with a firearm.

To the Committee on Criminal Justice.

S. B. No. 122-Senator Sawyer, et al.

To enact section 3312.14 of the Revised Code to create the Office of Regional Services and Accountability in the Department of Education.

To the Committee on Education.

S. B. No. 123-Senator Sawyer, et al.

To enact section 3313.984 of the Revised Code to require a study of interdistrict open enrollment, and to amend sections 3310.01, 3310.06, 3313.64, 3313.97, 3313.974, 3313.982, 3314.07, 3315.18, 3317.03, 3318.011, 3323.143, 3326.51, 3327.05, and 3365.01 and to repeal sections 3313.98, 3313.981, 3313.983, and 3313.984 of the Revised Code effective July 1, 2015, to terminate interdistrict open enrollment on that date with the possibility of renewal following the General Assembly's examination of the study's findings.

To the Committee on Education.

S. B. No. 124-Senator Patton, et al.

To enact section 5902.10 of the Revised Code to require the Director of Veterans Services, upon application by a person who is a veteran or active duty member of any branch of the armed forces of the United States, to issue to the person a military transportation card that entitles the person to travel on

any type of public transportation without charge.

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

YES - 7: KEVIN BACON, KRIS JORDAN, SCOTT OELSLAGER, TOM PATTON, LARRY OBHOF, 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 resolution 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. 109**-Senator Obhof, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: DAVE BURKE, BILL SEITZ, FRANK LAROSE, KEVIN BACON, BILL COLEY, LARRY OBHOF, CHRIS WIDENER, JOE UECKER.

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

Sub. S. B. No. 109-Senator Obhof.

To amend sections 2101.44, 3501.01, 3501.05, 3501.051, 3501.06, 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 sections 3501.021 and 3506.021, and to repeal section 3506.16 of the Revised Code to revise the law regarding election administration, ballots, and candidates, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 109**, pass?"

Senator Turner moved to amend as follows:

In line 20, delete "3505.28,"

In line 21, after "3506.15," insert "3506.21,"

Delete lines 2141 through 2183

Between lines 2644 and 2645, insert:

"Sec. 3506.21. (A) As used in this section, "optical scan ballot" means a ballot that is marked by using a specified writing instrument to fill in a designated position to record a voter's candidate, question, or issue choice and that can be scanned and electronically read in order to tabulate the vote.

(B)(1) In addition to marks that can be scanned and electronically read by automatic tabulating equipment, any of the following marks, if a majority of those marks are made in a consistent manner throughout an optical scan ballot, shall be counted as a valid vote:

(a) A candidate, question, or issue choice that has been circled by the voter;

(b) An oval beside the candidate, question, or issue choice that has been circled by the voter;

(c) An oval beside the candidate, question, or issue choice that has been marked by the voter with an "x," a check mark, or other recognizable mark;

(d) A candidate, question, or issue choice that has been marked with a writing instrument that cannot be recognized by automatic tabulating equipment.

(2) Marks made on an optical scan ballot in accordance with division (B)(1) of this section shall be counted as valid votes only if that optical scan ballot contains no marks that can be scanned and electronically read by automatic tabulating equipment.

(3) ~~If~~ Subject to division (E) of this section, if automatic tabulating equipment detects that more marks were made on an optical scan ballot for a particular office, question, or issue than the number of selections that a voter is allowed by law to make for that office, question, or issue, the voter's ballot shall be invalidated for that office, question, or issue. The ballot shall not be invalidated for any other office, question, or issue for which the automatic tabulating equipment detects a vote to have been cast, in accordance with the

law.

(C) The secretary of state may adopt rules under Chapter 119. of the Revised Code to authorize additional types of optical scan ballots and to specify the types of marks on those ballots that shall be counted as a valid vote to ensure consistency in the counting of ballots throughout the state.

(D)(1) A board of elections of a county that uses optical scan ballots and automatic tabulating equipment as the primary voting system for the county shall not tabulate the unofficial results of optical scan ballots voted on election day at a central location.

(2) A board of elections that provides for the tabulation at each precinct of voted ballots, and then, at a central location, combines those precinct ballot totals with ballot totals from other precincts, including optical scan ballots voted by absent voters, shall not be considered to be tabulating the unofficial results of optical scan ballots at a central location for the purpose of division (D)(1) of this section.

(E) If a voter has marked a ballot for a particular candidate and also has written in the same candidate's name as a write-in candidate for the same office, the ballot shall not be invalidated with respect to that office. The ballot shall be separated from the remainder of the ballots and preserved so that the ballot can be remade and tabulated for the official canvass of the election returns and for any subsequent recount or postelection audit.

The election officials shall remake any such ballot by properly marking a replacement ballot with a vote for the named candidate. Ballots remade under this division shall be tabulated in the same manner as other ballots for the official canvass of the election returns and for any subsequent recount or postelection audit. The original ballot shall be marked as having been remade and shall be retained separately by the board of elections."

In line 3751, delete "3505.28,"; after "3506.15," insert "3506.21,"

In line 7 of the title, delete "3505.28,"

In line 8 of the title, after "3506.15," insert "3506.21,"

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

Senator Widener moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

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.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 109**, pass?"

Senator Seitz moved to amend as follows:

In line 857, reinsert "equally divided between the two"

In line 858, reinsert "major" and delete the balance of the line

In line 859, reinsert "parties" and delete " party"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 109**, 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 Obhof moved to amend the title as follows:

Add the names: "Eklund, Faber, Hite, LaRose, Peterson."

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

The motion was agreed to and the title so amended.

On the motion of Senator Widener, the Senate adjourned until Thursday, May 9, 2013 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.