

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MAY 22, 2013

FIFTIETH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, May 22, 2013, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Wes Arblaster, Lake Avenue Christian Church, New Carlisle, 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 Peterson recognized Megan Hammond, from the University of Dayton, on her internship for the Ohio Senate.

Senator Hite recognized Mike Hendershot who was visiting from Findlay, Ohio.

Senator Smith recognized Ed Stockhausen for his years of service to the Ohio Senate.

Senator Turner presented a resolution to Darius Ellison for being named the 2013 Ohio's Boys and Girls Clubs Youth of the Year.

Senator Bacon presented a resolution to Darlene Cronin, Executive Director of the Cystic Fibrosis Foundation, Central Ohio Chapter, in recognition of Cystic Fibrosis Awareness Month.

Senator Skindell presented a resolution to the Polaris Career Center Culinary Team for being the 2013 Ohio ProStart State Champions.

**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:

**Am. H. B. No. 6**-Representatives Thompson, Green, et al.

To amend sections 111.15, 117.11, 117.12, 117.16, 117.20, and 127.18 and to enact section 117.114 of the Revised Code to create an agreed-upon procedure audit for certain eligible political subdivisions and to eliminate the Auditor of State's exemption from filing a rule summary and fiscal analysis with proposed rules.

To the Committee on State Government Oversight and Reform.

**Sub. H. B. No. 90**-Representatives Gerberry, Grossman, et al.

To amend sections 959.131, 959.132, 959.99, and 1717.01 of the Revised Code to specifically prohibit an owner, manager, or employee of a dog kennel from committing cruel treatment of a companion animal, to give a prosecutor who prosecutes an owner, manager, or employee of a dog kennel who commits cruel treatment of a companion animal discretion in prosecuting that person for the offense, to revise provisions regarding the negligent treatment of companion animals, and to revise the definition of "cruelty," "torment," and "torture" in the Humane Societies Law.

To the Committee on Agriculture.

**S. C. R. No. 14**-Senator Gardner, et al.

To commemorate the War of 1812 and the Battle of Lake Erie and to recognize northwest Ohio's important role in the war.

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

**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.

To the Committee on Commerce and Labor.

**S. B. No. 129**-Senator Tavares, et al.

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.

To the Committee on Transportation.

**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.

To the Committee on Criminal Justice.

**S. B. No. 131**-Senator Tavares, et al.

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

To the Committee on Medicaid, Health and Human Services.

**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.

To the Committee on Medicaid, Health and Human Services.

**S. B. No. 133**-Senator Kearney, et al.

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.

To the Committee on Criminal Justice.

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

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.

To the Committee on Finance.

**S. B. No. 135**-Senator Tavares.

To amend sections 5725.98, 5726.98, 5729.98, 5747.98, and 5751.98 and to enact section 715.58 of the Revised Code to authorize nonrefundable tax credits for authorized donations to projects of nonprofit entities and municipal agencies providing community services.

To the Committee on Ways and Means.

**S. B. No. 136**-Senator Tavares, et al.

To amend sections 123.152 and 3358.10 and to enact sections 3354.161, 3355.121, and 3357.161 of the Revised Code to require community colleges, state community colleges, technical colleges, and university branches to comply with minority business enterprise set-aside requirements, and to require the Director of Administrative Services to establish guidelines for these entities and the Northeast Ohio Medical University to establish procurement goals for contracting with EDGE business enterprises.

To the Committee on Commerce and Labor.

YES - 10: KRIS JORDAN, SCOTT OELSLAGER, CHRIS WIDENER, TOM PATTON, LARRY OBHOF, KEVIN BACON, RANDY GARDNER, LOU GENTILE, ERIC H. KEARNEY, JOSEPH SCHIAVONI.

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 **Sub. H. B. No. 7**-Representative Huffman, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 7: DAVE BURKE, CHRIS WIDENER, LARRY OBHOF, FRANK LAROSE, KEVIN BACON, JOE UECKER, MICHAEL J. SKINDELL.

NO - 4: BILL SEITZ, BILL COLEY, SHIRLEY A. SMITH, EDNA BROWN.

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

The report of the committee was accepted.

Senator Eklund submitted the following report:

The standing committee on Criminal Justice, to which was referred **S. B. No. 64**-Senators Beagle, Manning, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: JOHN EKLUND, BILL SEITZ, JIM HUGHES, FRANK LAROSE, PEGGY B. LEHNER, LARRY OBHOF, TIMOTHY O. SCHAFFER.

NO - 3: SHIRLEY A. SMITH, JOSEPH SCHIAVONI, THOMAS SAWYER.

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

The report of the committee was accepted.

## HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

**Sub. S. B. No. 9**-Senator Bacon.

Cosponsors: Senators Beagle, Hite, Jones, Seitz, Widener, Brown, Cafaro, Eklund, Lehner, Manning, Peterson, Smith. Representatives Carney, Hackett, Henne, Huffman, Letson, Pillich, Sears, Wachtmann, Speaker Batchelder.

To amend section 1751.31 and to suspend sections 1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 3924.12, 3924.13, and 3924.14 of the Revised Code to make changes to the procedure for submission and review of a health insuring corporation's solicitation document, and to suspend the enforcement of the Ohio Open Enrollment Program, the Ohio Health Reinsurance Program, and the option for conversion of a health insurance contract or policy under certain circumstances during the period beginning

January 1, 2014, and expiring January 1, 2018, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Gardner	Hite
Hughes	Jones	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Schaffer	Seitz	Uecker
Widener			Faber-22.

Those who voted in the negative were: Senators

Brown	Cafaro	Gentile	Jordan
Kearney	Sawyer	Schiavoni	Skindell
Smith	Tavares		Turner-11.

So the Senate concurred in the amendments of the House of Representatives.

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

Senator Brown moved to amend the title as follows:

Remove the names: "Brown, Cafaro, Smith."

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

The motion was agreed to and the title so amended.

The amendments of the House of Representatives to:

**Sub. S. B. No. 21**-Senator Lehner.

Cosponsors: Senators Sawyer, Gardner, Bacon, Beagle, Brown, Coley, Eklund, Faber, Hite, Jones, Manning, Obhof, Peterson, Seitz, Turner, Uecker. Representatives Brenner, Amstutz, Anielski, Baker, Bishoff, Burkley, Driehaus, Duffey, Grossman, Hackett, Hayes, Henne, Kunze, McClain, McGregor, O'Brien, Patterson, Phillips, Pillich, Reece, Rogers, Smith, Sprague, Stautberg, Stebelton, Terhar, Young, Speaker Batchelder.

To amend sections 3313.608, 3328.02, and 3328.15 and to enact sections 3301.077, 3302.13, 3302.14, 3318.62, 3319.233, and 3333.049 of the Revised Code to revise the requirements of the Third-Grade Reading Guarantee, to revise the laws regarding facilities of a college-preparatory boarding school, and to declare an emergency, were taken up.

The question being, "Shall the section, Section 4, setting forth the

emergency features of the bill, stand as a part of the bill?"

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	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Tavares	Turner
Uecker	Widener		Faber-31.

Senators Skindell and Smith voted in the negative-2.

So the section, Section 4, setting forth the emergency features of the bill stood as a part of the bill.

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.

The amendments of the House of Representatives to:

**Am. S. B. No. 26**-Senator Schaffer.

Cosponsors: Senators Gardner, Brown, Tavares, Eklund, Hite, Jones, Kearney, Manning, Obhof, Oelslager, Peterson, Turner. Representatives Bishoff, Brown, Hottinger, Amstutz, Anielski, Antonio, Ashford, Barborak, Beck, Boose, Budish, Carney, Celebrezze, Cera, Curtin, Derickson, DeVitis, Dovilla, Grossman, Hackett, Hagan, C., Hayes, Henne, Johnson, Letson, Mallory, McClain, Milkovich, Perales, Pillich, Ruhl, Scherer, Schuring, Sears, Smith, Sprague, Stebelton, Stinziano, Winburn, Speaker Batchelder.

To amend sections 3313.539, 3319.303, and 3707.48 of the Revised Code



to correct a cross reference with regard to concussions and head injuries in athletic activities organized by youth sports organizations, to clarify certain references to organizations that regulate interscholastic athletics, and to declare an emergency, were taken up.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

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	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Tavares	Turner
Uecker	Widener		Faber-31.

Senators Skindell and Smith voted in the negative-2.

So the section, Section 3, setting forth the emergency features of the bill stood as a part of the bill.

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**

**Sub. H. B. No. 7**-Representative Huffman.

Cosponsors: Speaker Batchelder, Representatives Amstutz, Buchy, Hill, Brown, Burkley, Curtin, Dovilla, Hackett, Hayes, Sears, Sprague, Stebelton.

To amend sections 109.32, 109.54, 2915.01, and 2915.02 of the Revised Code to permit the Bureau of Criminal Identification and Investigation to investigate criminal activity related to the Gambling Law, to make changes related to schemes of chance, and to require certifications related to the conduct of a sweepstakes with the use of a sweepstakes terminal device, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 7**, pass?"

The yeas and nays were taken and resulted - yeas 27, nays 6, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Eklund	Gardner
Hite	Hughes	Jones	Kearney
LaRose	Lehner	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-27.

Senators Coley, Gentile, Jordan, Manning, Schiavoni, and Seitz voted in the negative-6.

So the bill passed.

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

The title was agreed to.

**Am. S. B. No. 67**-Senator Peterson.

Cosponsors: Senators Obhof, Seitz, Hughes, Beagle, Hite.

To amend sections 111.15, 117.11, 117.12, 117.16, 117.20, and 127.18 and to enact section 117.114 of the Revised Code to create an agreed-upon procedure audit for certain eligible political subdivisions and to eliminate the Auditor of State's exemption from filing a rule summary and fiscal analysis with proposed rules, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 67**, 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 Peterson moved to amend the title as follows:

Add the names: "Balderson, Coley, Eklund, Faber, Gardner, Jordan, LaRose, Manning, Oelslager, Patton, 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 bill was introduced and considered the first time:

**S. B. No. 137**-Senator Patton.

To amend sections 4511.01, 4511.04, 4511.213, and 4513.17 to require motor vehicle operators to take certain actions upon approaching a highway maintenance vehicle and to repeal the version of section 4511.01 of the Revised Code that is scheduled to take effect on January 1, 2017.

### **OFFERING OF RESOLUTIONS**

Senator Patton offered the following resolution:

**S. C. R. No. 15**-Senator Patton.

Cosponsors: Senators Seitz, Manning, LaRose, Hughes.

To urge the United States House of Representatives Committee on Energy and Commerce Subcommittee on Communications and Technology to hold regular hearings regarding the nationwide broadband public safety network, require the First Responder Network Authority (FirstNet) to identify the costs of such network to Ohio, and include related amendments to the law governing FirstNet.

The question being, "Shall the resolution, **S. C. R. No. 15**, be adopted?"

On the motion of Senator Widener, **S. C. R. No. 15**, was referred to the Committee on Reference.

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

**S. R. No. 123**-Senator Hughes.

Honoring The Academy girls under 13 team as a 2013 World Irish Dance Champion.

**S. R. No. 124**-Senator Hughes.

Honoring The Academy girls under 16 team as a 2013 World Irish Dance Champion.

**S. R. No. 125**-Senators Hughes, Burke.

Honoring the Dublin Jerome High School boys fencing team as the 2013 State Champion.

**S. R. No. 126**-Senator LaRose.

Honoring Steve and Jerry Panzner on receiving a 2013 National Wetlands Award.

**S. R. No. 127**-Senators Smith, Turner.

Honoring Darius Ellison as the 2013 Boys and Girls Clubs of America Ohio Youth of the Year.

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 23, 2013 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.