

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MAY 15, 2013

FORTY-SEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, May 15, 2013, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor 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 Patton presented a resolution to Kelsey Higgins for being named the 2013 Northern Ohio Rose.

Senator Peterson recognized Aaron Cullman, from Marysville High School, who was shadowing him for the day.

**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. 14**-Representative Pelanda, et al.

To amend section 3313.642 and to enact section 2151.272 of the Revised Code with respect to a school district's withholding or transfer to another district or school of the records of a child who is alleged or adjudicated an abused, neglected, or dependent child.

To the Committee on Education.

**H. B. No. 36**-Representative Johnson, et al.

To amend section 5533.051 and to enact sections 5533.812 and 5533.831 of the Revised Code to designate the "Branch Rickey Memorial Highway," the "Boone Coleman Memorial Highway," and the "Oakley C. Collins Memorial Bridge."

To the Committee on Transportation.

**Am. H. B. No. 110**-Representative Schuring, et al.

To amend section 4501.21 and to enact sections 4503.524, 4503.525, 4503.533, 4503.549, 4503.732, and 4503.90 of the Revised Code to create the "Massillon Tiger Football Booster Club," "Power Squadron," "Combat Action Ribbon or Badge," "Military Sacrifice," "Truth, Justice, and the American Way," and "Nationwide Children's Hospital" license plates.

To the Committee on Transportation.

**Am. H. B. No. 112**-Representatives Schuring, Gonzales, et al.

To amend section 5747.113 and to enact section 3701.601 of the Revised Code to allow taxpayers to contribute a portion of their income tax refunds to the Ohio Breast and Cervical Cancer Project and to require each income tax refund contribution category to generate \$250,000 annually or be canceled.

To the Committee on Ways and Means.

**S. B. No. 126**-Senator Schiavoni.

To require the State Board of Education to establish criteria and procedures for the awarding of school safety funds to school districts and to make an appropriation.

To the Committee on Finance.

**S. B. No. 127**-Senator Jordan.

To amend sections 319.202, 323.155, and 5713.041 and to enact section 323.16 of the Revised Code to create a property tax and a manufactured home tax reduction for parents of home schooled children equal to the taxes levied by the school district on the homestead of the parent.

To the Committee on Ways and Means.

YES - 8: KRIS JORDAN, SCOTT OELSLAGER, CHRIS WIDENER, TOM PATTON, LARRY OBHOF, KEVIN BACON, 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 Beagle submitted the following report:

The standing committee on Workforce and Economic Development, to which was referred **S. B. No. 112**-Senator Beagle, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 68, delete " 2014" and insert " 2015"

In line 191, delete " 2014" and insert " 2015"

In line 328, delete " 2014" and insert " 2015"

In line 441, delete " 2014" and insert " 2015"

In line 624, delete " 2014" and insert " 2015"

In line 5 of the title, delete "2014" and insert "2015"

In line 14, after "development" insert " services"

In line 38, after "development" insert " services"

In line 190, after "development" insert " services"

In line 212, after "development" insert " services"

In line 224, after "development" insert " services"

In line 250, after "development" insert " services"

In line 258, after "development" insert " services"

In line 286, after "development" insert " services"

In line 296, after "development" insert " services"

In line 440, after "development" insert " services"

In line 464, after "development" insert " services"

In line 476, after "development" insert " services"

In line 510, after "development" insert " services"

In line 518, after "development" insert " services"

In line 549, after "development" insert " services"

In line 568, after "development" insert " services"

In line 616, after "development" insert " services"

In line 645, after "development" insert " services"

In line 681, after "development" insert " services"

In line 688, after "development" insert " services"

Co-Sponsor: Schaffer.

YES - 9: CHARLETA B. TAVARES, JOSEPH SCHIAVONI,  
TROY BALDERSON, TIMOTHY O. SCHAFFER,  
CHRIS WIDENER, BILL BEAGLE, GAYLE  
MANNING, PEGGY B. LEHNER, RANDY GARDNER.

NO - 1: MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

Senator LaRose submitted the following report:

The standing committee on Public Safety, Local Government, and Veterans Affairs, to which was referred **S. B. No. 57**-Senator Manning, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: LaRose, Brown, Tavares.

YES - 9: JOE UECKER, TIMOTHY O. SCHAFFER, KEVIN  
BACON, TOM PATTON, FRANK LAROSE, MICHAEL  
J. SKINDELL, EDNA BROWN, CHARLETA B.  
TAVARES, KRIS JORDAN.

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:

**William G. Brantingham**, from Winona, Columbiana County, Ohio, as a Member of the Emergency Response Commission for a term beginning March 20, 2013, ending at the close of business January 13, 2015.

**Ted Celeste**, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Air Quality Development Authority for a term beginning February 1, 2013, ending at the close of business June 30, 2018, replacing Gayle Channing Tenenbaum, who resigned.

**Fred L. Dailey**, Republican, from Mount Vernon, Knox County, Ohio, as a Member of the Reclamation Commission for a term beginning February 26, 2013, ending at the close of business June 28, 2017, replacing Ray A. Rummell, whose term expired.

**John Detrick**, from Clark County, Ohio, as a Member of the Clean Ohio Council for a term beginning January 22, 2013, ending at the close of business November 23, 2014 replacing Robert D. Corcoran, whose term expired.

**Jack Everson**, from Ross County, Ohio, as a Member of the Clean Ohio Council for a term beginning January 22, 2013, ending at the close of business November 23, 2014 replacing Jay Williams, whose term expired.

**Charles E. Franks**, Democrat, from Newark, Licking County, Ohio, as Member of the Wildlife Council for a term beginning March 22, 2013, ending at the close of business January 31, 2017.

**Richard D. Hughes**, from Madison, Lake County, Ohio, as a Member of the Emergency Response Commission for a term beginning March 20, 2013, ending at the close of business January 13, 2015.

**Chamese R. Jarrett**, from Etna, Licking County, Ohio, as a Member of the Ohio Reclamation Forfeiture Fund Advisory Board for a term beginning February 26, 2013, ending at the close of business January 10, 2016.

**Lawrence P. Keller**, Republican, from Fort Recovery, Mercer County, Ohio, as Member of the Recreation and Resources Commission for a term beginning April 2, 2013, ending at the close of business January 31, 2017, replacing Frances S. Buchholzer, whose term expired.

**Michael N. Lang**, from Montgomery County, Ohio, as a Member of the Clean Ohio Council for a term beginning January 22, 2013, ending at the close of business November 23, 2014 replacing Gwen McFarlin, whose term expired.

**Paul Parks Mechling II**, from Pierpoint, Ashtabula County, Ohio, as a Member of the Forestry Advisory Council for a term beginning February 26, 2013, ending at the close of business February 27, 2016, replacing Mark Hochstetler, whose term expired.

**Thomas E. Niehaus**, Republican, from New Richmond, Clermont County, Ohio, as a Member of the Ohio Air Quality Development Authority for a term beginning March 15, 2013, ending at the close of business June 30, 2013, replacing Clifford R. Cloud, who resigned.

**James Samuel**, from Franklin County, Ohio, as a Member of the Clean Ohio Council for a term beginning January 22, 2013, ending at the close of business November 23, 2013.

**Michael A. Silva**, from Cadiz, Harrison County, Ohio, as a Member of the Ohio Reclamation Forfeiture Fund Advisory Board for a term beginning February 27, 2013, ending at the close of business January 10, 2016.

**Thomas G. Stephenson**, Republican, from Hamilton, Butler County, Ohio, as a Member of the Petroleum Underground Storage Tank Release Compensation Board for a term beginning February 26, 2013, ending at the close of business July 10, 2015.

**J. Randal Van Dyne**, from Findlay, Hancock County, Ohio, as a Member of the State Emergency Response Commission for a term beginning March 21, 2013, ending at the close of business January 13, 2015.

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

YES - 9: KEITH L. FABER, TOM PATTON, LARRY OBHOF, SCOTT OELSLAGER, DAVE BURKE, BILL COLEY, EDNA BROWN, NINA TURNER, 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.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following concurrent resolution:

**Am. S. C. R. No. 6** -Senator Bacon

Cosponsors: Senators Balderson, Beagle, Brown, Burke, Eklund, Hite, Hughes, Jones, LaRose, Manning, Obhof, Peterson, Sawyer, Schaffer, Tavares, Uecker, Widener, Patton, Jordan, Seitz, Coley, Faber, Kearney, Oelslager, Schiavoni, Turner Representatives Johnson, Landis, Pillich, Anielski, Barborak, Bishoff, Dovilla, Milkovich, Perales, Retherford, Adams, J., Amstutz, Antonio, Ashford, Baker, Beck, Blair, Boyce, Brenner, Brown, Buchy, Burkley, Butler, Carney, Celebrezze, Conditt, Damschroder, Fedor, Gerberry, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Henne, Hill, Hood, Hottinger, Letson, Lundy, Maag, Mallory, McClain, McGregor, Patterson, Phillips, Ramos, Reece, Roegner, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Terhar, Winburn, Young, Speaker Batchelder

To urge the Secretary and the Chief of Staff of the United States Air Force to give full consideration to Rickenbacker Air Guard Station in Columbus, Ohio as the location for the KC-46A Main Operating Base.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 47, after the semicolon insert" and

WHEREAS, Engineering, manufacturing, and development for the KC-46A Aircrew Training System will be done at Wright-Patterson Air Force Base, and locating the operating base in the same region as the training system will produce significant cost savings;"

Attest:

Bradley J. Young,  
Clerk.

Pursuant to Senate Rule No. 44, Senator Widener moved that the amendments of the House of Representatives to **Am. S. C. R. No. 6** be brought up for consideration.

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?"

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 concurred in the amendments of the House of Representatives.

### **BILLS FOR THIRD CONSIDERATION**

**S. B. No. 57**-Senator Manning.

Cosponsors: Senators Jones, Lehner, Hughes, Burke, LaRose, Brown, Tavares.

To establish a pilot project in Lorain County from August 1, 2013, to July 31, 2014, pursuant to which qualified emergency responders in that County may obtain and administer naloxone to revive a person suffering from an apparent opioid-related overdose, was considered the third time.

The question being, "Shall the bill, **S. B. No. 57**, 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 Manning moved to amend the title as follows:

Add the names: "Beagle, Cafaro, Eklund, Faber, Gardner, Hite, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**Am. S. B. No. 112**-Senator Beagle.

Cosponsors: Senators LaRose, Lehner, Seitz, Uecker, Schaffer.

To amend sections 5709.62, 5709.63, and 5709.632 of the Revised Code to extend the authority of municipal corporations and counties to enter into enterprise zone agreements with businesses until October 15, 2015, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 112**, pass?"

Senator Tavares moved to amend as follows:

In line 6, after "5709.632" insert "be amended and section 5703.481"

In line 7, delete "amended" and insert "enacted"

Between lines 7 and 8, insert:

" **Sec. 5703.481.** (A) As used in this section:

(1) "Tax incentive" means any exemption, either in whole or in part, of the income, goods, services, or property of a business from the effect of taxes established in the Revised Code or in an ordinance, resolution, regulation, or rule of a taxing authority in this state. "Tax incentive" includes, but is not limited to, tax exemptions, deferrals, exclusions, allowances, credits, reimbursements, and preferential tax rates. "Tax incentive" does not include tax deductions.

(2) "Business" means a sole proprietorship, a corporation for profit, or a pass-through entity as defined in section 5733.04 of the Revised Code.

(B) Before the first day of July of each even-numbered year, the tax commissioner shall compile a comprehensive report detailing all tax incentives granted by the state and all other taxing authorities. The report, for each business that receives a tax incentive, shall describe all the tax incentives received by the business, identify the section of the Revised Code or the ordinance, resolution, regulation, or rule of the taxing authority that authorizes each incentive, provide a detailed estimate of the approximate amount of revenue not available to the state or taxing authority in the preceding two fiscal years as a result of the operation of the tax incentives, indicate whether each incentive is temporary or ongoing, and include any other information deemed by the commissioner to be

helpful in evaluating the effectiveness of the tax incentives.

(C) The report shall be completed in electronic searchable format and provided to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate.

(D) The tax commissioner may require any business that receives tax incentives or any taxing authority that grants tax incentives to produce any books, papers, records, and federal income tax returns necessary for the commissioner to comply with the reporting requirements under this section. Upon written request of the commissioner, every business and taxing authority subject to this division is required to furnish the opportunity for the commissioner, or an employee or agent thereof, to examine such books, papers, records, and federal income tax returns at a reasonable time and place designated in the request.

(E) The tax commissioner shall adopt any rules necessary to administer this section. Such rules may include uniform requirements as to the keeping of records and other pertinent documents by businesses and taxing authorities for the purpose of compiling the report required under this section.

(F) Sections 5703.21, 5715.49, and 5715.50 of the Revised Code do not prohibit the divulgence of information in the report to the extent required under this section or the divulgence of information at the request of the tax commissioner for the purpose of compiling the report."

In line 1 of the title, after "5709.632" insert "and to enact section 5703.481"

In line 5 of the title, after "2015" insert ", and to require the Department of Taxation to compile a comprehensive biannual report describing all state and local tax incentives granted to businesses"

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

Senator Obhof 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, **Am. S. B. No. 112**, 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    |
| Jones    | Kearney   | LaRose    | Lehner    |
| Manning  | Obhof     | Oelslager | Patton    |
| Peterson | Sawyer    | Schaffer  | Schiavoni |
| Seitz    | Smith     | Tavares   | Turner    |
| Uecker   | Widener   |           | Faber-31. |

Senators Jordan and Skindell voted in the negative-2.

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: "Coley, Eklund, Hite, Oelslager, Patton, Peterson, Widener."

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. 128**-Senator Tavares.

To amend sections 4112.01, 4112.02, 4112.05, 4112.08, 4112.14, 4112.15, and 4112.99 of the Revised Code to restrict a person's ability to require, solicit, mail, and publicly display social security numbers.

**S. B. No. 129**-Senator Tavares.

Cosponsor: Senator Schiavoni.

To amend section 4503.41 of the Revised Code to allow a veteran with a service-connected disability of less than 100 per cent to apply for disabled veteran license plates upon payment of one-half of the applicable fees.

**S. B. No. 130**-Senator Tavares.

To enact section 4511.702 of the Revised Code to prohibit smoking in a motor vehicle in which a child under six years of age is a passenger.

**S. B. No. 131**-Senator Tavares.

Cosponsor: Senator Cafaro.

To enact section 4743.08 of the Revised Code to require certain health care professionals to complete instruction in cultural competency.

**S. B. No. 132**-Senator Tavares.

To amend sections 4715.30, 4723.28, 4725.19, 4725.53, 4729.16, 4730.02, 4730.25, 4731.22, 4732.17, 4734.31, 4753.10, 4755.11, 4755.47, 4755.64, 4757.36, 4758.30, 4759.07, 4760.13, 4761.09, 4762.13, 4765.33, 4773.03, 4774.13, 4778.14, and 4779.28 and to enact section 4745.04 of the Revised Code to require certain health care professionals to wear, when providing direct patient care, an identification card, badge, or similar device that includes a photograph of the professional and specifies the license held by the professional.

**S. B. No. 133**-Senator Kearney.

Cosponsor: Senator Brown.

To amend sections 2967.12 and 5149.101 of the Revised Code to require that the notice provided to the prosecuting attorney by the Parole Board of the time and place of a full board hearing or of the pendency of a pardon, commutation, or parole, be provided by certified mail, return receipt requested.

**S. B. No. 134**-Senators LaRose, Sawyer.

Cosponsors: Senators Uecker, Gardner.

To enact sections 9.58, 9.581, 9.582, 9.583, 9.584, 9.585, 9.586, and 9.587 of the Revised Code relative to the financing of capital improvement projects in this state by another state or a political subdivision of another state.

**OFFERING OF RESOLUTIONS**

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

**S. R. No. 114**-Senator Patton.

Honoring Kelsey Higgins as the 2013 Ohio Rose.

**S. R. No. 115**-Senator Lehner.

Honoring the late James Edison Groves III as the recipient of a 2013 Ohio Military Medal of Distinction.

**S. R. No. 116**-Senators Bacon, Hughes.

Recognizing Ohio Cystic Fibrosis Awareness Month, May 2013.

**S. R. No. 117**-Senator Skindell.

Honoring the Polaris Career Center culinary team as the 2013 Ohio ProStart State Champion.

**S. R. No. 118**-Senator Schaffer.

Honoring the C-TEC Career and Technical Education Centers of Licking County management team as the 2013 Ohio ProStart State 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 adjourned until Thursday, May 16, 2013 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.