

**OHIO**

**SENATE**

**JOURNAL**

THURSDAY, MAY 15, 2014

ONE HUNDRED EIGHTY-FIRST DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, May 15, 2014, 9:30 a.m.**

The Senate met pursuant to adjournment.

The journal of the last legislative day was read and approved.

**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 **Am. H. C. R. No. 26**-Representative Hayes, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: LaRose.

YES - 10     DAVE BURKE, BILL SEITZ, LARRY OBHOF, BILL COLEY, JOE UECKER, EDNA BROWN, SHIRLEY A. SMITH, MICHAEL J. SKINDELL, FRANK LAROSE, KEVIN BACON.

NO - 0

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

The report of the committee was accepted.

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **S. C. R. No. 21**-Senator Hughes, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 10     BILL COLEY, DAVE BURKE, BILL SEITZ, LARRY OBHOF, JOE UECKER, EDNA BROWN, SHIRLEY A. SMITH, MICHAEL J. SKINDELL, FRANK LAROSE, KEVIN BACON.

NO - 0

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

The report of the committee was accepted.

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **S. B. No. 233**-Senator Hughes, et al., having had the same

under consideration, reports it back with the following amendment and recommends its passage when so amended.

In line 4, delete "5.095" and insert "5.25"

In line 6, delete " **5.095** . The country music group" and insert " **5.25** . The sixth day of June is designated as """; after " Flatts" insert " Day"; after the underlined comma insert " " in honor of the country music group"

In line 7, after " Rooney" delete the remainder of the line

In line 8, delete everything before the period and insert " releasing their first album on that day"

In line 1 of the title, delete "5.095" and insert "5.25"

In line 2 of the title, after "designate" insert "June 6th as"; after "Flatts" delete the remainder of the line

In line 3 of the title, delete everything before the period and insert "Day"

YES - 9      DAVE BURKE, BILL SEITZ, LARRY OBHOF, BILL  
COLEY, EDNA BROWN, SHIRLEY A. SMITH, FRANK  
LAROSE, MICHAEL J. SKINDELL, KEVIN BACON.

NO - 0

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

#### **Am. H. B. No. 241** -Representative Hagan, C.

Cosponsors: Representatives Becker, Buchy, Grossman, Hood, Stebelton, Amstutz, Anielski, Barborak, Barnes, Bishoff, Boyce, Brenner, Brown, Burkley, Butler, Carney, Celebrezze, Cera, DeVitis, Driehaus, Gerberry, Hall, Hayes, Hottinger, Landis, McClain, Milkovich, O'Brien, Patterson, Pelanda, Perales, Phillips, Pillich, Rogers, Rosenberger, Scherer, Schuring, Sears, Sheehy, Slaby, Strahorn, Thompson, Winburn, Speaker Batchelder

To amend section 2907.03 of the Revised Code to prohibit an employee of a public or nonpublic school or institution of higher education who is not in a position of authority from engaging in sexual conduct with a minor at least four years younger than the employee who is enrolled in or attends that public or nonpublic school or who is enrolled in or attends that institution of higher education and is also enrolled in or attends a public or nonpublic school.

**Am. H. B. No. 277** -Representative Stautberg

Cosponsors: Representatives Becker, Brown, Conditt, Hood, Terhar, Thompson, Blair, Blessing, Burkley, McClain, O'Brien, Ruhl, Sprague, Speaker Batchelder

To amend sections 709.02 and 709.023 of the Revised Code to require that the state or a political subdivision real estate owner be included in determining the number of owners needed to sign a petition for an expedited type-II annexation, unless the real estate is a road or road right-of-way, and to make other changes regarding that type of annexation.

**H. B. No. 290** -Representative Stibelton

Cosponsors: Representatives Becker, Smith, Huffman, Grossman, Adams, J., Terhar, Blessing, Scherer, Hood, Buchy, Brenner, Fedor, Perales, Maag, Antonio, Baker, Barnes, Beck, Burkley, Driehaus, Green, Milkovich, Phillips, Sheehy, Stautberg, Speaker Batchelder

To amend sections 3313.75, 3313.76, 3313.77, and 3313.78 and to enact section 3313.791 of the Revised Code regarding the use of school district premises by members of the public and immunity from civil liability for a school district and schools when permitting members of the public to use school premises.

**Am. Sub. H. B. No. 375** -Representative Huffman

Cosponsors: Speaker Batchelder, Representatives Hall, Grossman, Sears, Hayes, Boose, Beck, Stibelton, Hill, Wachtmann, Amstutz, Landis, Scherer, Baker, Buchy, Rosenberger, DeVitis, McClain, Sprague, Terhar

To amend sections 1509.02, 1509.071, 1509.11, 1509.34, 1513.08, 1513.182, 1514.11, 5703.052, 5705.27, 5705.32, 5747.98, 5749.01, 5749.02, 5749.03, 5749.06, 5749.07, 5749.08, 5749.10, 5749.11, 5749.12, 5749.13, 5749.14, 5749.15, and 5751.01, to enact sections 187.14, 190.01 to 190.05, 321.50, 1509.075, 5747.56, 5747.63, 5749.031, and 5749.18, and to repeal section 1509.50 of the Revised Code to change the basis, rates, and revenue distribution of the severance tax on oil and gas, authorize an income tax credit for oil or gas royalty holders, and to exclude some oil and gas sale receipts from the commercial activity tax base.

**H. B. No. 401** -Representatives Hagan, R., Mallory

Cosponsors: Representatives Cera, Buchy, Gerberry, Wachtmann, Foley, Boyd, Ramos, Thompson, Damschroder, Blair, Grossman, Brenner, Winburn, Terhar, Heard, Duffey, Budish, Reece, Strahorn, McGregor, Smith, Derickson,

Antonio, Johnson, Barborak, Bishoff, Pillich, Ruhl, Slesnick, Hackett, Boyce, Stautberg, Becker, Young, Carney, Lundy, Hood, Celebrezze, Green, Milkovich, Patmon, Adams, R., Amstutz, Anielski, Ashford, Baker, Barnes, Beck, Blessing, Boose, Brown, Burkley, Butler, Clyde, Conditt, Curtin, DeVitis, Dovilla, Driehaus, Gonzales, Hagan, C., Hall, Hayes, Henne, Hill, Hottinger, Huffman, Landis, Letson, Lynch, McClain, O'Brien, Patterson, Pelanda, Perales, Phillips, Redfern, Retherford, Roegner, Rogers, Rosenberger, Scherer, Schuring, Sears, Sheehy, Slaby, Sprague, Stebelton, Stinziano, Williams, Speaker Batchelder

To enact section 5533.242 of the Revised Code to designate a portion of Interstate Route 75 in Hamilton County as the "William L. Mallory, Sr. Memorial Highway."

**Sub. H. B. No. 412** -Representative Gonzales

Cosponsors: Representatives Bishoff, Terhar, Young, Wachtmann, Schuring, Brown, Anielski, Baker, Blessing, Carney, Green, Grossman, Hackett, Huffman, Landis, Perales, Pillich, Rogers, Scherer, Speaker Batchelder

To amend sections 1.64, 2133.211, 2151.3515, 2305.113, 3701.92, 4503.44, 4729.01, 4730.01, 4730.02, 4730.03, 4730.04, 4730.06, 4730.08, 4730.091, 4730.10, 4730.101, 4730.11, 4730.12, 4730.13, 4730.14, 4730.19, 4730.21, 4730.22, 4730.25, 4730.251, 4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 4730.38, 4730.39, 4730.41, 4730.42, 4730.43, 4730.49, 4730.51, 4730.53, 4731.07, 4765.01, 4765.51, and 5123.47; to amend, for the purpose of adopting new section numbers as shown in parentheses, section 4730.091 (4730.201) and 4730.092 (4730.202); to enact new section 4730.20 and sections 4730.111 and 4730.203; and to repeal sections 4730.081, 4730.09, 4730.15, 4730.16, 4730.17, 4730.18, 4730.20, 4730.44, 4730.45, 4730.46, 4730.47, 4730.48, 4730.50, and 4730.52 of the Revised Code to revise the law governing the practice of physician assistants.

**H. B. No. 468** -Representatives Sears, McGregor

Cosponsors: Representatives Becker, Hackett, Henne, Wachtmann, Speaker Batchelder

To amend sections 505.871, 4501.25, 4505.061, 4738.01, 4738.02, 4738.03, 4738.17, and 4738.99, to enact sections 3937.19, 4738.021, 4738.022, 4738.023, and 4738.031, and to repeal section 4738.18 of the Revised Code relative to salvage motor vehicles and junk motor vehicles.

Attest:

Bradley J. Young,  
Clerk.

Said bills were considered the first time.

### **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 bills:

#### **Sub. S. B. No. 260** -Senator Patton

Cosponsors: Senators Balderson, Hite, Coley, Hughes, Jones Representatives Buchy, Gerberry, Adams, J., Adams, R., Anielski, Antonio, Beck, Blessing, Brenner, Burkley, DeVitis, Green, Grossman, Hackett, McGregor, Perales, Riegner, Rosenberger, Ruhl, Sears, Terhar, Speaker Batchelder

To amend section 4517.12 of the Revised Code to generally prohibit the Registrar of Motor Vehicles from issuing a motor vehicle dealer's license or motor vehicle leasing dealer's license to a motor vehicle manufacturer for the retail sale or lease of new or used motor vehicles.

#### **S. B. No. 275** -Senator Hite

Cosponsors: Senators Gardner, Jones, Cafaro, Brown, Tavares, Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hughes, Jordan, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Turner, Uecker, Widener Representatives Wachtmann, Antonio, Barnes, Bishoff, Brown, Hagan, R., Carney, Hottinger, Johnson, Schuring, Sears, Smith, Anielski, Baker, Barborak, Beck, Blessing, Boyce, Boyd, Brenner, Buchy, Budish, Burkley, Butler, Celebrezze, Cera, Clyde, Derickson, DeVitis, Dovilla, Driehaus, Foley, Gerberry, Grossman, Hackett, Hagan, C., Hall, Heard, Hill, Huffman, Letson, Lundy, McGregor, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Perales, Phillips, Pillich, Ramos, Redfern, Reece, Rogers, Ruhl, Sheehy, Slaby, Sprague, Stebelton, Stinziano, Strahorn, Terhar, Williams, Winburn, Young, Speaker Batchelder

To enact section 5.2292 of the Revised Code to designate March 9 as "Meningitis Awareness Day."

Attest:

Bradley J. Young,  
Clerk.

### **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:

**Am. Sub. S. B. No. 245**-Senators Coley, Seitz

Cosponsors: Senators Turner, Schiavoni, Hughes, Patton, Widener, Manning, LaRose, Cafaro, Gentile, Bacon, Balderson, Beagle, Brown, Burke, Eklund, Faber, Gardner, Hite, Jones, Jordan, Lehner, Obhof, Oelslager, Peterson, Schaffer, Skindell, Smith, Tavares, Uecker Representatives Damschroder, Ruhl, Mallory, Celebrezze, DeVitis, Green, Hagan, R., Milkovich, Patmon, Adams, R., Anielski, Antonio, Baker, Barborak, Barnes, Beck, Bishoff, Blair, Blessing, Boose, Boyce, Boyd, Brenner, Brown, Buchy, Burkley, Butler, Carney, Cera, Clyde, Conditt, Derickson, Dovilla, Driehaus, Duffey, Foley, Gerberry, Gonzales, Grossman, Hackett, Hagan, C., Hall, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, Lundy, McClain, O'Brien, Patterson, Pelanda, Perales, Pillich, Redfern, Reece, Retherford, Roegner, Rogers, Rosenberger, Scherer, Schuring, Sears, Sheehy, Slaby, Smith, Sprague, Stautberg, Stebelton, Stinziano, Terhar, Williams, Winburn, Young, Speaker Batchelder

To amend section 5533.977 and to enact sections 5533.471, 5533.542, 5533.543, 5533.544, and 5533.545 of the Revised Code to designate four new memorial highways in Butler, Hamilton, and Warren counties; to revise a memorial highway designation; to designate a portion of State Route 264 within the city of Cincinnati as the "Elder High School Vietnam Veterans Memorial Highway"; to authorize the Director of Transportation to erect suitable markers along the highway indicating its name; and to authorize Elder High School, subject to approval by the Director, to erect auxiliary markers on a periodic basis indicating the name of one of the eleven Elder High School graduates who died during the Vietnam conflict.

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

In line 6, after "sections" insert "5533.471,"

Between lines 8 and 9, insert:

" **Sec. 5533.471.** (A) That portion of state route number two hundred sixty-four located within the city of Cincinnati and also known as Glenway avenue, commencing at the intersection of that route and Gilsey avenue and extending in an easterly direction to the intersection of that route with Beech avenue, shall be known as the "Elder High School Vietnam Veterans Memorial Highway."

(B) The director of transportation may erect suitable markers along the highway indicating its name.

(C) Subject to approval by the director in relation to the marker size, color, format, and method of placement, elder high school may erect auxiliary markers in conjunction with the markers erected by the director under division (B) of this section, bearing one of the following names:

- (1) "Navy Commander Leonard Frederick Vogt, Jr.";
- (2) "Air Force Captain Albert Francis Sayer, Jr.";
- (3) "Marine Corps Sergeant Thomas Patrick Kindt";
- (4) "Army Specialist Five Robert James Oates";
- (5) "Army Corporal Donald Lawrence Schnee";
- (6) "Marine Corps Corporal David Raymond Caruso";
- (7) "Army Private First Class Michael Lee Faulkner";
- (8) "Marine Corps Private First Class Michael Francis Huwel";
- (9) "Army Private First Class Paul Patrick Davis";
- (10) "Marine Corps Corporal William Francis Reiter";
- (11) "Marine Corps Lance Corporal Michael Robert Witt."

Elder high school may alternate the approved auxiliary markers on a periodic basis."

In line 1 of the title, after "sections" insert "5533.471,"

In line 4 of the title, after "counties" insert a semicolon

In line 5 of the title, delete "and"; after "designation" insert "; to designate a portion of State Route 264 within the city of Cincinnati as the "Elder High School Vietnam Veterans Memorial Highway"; to authorize the Director of Transportation to erect suitable markers along the highway indicating its name; and to authorize Elder High School, subject to approval by the Director, to erect auxiliary markers on a periodic basis indicating the name of one of the eleven Elder High School graduates who died during the Vietnam conflict"

In line 23, after " S." insert " Scott"

Attest:

Bradley J. Young,  
Clerk.

Said amendments were laid over under the rule.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives insists on its



amendments to:

**Sub. S. B. No. 172** -Senator Patton - et al.

and asks for a Committee of Conference.

Attest:

Bradley J. Young,  
Clerk.

On the motion of Senator Coley, the Senate acceded to the request of the House of Representatives.

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

The motion was agreed to.

#### **MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee for Sub. S. B. 172:

Senator Tom Patton  
Senator William Coley  
Senator Michael Skindell

On the motion of Senator Coley, the Senate adjourned until Monday, May 19, 2014 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.