

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 14, 2014

ONE HUNDRED EIGHTIETH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 14, 2014, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Chaplain Tom McCullough, Capitol Commission, Granville, 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 Obhof recognized Heritage Elementary School on their visit to the Statehouse.

Senators Schiavoni and Patton recognized Justin Bachman from Solon High School who helped found the Honor Good Deeds organization.

Senator Manning recognized the Norwalk Boys basketball team as the Division II State Champions.

Senator Widener recognized the Wright State Women's basketball team for winning the 2014 Horizon League Championship.

**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:

H. B. No. 283-Representatives Stinziano, Grossman, et al.

To enact section 5.092 of the Revised Code to designate "Hang on Sloopy," which includes the following lyrics, as the official state rock song: Hang on Sloopy, Sloopy hang on; Sloopy lives in a very bad part of town; All the girls I know they try to put my Sloopy down; Sloopy, I don't care what your daddy do; Don't you know little girl, I'm in love with you; Sloopy, let your hair down, let it down on me; Come on Sloopy let your hair down, Girl it down on me.

To the Committee on State Government Oversight and Reform.

H. B. No. 452-Representative Gonzales, et al.

To amend sections 5153.21 and 5153.42 and to enact sections 5103.05 and 5103.051 of the Revised Code to require children's residential facilities to

provide specified information to local law enforcement agencies, emergency management agencies, and fire departments and to require the Department of Job and Family Services to implement a Child Placement Level of Care Tool Pilot Program.

To the Committee on Medicaid, Health and Human Services.

Am. H. B. No. 465-Representative Johnson, et al.

To enact section 5.25 of the Revised Code to designate the first week of July as "Neonatal Abstinence Syndrome Awareness Week."

To the Committee on Medicaid, Health and Human Services.

S. B. No. 334-Senators Jones, Peterson, et al.

To amend sections 303.21, 519.21, 1711.57, and 5713.30 and to enact section 901.80 of the Revised Code to limit the authority of a board of county commissioners or board of township trustees to prohibit agritourism through zoning, to apply current agricultural use valuation to land used for agritourism for property tax purposes, to establish immunity in a civil action for agritourism providers, and to authorize the Director of Agriculture to adopt rules regarding amusement rides at agritourism locations.

To the Committee on Civil Justice.

S. B. No. 335-Senators Seitz, Kearney, et al.

To amend sections 5501.44, 5501.70, 5501.71, 5501.73, 5501.78, 5531.11, 5531.12, 5531.13, 5531.14, 5531.15, 5531.16, and 5739.02 and to enact sections 5531.141, 5531.142, 5531.143, 5531.144, 5531.145, 5531.146, 5531.147, 5531.148, and 5531.149 of the Revised Code to provide that a toll project may include the substantial reconstruction or replacement of an existing toll-free highway, bridge, or tunnel, to amend the law governing public-private agreements relative to transportation facilities, and to provide for the collection of user fees on toll projects by toll project operators.

To the Committee on Transportation.

S. B. No. 336-Senator Manning, et al.

To amend section 1901.08 of the Revised Code to convert the part-time judgeship of the Avon Lake Municipal Court into a full-time judgeship.

To the Committee on Civil Justice.

S. B. No. 337-Senator Turner, et al.

To amend sections 3501.05 and 3517.153 of the Revised Code to permit the Secretary of State and the Ohio Elections Commission to issue subpoenas and summons in the performance of their duties, as authorized under the Elections Law, to any person outside the state and to provide for the enforcement of the subpoenas and summons under the Elections Law.

To the Committee on State Government Oversight and Reform.

S. B. No. 338-Senator Uecker, et al.

To amend sections 109.731, 109.85, 109.86, 2923.124, 2923.125, 2923.126, 2923.1213, and 2923.13 and to repeal section 2923.1210 of the Revised Code to permit investigators of the Attorney General's office to be authorized to go armed while investigating nursing home, residential care facility, long-term care facility, Medicaid program, or patient abuse or neglect violations and be exempt from concealed weapons prohibitions in the same manner as sheriffs and police officers; to expand the options for obtaining relief from the disability under the offense of having weapons while under disability; and to modify the concealed handgun licensing law by allowing nonresidents of Ohio to be issued a standard license if they are employed in Ohio or a temporary emergency license if they are temporarily in the state, removing the six-year look-back period from the competency certification exemption for retired or honorably discharged armed forces veterans, adding a competency certification exemption for persons who have completed training at the Ohio Peace Officer Training Academy or the annual firearms recertification program, reducing the number of hours of training required for the competency certification, making a person ineligible for a license if the person has an out-of-state license that has been suspended for a reason similar to a reason that triggers the suspension of an Ohio license, repealing the statutory license application form and instead requiring the Attorney General to prescribe a form and make it available to sheriffs and online, exempting from the license renewal requirement for a specified period a person who is on active duty in the armed forces or in service with the Peace Corps, Volunteers in Service to America, or the U.S. foreign service and is a licensee or who is the spouse or dependent of such a person and is a licensee, eliminating the authority for a lessor of government land or premises to ban firearms or

concealed firearms from the land or premises, and modifying the sanction for violating such a ban on private land or premises posted by the owner.

To the Committee on Civil Justice.

YES - 8 KRIS JORDAN, KEVIN BACON, TOM PATTON,
LARRY OBHOF, RANDY GARDNER, LOU GENTILE,
MICHAEL J. SKINDELL, 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 Eklund submitted the following report:

The standing committee on Criminal Justice, to which was referred **S. B. No. 177**-Senator Skindell, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 10 JOHN EKLUND, BILL SEITZ, JIM HUGHES, FRANK
LAROSE, PEGGY B. LEHNER, LARRY OBHOF,
TIMOTHY O. SCHAFFER, ERIC H. KEARNEY,
MICHAEL J. SKINDELL, SHIRLEY A. SMITH.

NO - 0

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

The report of the committee was accepted.

Senator Hughes submitted the following report:

The standing committee on Insurance and Financial Institutions, to which was referred **S. B. No. 140**-Senator Bacon, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Kearney.

YES - 12 BOB PETERSON, SHANNON JONES, GAYLE
MANNING, CLIFF HITE, DAVE BURKE, BILL

BEAGLE, JIM HUGHES, KEVIN BACON, NINA
TURNER, EDNA BROWN, ERIC H. KEARNEY, LOU
GENTILE.

NO - 0

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

The report of the committee was accepted.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **S. B. No. 54**-Senators Kearney, Eklund, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Tavares.

YES - 7 RANDY GARDNER, PEGGY B. LEHNER, DAVE
BURKE, SHANNON JONES, EDNA BROWN,
CHARLETA B. TAVARES, SCOTT OELSLAGER.

NO - 0

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

The report of the committee was accepted.

Senator Jones submitted the following report:

The standing committee on Medicaid Finance Subcommittee, to which was referred **H. B. No. 399**-Representatives Sheehy, Sprague, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Tavares.

YES - 8 RANDY GARDNER, PEGGY B. LEHNER, DAVE
BURKE, SHANNON JONES, EDNA BROWN,
CHARLETA B. TAVARES, SCOTT OELSLAGER, KRIS
JORDAN.

NO - 0

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

The report of the committee was accepted.

Senator Oelslager submitted the following report:

The standing committee on Finance, to which was referred **Sub. H. B. No. 484**-Representatives Rosenberger, Brown, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 13 BILL COLEY, TOM PATTON, JIM HUGHES,
SHANNON JONES, FRANK LAROSE, DAVE BURKE,
SCOTT OELSLAGER, BOB PETERSON, RANDY
GARDNER, MICHAEL J. SKINDELL, SHIRLEY A.
SMITH, THOMAS SAWYER, CHARLETA B.
TAVARES.

NO - 0

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

The report of the committee was accepted.

Senator Oelslager submitted the following report:

The standing committee on Finance, to which was referred **S. B. No. 287**-Senator Hughes, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 12 SCOTT OELSLAGER, BILL COLEY, TOM PATTON,
JIM HUGHES, BOB PETERSON, THOMAS SAWYER,
MICHAEL J. SKINDELL, SHIRLEY A. SMITH,
RANDY GARDNER, SHANNON JONES, DAVE
BURKE, CHARLETA B. TAVARES.

NO - 0

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 484-Representatives Rosenberger, Brown.

Cosponsors: Representatives Dovilla, Amstutz, Adams, R., Anielski, Antonio, Baker, Beck, Boose, Buchy, Burkley, Clyde, Damschroder, Derickson, DeVitis, Duffey, Foley, Green, Grossman, Hackett, Hall, Hayes, Hill, McClain, McGregor, O'Brien, Patterson, Pillich, Ramos, Redfern, Rogers, Sears, Sprague, Stebelton, Stinziano, Winburn, Speaker Batchelder.

To amend sections 3333.048, 3333.77, and 3358.06; to enact sections 3333.0413, 3333.171, 3333.33, 3333.44, and 3333.90; and to repeal section 3345.19 of the Revised Code; and to amend Sections 363.120, 363.190, and 363.200 of Am. Sub. H.B. 59 of the 130th General Assembly with respect to the coordination and administration of higher education programs, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 484**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Burke
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-31.

So the bill passed.

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

Senator Oelslager moved to amend the title as follows:

Add the names: "Beagle, Brown, Eklund, Hite, Hughes, Lehner, Oelslager, Sawyer, Tavares, Uecker."

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

The motion was agreed to and the title so amended.

Am. Sub. S. B. No. 96-Senator LaRose.

Cosponsors: Senators Cafaro, Hite, Lehner.

To amend section 3313.603 of the Revised Code to require one unit of world history in the high school social studies curriculum, was considered the third time.

The question being, "Shall the bill, **Am. Sub. S. B. No. 96**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Burke
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-31.

So the bill passed.

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

Senator LaRose moved to amend the title as follows:

Add the names: "Eklund, Hughes, Obhof, Peterson, Sawyer, Schiavoni, Smith, Tavares, Turner, Uecker."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 140-Senator Bacon.

Cosponsor: Senator Kearney.

To amend sections 1751.25, 3901.043, 3901.045, 3901.17, 3901.32, 3901.321, 3901.33, 3901.34, 3901.341, 3901.35, 3901.36, 3901.62, 3901.63, 3901.64, 3903.72, 3903.721, 3903.83, 3907.14, 3913.01, 3913.34, 3915.04, 3915.071, 3915.072, 3921.21, 3925.08, 3939.01, and 3953.15, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3903.72 (3903.723) and 3903.721 (3903.724), to enact new sections 3903.72 and 3903.721 and sections 3901.351, 3901.371, 3901.372, 3901.373, 3901.374, 3901.375, 3901.376, 3901.377, 3901.378, 3901.41, 3901.621, 3901.631, 3903.722, 3903.725, 3903.726, 3903.727, 3903.728, 3903.729, 3903.7210, 3903.7211, 3906.01 to 3906.15, and 3937.19, and to repeal sections 3907.09, 3907.10, 3907.11, and 3907.13 of the Revised Code to enact the Insurance Regulatory Modernization Act to revise the insurance laws regarding alternative investments, holding company systems, risk management, reserves kept for life insurance policies, automated transactions, reinsurance, and mergers and consolidations, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 140**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Burke
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-31.

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, Lehner, Patton, Peterson, Sawyer, Seitz, Turner."

The motion was agreed to and the title so amended.

Sub. S. B. No. 287-Senator Hughes.

To amend sections 135.14, 135.142, 135.143, 135.35, and 3770.06 and to enact section 135.48 of the Revised Code to modify authorized investments of interim moneys and inactive moneys under the Uniform Depository Act, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 287**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Burke	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-30.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Eklund, Patton, Sawyer, Seitz."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Obhof moved that Senators absent the week of Sunday, May 11, 2014, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills was introduced and considered the first time:

S. B. No. 339-Senator Hite.

Cosponsors: Senators Faber, LaRose, Schiavoni, Oelslager, Obhof, Burke.

To amend section 4501.21 and to enact section 4503.86 of the Revised Code to create the "Lincoln Highway" license plate.

S. B. No. 340-Senator Hite.

To enact section 5.035 of the Revised Code to designate the Buckeye

Butterfly as the state butterfly.

OFFERING OF RESOLUTIONS

Senators Tavares and Turner offered the following resolution:

S. C. R. No. 41-Senators Tavares, Turner.

Cosponsors: Senators Schiavoni, Gentile, Cafaro, Seitz, Jones, Hughes, Manning, Brown, Smith, Sawyer.

To condemn the terrorist group Boko Haram for its attacks on civilians, including the abduction of female students, and to urge the President and Congress to continue providing assistance in locating the students.

WHEREAS, On the night of April 14, 2014, 276 female students, most of them between the ages of 15 and 18, were abducted by the terrorist group Boko Haram from the Government Girls Secondary School, a boarding school located in the northeastern province of Borno in the Federal Republic of Nigeria; and

WHEREAS, All public secondary schools in Borno were closed in March 2014 because of the increased number of attacks over the past year that have killed hundreds of students, but the young women at the Government Girls Secondary School were recalled to take their final exams. Boko Haram burned down several buildings before opening fire on soldiers and police who were guarding the Government Girls Secondary School and subsequently forced the students into trucks; and

WHEREAS, According to local officials in Borno, 53 students were able to flee their captors while the rest remain in captivity. Reports suggest the abducted girls have been sold by Boko Haram to Islamist militants as brides for the equivalent of \$12 each; and

WHEREAS, Boko Haram, which loosely translates from the Hausa language to mean "Western education is sin," is known to oppose the education of girls. Boko Haram has previously kidnapped girls for use as cooks and sex slaves and claims responsibility for the kidnapping in Borno on April 14, 2014; and

WHEREAS, On April 14, 2014, hours before the kidnapping in Borno, and on May 2, 2014, Boko Haram bombed bus stations in Abuja, Nigeria, killing at least 94 people and wounding over 160, making it the deadliest set of attacks ever in Nigeria's capital city; and

WHEREAS, Late on May 5, 2014, suspected Boko Haram gunmen kidnapped an additional eight girls, ranging in age from 12 to 15, from a village in northeast Nigeria; and

WHEREAS, The United States Department of State designated Boko Haram as a Foreign Terrorist Organization in November 2013, recognizing the

threat posed by the group's large scale and indiscriminate attacks on civilians, including women and children; and

WHEREAS, Reports estimate that more than 500 students and 100 teachers have been killed by Boko Haram and that Boko Haram has destroyed approximately 500 schools in northern Nigeria, leaving more than 15,000 students without access to education; and

WHEREAS, Boko Haram has targeted schools, mosques, churches, villages, agricultural centers, and government facilities in an armed campaign to create an Islamic state in northern Nigeria, prompting the President of Nigeria to declare a state of emergency in three of the country's northeastern provinces in May 2013; and

WHEREAS, Human rights groups indicate that the Nigerian state security forces should improve efforts to protect civilians during offensive operations against Boko Haram. According to nongovernmental organizations, more than 1,500 people have been killed in attacks by Boko Haram or reprisals by the Nigerian security forces this year alone and almost 4,000 people have been killed in Boko Haram attacks since 2011; and

WHEREAS, The enrollment, retention, and completion of education for girls in Nigeria remains a major challenge. According to the United Nations Children's Emergency Fund, some 4,700,000 children of primary school age are still not enrolled in school in Nigeria, with attendance rates lowest in the north; and

WHEREAS, Studies have found that school children in Nigeria, particularly those in the northern provinces, are at a disadvantage in their education, with 37% of primary school-age girls in the rural northeast not attending school and 30% of boys not attending school; and

WHEREAS, Women and girls must be allowed to attend school without fear of violence and unjust treatment in order to take their rightful place as equal citizens of and contributors to society; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio:

-- Condemn Boko Haram for its violent attacks on civilian targets, including schools, mosques, churches, villages, and agricultural centers in Nigeria, and for its abduction of female students;

-- Urge the President of the United States and Congress to continue to assist the government of Nigeria in the search for the abducted girls and encourage the government of Nigeria to work with the United States and the governments of other concerned countries to resolve this tragic situation;

-- Express strong support for the people of Nigeria, especially the parents and families of the girls abducted by Boko Haram in Borno, and call for the girls' immediate safe return;

-- Encourage the government of Nigeria to strengthen efforts to protect children seeking to obtain an education and to hold those who conduct violent attacks accountable;

-- Commend efforts by the United States government to hold terrorist organizations, such as Boko Haram, accountable;

-- Recognize that every individual, regardless of gender, should have the opportunity to pursue an education without fear of discrimination; and

-- Encourage the United States Department of State and the United States Agency for International Development to continue supporting initiatives that promote the human rights of women and girls in Nigeria; and be it further

RESOLVED, That the Clerk of the Senate send duly authenticated copies of this resolution to the President and Secretary of State 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 resolution, **S. C. R. No. 41**, be adopted?"

On the motion of Senator Widener, **S. C. R. No. 41**, was referred to the Committee on Reference.

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 334-Senator Widener.

Honoring the Wright State University women's basketball team as the 2014 Horizon League Tournament Champion.

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

So the resolution was 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:

Am. Sub. S. B. No. 150 -Senators Hite, Peterson - et al.

Attest:

Bradley J. Young,
Clerk.

The President signed said bill.

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 concurrent resolution:

H. C. R. No. 27 -Representatives Johnson, Mallory - et al.

Attest:

Bradley J. Young,
Clerk.

The President signed said concurrent resolution.

On the motion of Senator Widener, the Senate adjourned until Thursday, May 15, 2014 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.