

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MAY 28, 2014

ONE HUNDRED EIGHTY-SEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, May 28, 2014, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Rex Schrolucke, Trinity Christian Fellowship, Williamsburg, 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 Turner recognized Sam Gross as the Division III State Wrestling Champion in the 132 lb. weight class.

Senator Jones recognized the University of Cincinnati dance team on winning the 2014 International Cheer Union World Championship in the hip-hop division.

Senator Gardner recognized the Sylvania-Southview Mock Trial Team as the 2014 State of Ohio Mock Trial Champions.

Senator Kearney recognized Kyla Jamison as the Getty Powell Award winner at the 2014 Elks National Hoop Shoot Free Throw Contest.

**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:

**Sub. H. B. No. 198**-Representatives Butler, Burkley, et al.

To amend sections 5709.40, 5709.73, 5709.77, 5709.78, and 5709.911 of the Revised Code to establish a procedure by which political subdivisions proposing a tax increment financing (TIF) incentive district are required to provide notice to the record owner of each parcel within the proposed incentive district before creating the district, and to permit such owners, under specific conditions, to exclude their parcels from the incentive district by submitting a written response.

To the Committee on Ways and Means.

**H. B. No. 440**-Representative Brown, et al.

To enact section 5533.641 of the Revised Code to designate a portion of State Route 65 in Wood County as the "Staff Sergeant Bradley C. Hart Memorial Roadway."

To the Committee on Transportation.

**Am. H. B. No. 491**-Representatives Buchy, Blessing, et al.

To amend sections 119.12, 2915.01, 2915.03, 2915.06, 2915.061, 3770.01, 3770.02, 3770.05, 3772.01, 3772.02, 3772.03, 3772.032, 3772.033, 3772.04, 3772.06, 3772.07, 3772.10, 3772.12, 3772.121, 3772.15, 3772.17, 3772.21, 3772.23, 3772.25, 3772.31, and 3772.99 and to enact sections 2915.062 and 3772.14 of the Revised Code to make various changes to the Gambling Law, Lottery Law, and Casino Law.

To the Committee on State Government Oversight and Reform.

**Am. Sub. H. B. No. 533**-Representatives McGregor, Mallory, 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 replacement, improvement, rehabilitation, operation, and maintenance of a bridge or system of bridges at one location that carries two interstate highways over the Ohio River to another state, 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. 343**-Senator Lehner, et al.

To amend section 3781.109 of the Revised Code to require public buildings to have at least one rest room facility with an adult changing station.

To the Committee on State Government Oversight and Reform.

**S. B. No. 344**-Senator Seitz, et al.

To enact sections 9.49, 9.491, 9.492, 9.493, 9.494, 9.495, 9.496, and 9.497

of the Revised Code to provide transparency in contracts between the state and private attorneys.

To the Committee on State Government Oversight and Reform.

YES - 9: KRIS JORDAN, TOM PATTON, LOU GENTILE,  
MICHAEL J. SKINDELL, KEVIN BACON, RANDY  
GARDNER, CHRIS WIDENER, LARRY OBHOF,  
SCOTT OELSLAGER.

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 Bacon submitted the following report:

The standing committee on Commerce and Labor, to which was referred **Am. Sub. H. B. No. 493**-Representatives Sears, Henne, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: JOHN EKLUND, EDNA BROWN, NINA TURNER,  
ERIC H. KEARNEY, KEVIN BACON, KRIS JORDAN,  
SHANNON JONES, BILL SEITZ, JOE UECKER.

NO - 0.

Senator Coley submitted the following report:

The standing committee on Civil Justice, to which was referred **S. B. No. 336**-Senator Manning, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Coley, Skindell, Brown.

YES - 10: JOE UECKER, BILL SEITZ, SCOTT OELSLAGER,  
JOHN EKLUND, KEVIN BACON, BILL COLEY,  
LARRY OBHOF, MICHAEL J. SKINDELL, ERIC H.

KEARNEY, EDNA BROWN.

NO - 0.

Senator Coley submitted the following report:

The standing committee on Civil Justice, to which was referred **Sub. H. B. No. 213**-Representatives Pelanda, Celebrezze, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Delete lines 242 through 244

In line 1903, after "activities" delete the balance of the line

Delete line 1904

In line 1905, delete everything before the underlined period

Delete lines 1926 through 1932

In line 1808, after "months" insert ". based on the availability of funds"

In line 64, delete "or a court appointed special advocate"

In line 77, delete "or"

In line 78 delete "a court appointed special advocate"

In line 120, delete "or a court"

In line 121, delete "appointed special advocate"

Co-Sponsors: Coley, Kearney, Brown.

YES - 10: JOE UECKER, BILL SEITZ, SCOTT OELSLAGER,  
JOHN EKLUND, KEVIN BACON, BILL COLEY,  
LARRY OBHOF, MICHAEL J. SKINDELL, ERIC H.  
KEARNEY, EDNA BROWN.

NO - 0.

Pursuant to Senate Rule No. 37 the standing committee on Rules, recommends that **H. B. No. 247**-Representative Stebleton, having been referred to the standing committee on Medicaid, Health and Human Services,

be re-referred to the standing committee on Civil Justice.

YES - 11: KEITH L. FABER, CHRIS WIDENER, EDNA BROWN, DAVE BURKE, BILL COLEY, LOU GENTILE, JIM HUGHES, LARRY OBHOF, SCOTT OELSLAGER, TOM PATTON, CHARLETA B. TAVARES.

NO - 0.

Senator Hughes submitted the following report:

The standing committee on Insurance and Financial Institutions, to which was referred **Sub. H. B. No. 341**-Representative Smith, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 12: SHANNON JONES, GAYLE MANNING, LARRY OBHOF, BILL BEAGLE, DAVE BURKE, JIM HUGHES, KEVIN BACON, EDNA BROWN, LOU GENTILE, BOB PETERSON, NINA TURNER, ERIC H. KEARNEY.

NO - 0.

Senator Hughes submitted the following report:

The standing committee on Insurance and Financial Institutions, to which was referred **S. B. No. 288**-Senator Eklund, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Beagle, Brown, Gentile, Kearney.

YES - 12: BOB PETERSON, SHANNON JONES, GAYLE MANNING, LARRY OBHOF, BILL BEAGLE, DAVE BURKE, KEVIN BACON, EDNA BROWN, LOU GENTILE, ERIC H. KEARNEY, JIM HUGHES, NINA TURNER.

NO - 0.

Senator Hite submitted the following report:

The standing committee on Agriculture, to which was referred **Sub. H. B. No. 116**-Representative Pelanda, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 8: GAYLE MANNING, BOB PETERSON, TROY BALDERSON, CLIFF HITE, LOU GENTILE, SHIRLEY A. SMITH, DAVE BURKE, FRANK LAROSE.

NO - 0.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **S. B. No. 276**-Senators Jones, Tavares, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Brown.

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

NO - 0.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **S. B. No. 281**-Senators Cafaro, Schiavoni, et al., having had the same under consideration, reports it back 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.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **H. B. No. 105**-Representative Hayes, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 5, delete "5.2279" and insert "5.2280"

In line 7, delete " 5.2279." and insert " 5.2280."

In line 9, delete "5.2279" and insert "5.2280"

In line 1 of the title, delete "5.2279" and insert "5.2280"

Co-Sponsors: Tavares, Brown.

YES - 7: RANDY GARDNER, PEGGY B. LEHNER, DAVE BURKE, SHANNON JONES, CHARLETA B. TAVARES, KRIS JORDAN, EDNA BROWN.

NO - 0.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **Sub. H. B. No. 264**-Representatives Wachtmann, Barnes, 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, EDNA BROWN, CHARLETA B. TAVARES, SHANNON JONES, KRIS JORDAN, SCOTT OELSLAGER.

NO - 0.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **H. B. No. 270**-Representative Rogers, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Co-Sponsors: Brown, Tavares.

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

NO - 0.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **Sub. H. B. No. 366**-Representative Sprague, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Tavares, Brown.

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

NO - 0.

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **Am. H. B. No. 171**-Representatives McClain, Patmon, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: CLIFF HITE, TROY BALDERSON, BILL BEAGLE, NINA TURNER, GAYLE MANNING, BILL COLEY, PEGGY B. LEHNER, RANDY GARDNER.

NO - 2: ERIC H. KEARNEY, THOMAS SAWYER.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **S. B. No. 255**-Senator Brown, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 652, delete " shall" and insert " may"

Co-Sponsors: Manning, Gardner, Gentile.

YES - 7: GAYLE MANNING, TROY BALDERSON, RANDY GARDNER, BILL SEITZ, LOU GENTILE, NINA TURNER, TOM PATTON.

NO - 0.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **S. B. No. 335**-Senators Seitz, Kearney, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: GAYLE MANNING, TROY BALDERSON, RANDY GARDNER, BILL SEITZ, LOU GENTILE, NINA TURNER, TOM PATTON.

NO - 0.

The question being, "Shall the reports of the committees be accepted?"

The reports of the committees were accepted.

Senator Faber submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

**John W. Bridenbaugh**, from Defiance, Defiance County, Ohio, as Member of the Northwest State Community College Board of Trustees for a term beginning April 11, 2014, ending at the close of business June 9, 2017, replacing Samuel Santa-Rita, term expired.

**Steven M. Cavanaugh**, from Holland, Lucas County, Ohio, as Member of the University of Toledo Board of Trustees for a term beginning April 14, 2014, ending at the close of business July 1, 2022, replacing Bill Koester, term expired.

**Jo Ann Davidson**, Republican, from Reynoldsburg, Franklin County, Ohio, as Member of the Ohio Casino Control Commission for a term beginning March 5, 2014, ending at the close of business February 21, 2018.

**Jeffrey A. Erb**, from Stryker, Williams County, Ohio, as Member of the Northwest State Community College Board of Trustees for a term beginning April 11, 2014, ending at the close of business June 9, 2014.

**Gregory W. Harper**, from Woodsfield, Monroe County, Ohio, as Member of the Credit Union Council for a term beginning April 30, 2014, ending at the close of business September 22, 2016, replacing Gary Soukenik, term expired.

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

YES - 11: KEITH L. FABER, CHRIS WIDENER, TOM PATTON, LARRY OBHOF, DAVE BURKE, BILL COLEY, JIM HUGHES, LOU GENTILE, EDNA BROWN, CHARLETA B. TAVARES, SCOTT OELSLAGER.

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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Gardner
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

So the Senate advised and consented to said appointments.

**HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS**

The amendments of the House of Representatives to:

**Am. Sub. S. B. No. 192**-Senator Manning.

Cosponsors: Senators Patton, Seitz, Skindell, Hite, Peterson, Balderson, Burke, Coley, Eklund, Gardner, Lehner. Representatives Hall, Boose, Thompson, Cera, Barborak, Burkley, Curtin, Damschroder, Hill, Landis, Lynch, Patterson, Retherford, Scherer, Anielski, Baker, Beck, Blessing, Brown, Buchy, Celebrezze, Hackett, Hayes, Johnson, McClain, McGregor, Milkovich, O'Brien, Phillips, Pillich, Ramos, Rogers, Ruhl, Slaby, Sprague, Winburn, Speaker Batchelder.

To enact section 901.50 of the Revised Code to grant the Director of Agriculture exclusive authority to regulate invasive plant species, 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 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
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Burke	Coley	Eklund	Gardner
Gentile	Hite	Hughes	Jones
Kearney	LaRose	Lehner	Manning
Obhof	Oelsluger	Patton	Peterson
Sawyer	Schaffer	Seitz	Skindell
Smith	Tavares	Turner	Uecker
Widener			Faber-30.

Senator Jordan voted in the negative-1.

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

**REPORTS OF CONFERENCE COMMITTEES**

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

Cosponsors: Senators Seitz, Hughes, Schiavoni, Skindell, LaRose, Bacon, Beagle, Eklund, Lehner, Manning, Tavares. Representatives Brown, Adams, R., Anielski, Antonio, Beck, Bishoff, Blessing, Boyce, Budish, Celebrezze, Curtin, Damschroder, Driehaus, Foley, Hagan, R., Heard, Letson, Lundy, O'Brien, Patterson, Phillips, Pillich, Ramos, Reece, Stinziano, Strahorn, Williams, Winburn, Speaker Batchelder.

To amend sections 317.32, 319.203, 319.54, 321.261, 323.131, 323.25, 323.28, 323.47, 323.65, 323.69, 323.70, 323.71, 323.72, 323.73, 323.78, 323.79, 715.261, 743.04, 1724.02, 1724.10, 2744.01, 5709.12, 5721.01, 5721.03, 5721.14, 5721.18, 5721.19, 5721.36, 5722.01, 5722.03, 5722.04, 5722.07, 5722.10, 5722.11, 5723.01, 5723.04, 5723.12, and 6119.06 and to enact sections 323.691 and 5722.031 of the Revised Code to modify the laws governing land reutilization programs and property tax foreclosures and to make changes to the county auditor's review of real property conveyances.

The question being, "Shall the report of the Committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Gardner
Gentile	Hite	Hughes	Jones
Kearney	LaRose	Lehner	Manning
Obhof	Oelsluger	Patton	Peterson
Sawyer	Schaffer	Seitz	Skindell
Smith	Tavares	Turner	Uecker
Widener			Faber-30.

Senator Jordan voted in the negative-1.

So the report of Committee of Conference was agreed to.

**RESOLUTIONS REPORTED BY COMMITTEE**

**S. C. R. No. 36**-Senators Jones, Cafaro.

Cosponsors: Senators Gardner, Beagle, Hughes, Hite, Manning, Turner, Gentile, Skindell, Brown, Tavares.

Recognizing World Elder Abuse Awareness Day in Ohio, June 15.

WHEREAS, Federal government estimates show that more than one in ten persons over age sixty, or six million individuals, are victims of elder abuse each year; and

WHEREAS, The vast majority of the abuse, neglect, and exploitation of older adults in the United States goes unidentified and unreported; and

WHEREAS, Only one in forty-four cases of financial abuse of older adults is reported; and

WHEREAS, At least two billion nine hundred million dollars is taken from older adults each year due to financial abuse and exploitation; and

WHEREAS, Elder abuse, neglect, and exploitation have no boundaries and cross all racial, social, class, gender, and geographic lines; and

WHEREAS, Older adults who are abused are three times more likely to die earlier than older adults of the same age who are not abused; and

WHEREAS, Although all fifty states have laws against elder abuse, incidents of elder abuse have increased by one hundred fifty per cent over the last ten years; and

WHEREAS, Public awareness has the potential to increase the identification and reporting of elder abuse by the public, professionals, and victims, and can act as a catalyst to promote issue-based education and long-term prevention; and

WHEREAS, Private individuals and public agencies must work together on the federal, state, and local levels to combat increasing occurrences of abuse, neglect, and exploitation crime and violence against vulnerable older adults and vulnerable adults, particularly in light of limited resources for vital protective services; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, recognize June 15 as World Elder Abuse Awareness Day in Ohio; and be it further

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, recognize judges, lawyers, adult protective services professionals, law enforcement officers, social workers, health care providers, victims' advocates, and other professionals and agencies for their efforts to advance awareness of elder abuse; and be it further

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, encourage members of the public and professionals who work with older adults to act as catalysts to promote awareness and long-term prevention of elder abuse by reaching out to local adult protective services agencies and by learning to recognize, detect, report, and respond to elder abuse; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the news media of Ohio.

The question being, "Shall the resolution, **S. C. R. No. 36**, be adopted?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Gardner
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

So the resolution was adopted.

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

Senator Jones moved to amend the title as follows:

Add the names: "Balderson, Burke, Coley, Eklund, Faber, Jordan, Kearney, LaRose, Lehner, Obhof, Oelslager, Patton, Peterson, Sawyer, Smith, Uecker, Widener."

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

The motion was agreed to and the title so amended.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 85**-Representatives Terhar, Gonzales.

Cosponsors: Representatives Pillich, Brenner, Boose, Sprague, Retherford, Becker, Derickson, Reece, Amstutz, Beck, Hayes, McClain, Hall, Antonio, Dovilla, Adams, J., Adams, R., Anielski, Ashford, Baker, Barborak, Barnes, Bishoff, Blair, Blessing, Boyce, Boyd, Brown, Buchy, Burkley, Butler, Carney, Celebrezze, Cera, Conditt, Curtin, Damschroder, DeVitis, Driehaus, Duffey, Fedor, Gerberry, Green, Grossman, Hackett, Hagan, C., Hagan, R., Henne, Hill, Hood, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, Lundy, Lynch, Maag, Mallory, McGregor, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Perales, Phillips, Ramos, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Schuring, Sears, Sheehy, Slaby, Slesnick, Smith,

Stebelton, Stinziano, Sykes, Thompson, Williams, Winburn, Young, Speaker Batchelder. Senators Coley, LaRose.

To amend sections 323.151, 323.152, 323.153, 4503.064, 4503.065, and 4503.066 of the Revised Code to enhance the homestead exemption for military veterans who are 100% disabled from a service-connected disability, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 85**, pass?"

Senator LaRose moved to amend as follows:

In line 760, delete "2013" and insert "2014"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 85**, pass?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Gardner
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	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: "Balderson, Beagle, Brown, Burke, Eklund, Gardner, Gentile, Hite, Hughes, Jones, Lehner, Manning, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Seitz, Skindell, Smith, Tavares, Turner, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 314**-Representatives Baker, Kunze.

Cosponsors: Representatives Hagan, C., Landis, Antonio, Sprague, Boose, Smith, Stebelton, Hood, Green, Sears, Driehaus, Patterson, O'Brien, Becker, Wachtmann, Hill, Schuring, Amstutz, Beck, Blair, Brown, Buchy, Burkley,

Derickson, Dovilla, Hayes, Henne, Lynch, McClain, Pelanda, Perales, Pillich, Rosenberger, Ruhl, Sheehy, Slaby, Strahorn, Terhar, Thompson, Young, Speaker Batchelder. Senators Brown, Tavares.

To amend sections 307.627, 307.629, 4715.30, 4723.28, 4723.481, 4725.19, 4730.25, 4730.41, 4731.22, and 5119.391 and to enact sections 3719.061 and 5119.392 of the Revised Code regarding informed consent requirements for opioid prescriptions issued to minors, disclosure of medical and other information to child fatality review boards and fetal and infant mortality review teams, and the location of methadone treatment facilities, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 314**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Jones moved to amend the title as follows:

Add the names: "Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Hite, Jones, Lehner, Manning, Oelslager, Patton, Peterson, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**H. B. No. 399**-Representatives Sheehy, Sprague.

Cosponsors: Representatives Amstutz, Ramos, Phillips, Baker, Strahorn, Duffey, Buchy, Driehaus, Derickson, Hackett, Barborak, Smith, Hood, Stinziano, Wachtmann, Antonio, Barnes, Bishoff, Brown, Carney, Johnson, Schuring, Sears, Adams, R., Anielski, Ashford, Beck, Blair, Blessing, Boose, Boyce, Brenner, Burkley, Butler, Celebrezze, Curtin, Damschroder, DeVitis, Fedor, Foley, Gerberry, Green, Hagan, C., Hall, Hayes, Heard, Hill, Kunze, Landis, Letson, Lundy, Mallory, McClain, McGregor, Milkovich, O'Brien, Patmon, Patterson, Pelanda, Rosenberger, Ruhl, Scherer, Slaby, Stebelton, Sykes, Terhar, Thompson, Winburn, Speaker Batchelder. Senator Tavares.

To amend section 5.2269 of the Revised Code to designate the first Friday of May as "Prescription Drug Abuse Awareness and Education Day", was considered the third time.

The question being, "Shall the bill, **H. B. No. 399**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Jones moved to amend the title as follows:

Add the names: "Beagle, Brown, Burke, Cafaro, Coley, Eklund, Gentile, Hite, Hughes, Jones, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Schaffer, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 492**-Representative Scherer.

Cosponsors: Representatives Amstutz, McClain, Anielski, Beck, Blessing, Boose, Brown, Budish, Burkley, Carney, Celebrezze, Damschroder, Duffey, Green, Hackett, Hagan, C., Henne, Huffman, Letson, McGregor, Milkovich, O'Brien, Patmon, Pelanda, Rogers, Ruhl, Sears, Sprague, Stebelton, Stinziano, Terhar, Thompson, Speaker Batchelder.

To amend sections 122.17, 122.171, 122.86, 166.21, 718.15, 718.151, 3734.905, 4921.13, 4921.19, 5703.05, 5703.056, 5703.059, 5703.21, 5727.47, 5727.91, 5735.01, 5735.026, 5735.05, 5735.062, 5735.07, 5735.09, 5735.12, 5735.141, 5735.23, 5736.01, 5736.02, 5736.03, 5736.04, 5736.06, 5736.09, 5736.13, 5743.01, 5743.021, 5743.024, 5743.025, 5743.03, 5743.04, 5743.05, 5743.051, 5743.112, 5743.52, 5743.65, 5747.08, 5747.98, 5751.01, and 5751.20, to enact sections 5703.77, 5736.041, and 5736.50, and to repeal sections 183.35, 5726.08, 5733.30, 5735.16, 5743.06, and 5745.10 of the Revised Code to provide authorization and conditions for the levy and

administration of taxes in this state and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 492**, pass?"

Senator Peterson moved to amend as follows:

In line 18, delete "5703.05,"

In line 24, delete "5703.77,"; delete the second comma

Delete lines 1308 through 1421

Delete lines 1656 through 1703

In line 5628, delete "5703.05,"

Delete lines 5636 through 5647

In line 5649, delete "4" and insert "3"

In line 5653, delete "5" and insert "4"

In line 5664, delete "6" and insert "5"

In line 5745, delete "7" and insert "6"

In line 3 of the title, delete "5703.05,"

In line 10 of the title, delete "5703.77,"

In line 11 of the title, delete the first comma

In line 15 of the title, delete "and to make"

In line 16 of the title, delete "an appropriation"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 492**, pass?"

Senator Skindell moved to amend as follows:

In line 17, delete "122.86,"

Delete lines 782 through 969

In line 5627, delete "122.86,"

Delete lines 5649 through 5652

In line 5653, delete "5" and insert "4"

In line 5664, delete "6" and insert "5"

In line 5745, delete "7" and insert "6"

In line 1 of the title, delete "122.86,"

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?"

The yeas and nays were taken and resulted - yeas 23, nays 9, 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	Skindell	Smith	Tavares
			Turner-9.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 492**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

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: "Coley, Eklund, Hite, Oelslager, Peterson, Seitz."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 54**-Senators Kearney, Eklund.

Cosponsors: Senators Cafaro, Gentile, Smith, Sawyer, Tavares, Schiavoni, Turner, Lehner, Jones.

To enact section 3702.40 of the Revised Code to require a mammography facility to include certain information in the mammography report summary sent to a patient under federal law if the patient's mammogram demonstrates the presence of dense breast tissue, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 54**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Eklund moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Burke, Coley, Faber, Gardner, Hite, Hughes, LaRose, Manning, Obhof, Oelslager, Patton, Peterson, Schaffer, Seitz, Skindell, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 272**-Senators Cafaro, Eklund.

Cosponsors: Senators Coley, Smith, LaRose, Brown.

To enact section 5.2288 of the Revised Code to designate March as "Ohio Maple Syrup Products Month", was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 272**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Eklund moved to amend the title as follows:

Add the names: "Burke, Hite, Hughes, Manning, Obhof, Oelslager, Peterson, Skindell, Uecker."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 117**-Representatives Hackett, Stinziano.

Cosponsors: Representatives Henne, Sears, Carney, Retherford, Anielski, Beck, Blair, Blessing, Buchy, Budish, Burkley, Curtin, Grossman, Hagan, C., Letson, Milkovich, O'Brien, Patterson, Rogers, Smith, Stebelton, Wachtmann, Winburn, Speaker Batchelder. Senator Kearney.

To amend section 4123.351 and to enact sections 3964.01 to 3964.15, 3964.17, 3964.171, 3964.172, 3964.173, 3964.174, 3964.175, 3964.176, 3964.177, 3964.178, 3964.179, 3964.1710, 3964.18, 3964.19, 3964.191, 3964.193, 3964.194, 3964.20, and 3964.21 of the Revised Code to provide for the operation of captive insurance companies in Ohio and special purpose financial captive insurance companies, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 117**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

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: "Bacon, Faber, Hughes, Peterson, Schaffer."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 341**-Representative Smith.

Cosponsors: Representatives Wachtmann, Antonio, Barnes, Boyd, Brown, Johnson, Sears, Adams, R., Amstutz, Anielski, Ashford, Baker, Beck, Bishoff, Blair, Blessing, Boose, Boyce, Buchy, Burkley, Butler, Carney, Celebrezze, Conditt, Curtin, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Gerberry, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Henne, Hill, Hottinger, Huffman, Landis, Letson, Lundy, Mallory, McClain, McGregor, Patmon, Patterson, Pelanda, Perales, Phillips, Pillich, Ramos, Rogers, Rosenberger, Ruhl, Scherer, Schuring, Slaby, Slesnick, Sprague, Stebelton, Stinziano, Strahorn, Sykes, Terhar, Thompson, Williams, Winburn, Young, Speaker Batchelder.

To amend sections 4715.14, 4715.30, 4715.302, 4723.28, 4723.486, 4723.487, 4725.092, 4725.16, 4725.19, 4729.12, 4729.80, 4729.86, 4730.25, 4730.48, 4730.53, 4731.055, 4731.22, and 4731.281 and to enact sections 4121.443 and 4729.861 of the Revised Code to establish requirements to be followed by prescribers in reviewing patient information in the State Board of Pharmacy's Ohio Automated Rx Reporting System, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 341**, pass?"

Senator Hughes moved to amend as follows:

In line 2864, delete "as a part of the professional's"

In line 2865, delete "regular practice"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 341**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon  
Burke

Balderson  
Cafaro

Beagle  
Coley

Brown  
Eklund

Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

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: "Balderson, Burke, Hughes, Manning."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 493**-Representatives Sears, Henne.

Cosponsors: Representatives Hackett, Huffman, Stebelton, Wachtmann.

To amend sections 1561.31, 2305.25, 2305.252, 4121.129, 4121.45, 4123.01, 4123.26, 4123.27, 4123.29, 4123.291, 4123.292, 4123.32, 4123.322, 4123.34, 4123.35, 4123.353, 4123.36, 4123.37, 4123.40, 4123.41, 4123.411, 4123.47, 4123.511, 4123.512, 4123.54, 4123.542, 4123.66, 4123.82, 4123.83, 4125.05, 4729.80, and 4729.86; to enact sections 4121.443, 4121.447, and 4123.323; to repeal section 4121.419 of the Revised Code; and to amend Section 1 of Sub. H.B. 34 of the 130th General Assembly, as subsequently amended, to make changes to Ohio's Workers' Compensation Law, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 493**, pass?"

On the motion of Senator Obhof, the Senate recessed until 3:54 p.m.

The Senate met pursuant to the recess.

The question recurred, "Shall the bill, **Sub. H. B. No. 493**, pass?"

Senator Turner moved to amend as follows:

In line 17, after "4123.542," insert "4123.57, 4123.58,"

Between lines 3805 and 3806, insert:

**"Sec. 4123.57.** Partial disability compensation shall be paid as follows.

Except as provided in this section, not earlier than twenty-six weeks after the date of termination of the latest period of payments under section 4123.56 of the Revised Code, or not earlier than twenty-six weeks after the date of the injury or contraction of an occupational disease in the absence of payments under section 4123.56 of the Revised Code, the employee may file an application with the bureau of workers' compensation for the determination of the percentage of the employee's permanent partial disability resulting from an injury or occupational disease.

Whenever the application is filed, the bureau shall send a copy of the application to the employee's employer or the employer's representative and shall schedule the employee for a medical examination by the bureau medical section. The bureau shall send a copy of the report of the medical examination to the employee, the employer, and their representatives. Thereafter, the administrator of workers' compensation shall review the employee's claim file and make a tentative order as the evidence before the administrator at the time of the making of the order warrants. If the administrator determines that there is a conflict of evidence, the administrator shall send the application, along with the claimant's file, to the district hearing officer who shall set the application for a hearing.

The administrator shall notify the employee, the employer, and their representatives, in writing, of the tentative order and of the parties' right to request a hearing. Unless the employee, the employer, or their representative notifies the administrator, in writing, of an objection to the tentative order within twenty days after receipt of the notice thereof, the tentative order shall go into effect and the employee shall receive the compensation provided in the order. In no event shall there be a reconsideration of a tentative order issued under this division.

If the employee, the employer, or their representatives timely notify the administrator of an objection to the tentative order, the matter shall be referred to a district hearing officer who shall set the application for hearing with written notices to all interested persons. Upon referral to a district hearing officer, the employer may obtain a medical examination of the employee, pursuant to rules of the industrial commission.

(A) The district hearing officer, upon the application, shall determine the percentage of the employee's permanent disability, except as is subject to division (B) of this section, based upon that condition of the employee resulting from the injury or occupational disease and causing permanent impairment evidenced by medical or clinical findings reasonably demonstrable. The employee shall receive sixty-six and two-thirds per cent of the employee's average weekly wage, but not more than a maximum of thirty-three and one-third per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, per week regardless of the average weekly wage, for the number of weeks which equals the percentage of two hundred weeks. Except on application for reconsideration, review, or modification, which is filed within ten days after the date of receipt of the

decision of the district hearing officer, in no instance shall the former award be modified unless it is found from medical or clinical findings that the condition of the claimant resulting from the injury has so progressed as to have increased the percentage of permanent partial disability. A staff hearing officer shall hear an application for reconsideration filed and the staff hearing officer's decision is final. An employee may file an application for a subsequent determination of the percentage of the employee's permanent disability. If such an application is filed, the bureau shall send a copy of the application to the employer or the employer's representative. No sooner than sixty days from the date of the mailing of the application to the employer or the employer's representative, the administrator shall review the application. The administrator may require a medical examination or medical review of the employee. The administrator shall issue a tentative order based upon the evidence before the administrator, provided that if the administrator requires a medical examination or medical review, the administrator shall not issue the tentative order until the completion of the examination or review.

The employer may obtain a medical examination of the employee and may submit medical evidence at any stage of the process up to a hearing before the district hearing officer, pursuant to rules of the commission. The administrator shall notify the employee, the employer, and their representatives, in writing, of the nature and amount of any tentative order issued on an application requesting a subsequent determination of the percentage of an employee's permanent disability. An employee, employer, or their representatives may object to the tentative order within twenty days after the receipt of the notice thereof. If no timely objection is made, the tentative order shall go into effect. In no event shall there be a reconsideration of a tentative order issued under this division. If an objection is timely made, the application for a subsequent determination shall be referred to a district hearing officer who shall set the application for a hearing with written notice to all interested persons. No application for subsequent percentage determinations on the same claim for injury or occupational disease shall be accepted for review by the district hearing officer unless supported by substantial evidence of new and changed circumstances developing since the time of the hearing on the original or last determination.

No award shall be made under this division based upon a percentage of disability which, when taken with all other percentages of permanent disability, exceeds one hundred per cent. If the percentage of the permanent disability of the employee equals or exceeds ninety per cent, compensation for permanent partial disability shall be paid for two hundred weeks.

Compensation payable under this division accrues and is payable to the employee from the date of last payment of compensation, or, in cases where no previous compensation has been paid, from the date of the injury or the date of the diagnosis of the occupational disease.

When an award under this division has been made prior to the death of an

employee, all unpaid installments accrued or to accrue under the provisions of the award are payable to the surviving spouse, or if there is no surviving spouse, to the dependent children of the employee, and if there are no children surviving, then to other dependents as the administrator determines.

(B) For purposes of this division, "payable per week" means the seven-consecutive-day period in which compensation is paid in installments according to the schedule associated with the applicable injury as set forth in this division.

Compensation paid in weekly installments according to the schedule described in this division may only be commuted to one or more lump sum payments pursuant to the procedure set forth in section 4123.64 of the Revised Code.

In cases included in the following schedule the compensation payable per week to the employee is the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code per week and shall be paid in installments according to the following schedule:

For the loss of a first finger, commonly known as a thumb, sixty weeks.

For the loss of a second finger, commonly called index finger, thirty-five weeks.

For the loss of a third finger, thirty weeks.

For the loss of a fourth finger, twenty weeks.

For the loss of a fifth finger, commonly known as the little finger, fifteen weeks.

The loss of a second, or distal, phalange of the thumb is considered equal to the loss of one half of such thumb; the loss of more than one half of such thumb is considered equal to the loss of the whole thumb.

The loss of the third, or distal, phalange of any finger is considered equal to the loss of one-third of the finger.

The loss of the middle, or second, phalange of any finger is considered equal to the loss of two-thirds of the finger.

The loss of more than the middle and distal phalanges of any finger is considered equal to the loss of the whole finger. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of the metacarpal bone (bones of the palm) for the corresponding thumb, or fingers, add ten weeks to the number of weeks under this division.

For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes any of the fingers, thumbs, or parts of either useless, the same

number of weeks apply to the members or parts thereof as given for the loss thereof.

If the claimant has suffered the loss of two or more fingers by amputation or ankylosis and the nature of the claimant's employment in the course of which the claimant was working at the time of the injury or occupational disease is such that the handicap or disability resulting from the loss of fingers, or loss of use of fingers, exceeds the normal handicap or disability resulting from the loss of fingers, or loss of use of fingers, the administrator may take that fact into consideration and increase the award of compensation accordingly, but the award made shall not exceed the amount of compensation for loss of a hand.

For the loss of a hand, one hundred seventy-five weeks.

For the loss of an arm, two hundred twenty-five weeks.

For the loss of a great toe, thirty weeks.

For the loss of one of the toes other than the great toe, ten weeks.

The loss of more than two-thirds of any toe is considered equal to the loss of the whole toe.

The loss of less than two-thirds of any toe is considered no loss, except as to the great toe; the loss of the great toe up to the interphalangeal joint is co-equal to the loss of one-half of the great toe; the loss of the great toe beyond the interphalangeal joint is considered equal to the loss of the whole great toe.

For the loss of a foot, one hundred fifty weeks.

For the loss of a leg, two hundred weeks.

For the loss of the sight of an eye, one hundred twenty-five weeks.

For the permanent partial loss of sight of an eye, the portion of one hundred twenty-five weeks as the administrator in each case determines, based upon the percentage of vision actually lost as a result of the injury or occupational disease, but, in no case shall an award of compensation be made for less than twenty-five per cent loss of uncorrected vision. "Loss of uncorrected vision" means the percentage of vision actually lost as the result of the injury or occupational disease.

For the permanent and total loss of hearing of one ear, twenty-five weeks; but in no case shall an award of compensation be made for less than permanent and total loss of hearing of one ear.

For the permanent and total loss of hearing, one hundred twenty-five weeks; but, except pursuant to the next preceding paragraph, in no case shall an award of compensation be made for less than permanent and total loss of hearing.

In case an injury or occupational disease results in serious facial or head disfigurement which either impairs or may in the future impair the opportunities

to secure or retain employment, the administrator shall make an award of compensation as it deems proper and equitable, in view of the nature of the disfigurement, and not to exceed the sum of ten thousand dollars. For the purpose of making the award, it is not material whether the employee is gainfully employed in any occupation or trade at the time of the administrator's determination.

For purposes of this section, the loss of use of a body part specified in division (B) of this section includes when the loss is caused by loss of function of the brain or spinal cord.

When an award under this division has been made prior to the death of an employee all unpaid installments accrued or to accrue under the provisions of the award shall be payable to the surviving spouse, or if there is no surviving spouse, to the dependent children of the employee and if there are no such children, then to such dependents as the administrator determines.

When an employee has sustained the loss of a member by severance, but no award has been made on account thereof prior to the employee's death, the administrator shall make an award in accordance with this division for the loss which shall be payable to the surviving spouse, or if there is no surviving spouse, to the dependent children of the employee and if there are no such children, then to such dependents as the administrator determines.

(C) Compensation for partial impairment under divisions (A) and (B) of this section is in addition to the compensation paid the employee pursuant to section 4123.56 of the Revised Code. A claimant may receive compensation under divisions (A) and (B) of this section.

In all cases arising under division (B) of this section, if it is determined by any one of the following: (1) the amputee clinic at University hospital, Ohio state university; (2) the opportunities for Ohioans with disabilities agency; (3) an amputee clinic or prescribing physician approved by the administrator or the administrator's designee, that an injured or disabled employee is in need of an artificial appliance, or in need of a repair thereof, regardless of whether the appliance or its repair will be serviceable in the vocational rehabilitation of the injured employee, and regardless of whether the employee has returned to or can ever again return to any gainful employment, the bureau shall pay the cost of the artificial appliance or its repair out of the surplus created by division (B) of section 4123.34 of the Revised Code.

In those cases where an opportunities for Ohioans with disabilities ~~agency~~ agency's recommendation that an injured or disabled employee is in need of an artificial appliance would conflict with their state plan, adopted pursuant to the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 701, the administrator or the administrator's designee or the bureau may obtain a recommendation from an amputee clinic or prescribing physician that they determine appropriate.

(D) If an employee of a state fund employer makes application for a

finding and the administrator finds that the employee has contracted silicosis as defined in division (X), or coal miners' pneumoconiosis as defined in division (Y), or asbestosis as defined in division (AA) of section 4123.68 of the Revised Code, and that a change of such employee's occupation is medically advisable in order to decrease substantially further exposure to silica dust, asbestos, or coal dust and if the employee, after the finding, has changed or shall change the employee's occupation to an occupation in which the exposure to silica dust, asbestos, or coal dust is substantially decreased, the administrator shall allow to the employee an amount equal to fifty per cent of the statewide average weekly wage per week for a period of thirty weeks, commencing as of the date of the discontinuance or change, and for a period of one hundred weeks immediately following the expiration of the period of thirty weeks, the employee shall receive sixty-six and two-thirds per cent of the loss of wages resulting directly and solely from the change of occupation but not to exceed a maximum of an amount equal to fifty per cent of the statewide average weekly wage per week. No such employee is entitled to receive more than one allowance on account of discontinuance of employment or change of occupation and benefits shall cease for any period during which the employee is employed in an occupation in which the exposure to silica dust, asbestos, or coal dust is not substantially less than the exposure in the occupation in which the employee was formerly employed or for any period during which the employee may be entitled to receive compensation or benefits under section 4123.68 of the Revised Code on account of disability from silicosis, asbestosis, or coal miners' pneumoconiosis. An award for change of occupation for a coal miner who has contracted coal miners' pneumoconiosis may be granted under this division even though the coal miner continues employment with the same employer, so long as the coal miner's employment subsequent to the change is such that the coal miner's exposure to coal dust is substantially decreased and a change of occupation is certified by the claimant as permanent. The administrator may accord to the employee medical and other benefits in accordance with section 4123.66 of the Revised Code.

(E) If a firefighter or police officer makes application for a finding and the administrator finds that the firefighter or police officer has contracted a cardiovascular and pulmonary disease as defined in division (W) of section 4123.68 of the Revised Code, and that a change of the firefighter's or police officer's occupation is medically advisable in order to decrease substantially further exposure to smoke, toxic gases, chemical fumes, and other toxic vapors, and if the firefighter, or police officer, after the finding, has changed or changes occupation to an occupation in which the exposure to smoke, toxic gases, chemical fumes, and other toxic vapors is substantially decreased, the administrator shall allow to the firefighter or police officer an amount equal to fifty per cent of the statewide average weekly wage per week for a period of thirty weeks, commencing as of the date of the discontinuance or change, and for a period of seventy-five weeks immediately following the expiration of the period of thirty weeks the administrator shall allow the firefighter or police officer sixty-six and two-thirds per cent of the loss of wages resulting directly and solely from the change of occupation but not to exceed a maximum of an

amount equal to fifty per cent of the statewide average weekly wage per week. No such firefighter or police officer is entitled to receive more than one allowance on account of discontinuance of employment or change of occupation and benefits shall cease for any period during which the firefighter or police officer is employed in an occupation in which the exposure to smoke, toxic gases, chemical fumes, and other toxic vapors is not substantially less than the exposure in the occupation in which the firefighter or police officer was formerly employed or for any period during which the firefighter or police officer may be entitled to receive compensation or benefits under section 4123.68 of the Revised Code on account of disability from a cardiovascular and pulmonary disease. The administrator may accord to the firefighter or police officer medical and other benefits in accordance with section 4123.66 of the Revised Code.

(F) An order issued under this section is appealable pursuant to section 4123.511 of the Revised Code but is not appealable to court under section 4123.512 of the Revised Code.

**Sec. 4123.58.** (A) In cases of permanent total disability, the employee shall receive an award to continue until the employee's death in the amount of sixty-six and two-thirds per cent of the employee's average weekly wage, but, except as otherwise provided in division (B) of this section, not more than a maximum amount of weekly compensation which is equal to sixty-six and two-thirds per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code in effect on the date of injury or on the date the disability due to the occupational disease begins, nor not less than a minimum amount of weekly compensation which is equal to fifty per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code in effect on the date of injury or on the date the disability due to the occupational disease begins, unless the employee's average weekly wage is less than fifty per cent of the statewide average weekly wage at the time of the injury, in which event the employee shall receive compensation in an amount equal to the employee's average weekly wage.

(B) In the event the weekly workers' compensation amount when combined with disability benefits received pursuant to the Social Security Act is less than the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, then the maximum amount of weekly compensation shall be the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code. At any time that social security disability benefits terminate or are reduced, the workers' compensation award shall be recomputed to pay the maximum amount permitted under this division.

(C) (1) Permanent total disability shall be compensated according to this section only when at least one of the following applies to the claimant:

(+) (a) The claimant has lost, or lost the use of both hands or both arms, or both feet or both legs, or both eyes, or of any two thereof; however, the loss or loss of use of one limb does not constitute the loss or loss of use of two body parts;

(2) (b) The impairment resulting from the employee's injury or occupational disease prevents the employee from engaging in sustained remunerative employment utilizing the employment skills that the employee has or may reasonably be expected to develop.

(2) For purposes of this section, the loss of use of a body part specified in division (C)(1) of this section includes when the loss is caused by loss of function of the brain or spinal cord.

(D) Permanent total disability shall not be compensated when the reason the employee is unable to engage in sustained remunerative employment is due to any of the following reasons, whether individually or in combination:

(1) Impairments of the employee that are not the result of an allowed injury or occupational disease;

(2) Solely the employee's age or aging;

(3) The employee retired or otherwise voluntarily abandoned the workforce for reasons unrelated to the allowed injury or occupational disease.

(4) The employee has not engaged in educational or rehabilitative efforts to enhance the employee's employability, unless such efforts are determined to be in vain.

(E) Compensation payable under this section for permanent total disability is in addition to benefits payable under division (B) of section 4123.57 of the Revised Code.

(F) If an employee is awarded compensation for permanent total disability under this section because the employee sustained a traumatic brain injury, the employee is entitled to that compensation regardless of the employee's employment in a sheltered workshop subsequent to the award, on the condition that the employee does not receive income, compensation, or remuneration from that employment in excess of two thousand dollars in any calendar quarter. As used in this division, "sheltered workshop" means a state agency or nonprofit organization established to carry out a program of rehabilitation for handicapped individuals or to provide these individuals with remunerative employment or other occupational rehabilitating activity."

In line 4281, after "4123.542," insert "4123.57, 4123.58,"

In line 4361, after "4123.54," insert "4123.57, 4123.58,"

In line 6 of the title, after "4123.542," insert "4123.57, 4123.58,"

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?"

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 493**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

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: "Bacon, Faber, Peterson, Schaffer, Seitz."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 207**-Senators Patton, Manning.

To amend sections 2105.06, 2937.02, 3107.07, 3109.042, and 3111.04 and to enact sections 2105.062, 3109.50, 3109.501, 3109.502, 3109.503, 3109.504, 3109.505, 3109.506, and 3109.507 of the Revised Code regarding the parental rights of a person who was convicted of or pleaded guilty to rape or sexual battery, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 207**, pass?"

On the motion of Senator Patton, **Sub. S. B. No. 207** was informally passed and retained its place on the calendar.

**S. B. No. 234**-Senator Hughes.

Cosponsors: Senators Patton, Seitz, Schaffer.

To enact section 5533.261 of the Revised Code to designate a portion of Interstate Route 670 as the "Dana G. 'Buck' Rinehart Highway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 234**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

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: "Bacon, Burke, Cafaro, Eklund, Faber, Jordan, LaRose, Uecker."

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

The motion was agreed to and the title so amended.

**S. B. No. 288**-Senator Eklund.

Cosponsors: Senators Beagle, Brown, Gentile, Kearney.

To amend section 2329.66 and to enact sections 143.01 to 143.11 of the Revised Code to create the Volunteer Police Officers' Dependents Fund to provide death benefits to survivors of volunteer police officers killed in the line of duty and disability benefits to disabled volunteer police officers, was considered the third time.

The question being, "Shall the bill, **S. B. No. 288**, pass?"

Senator Eklund moved to amend as follows:

In line 155, delete "(A)" and insert "(B)"

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

The motion was agreed to.

The question recurred, "Shall the bill, **S. B. No. 288**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Eklund moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Cafaro, Coley, Faber, Gardner, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Seitz, Skindell, Tavares, Turner, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**S. B. No. 300**-Senators Beagle, Faber.

Cosponsors: Senators Gardner, Peterson, Hite, Hughes, Patton, Brown, Tavares.

To amend section 5.2250 of the Revised Code to designate September as "Mitochondrial Disease Awareness Month", was considered the third time.

The question being, "Shall the bill, **S. B. No. 300**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

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: "Burke, Cafaro, Coley, Eklund, Gentile, Jones, Kearney,

LaRose, Lehner, Manning, Obhof, Oelslager, Sawyer, Skindell, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**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:

**Sub. S. B. No. 310** -Senator Balderson

Cosponsors: Senators Coley, Eklund, Faber, Jones, Seitz Representatives Stautberg, Adams, J., Buchy, Hill, Huffman, Maag, Retherford, Roegner, Ruhl, Terhar, Wachtmann, Speaker Batchelder

To amend sections 3706.25, 4928.01, 4928.20, 4928.53, 4928.64, 4928.65, and 4928.66, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 4928.65 (4928.645), and to enact new section 4928.65 and sections 4928.112, 4928.641, 4928.643, 4928.644, 4928.662, 4928.6610, 4928.6611, 4928.6612, 4928.6613, 4928.6614, 4928.6615, and 4928.6616 of the Revised Code to make changes to the renewable energy, energy efficiency, and peak demand reduction requirements, to prohibit the imposition of a waiting period before enrolling an eligible customer in the percentage of income payment plan, and to create a study committee.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest: Bradley J. Young,  
Clerk.

Senator Widener moved that the amendments of the House of Representatives to **Sub. S. B. No. 310** be brought up for consideration, pursuant to Senate Rule No. 44.

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 24, nays 8, 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     |
| Smith  | Uecker    | Widener  | Faber-24. |

Senators Brown, Cafaro, Gentile, Kearney, Sawyer, Skindell, Tavares, and Turner voted in the negative-8.

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 21, nays 11, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Burke	Coley
Eklund	Hite	Hughes	Jones
Jordan	LaRose	Lehner	Obhof
Oelslager	Patton	Peterson	Schaffer
Seitz	Smith	Uecker	Widener
			Faber-21.

Those who voted in the negative were: Senators

Beagle	Brown	Cafaro	Gardner
Gentile	Kearney	Manning	Sawyer
Skindell	Tavares		Turner-11.

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

**S. B. No. 336-Senator Manning.**

Cosponsors: Senators Obhof, Coley, Skindell, Brown.

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, was considered the third time.

The question being, "Shall the bill, **S. B. No. 336**, pass?"

The yeas and nays were taken and resulted - yeas 32, 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
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

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: "Hughes, Kearney, Patton."

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 25, 2014, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

### **INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bill was introduced and considered the first time:

**S. B. No. 345**-Senator Gardner.

Cosponsors: Senators Hite, Hughes, Seitz.

To enact section 5533.641 of the Revised Code to designate a portion of State Route 65 in Wood County as the "Staff Sergeant Bradley C. Hart Memorial Roadway."

### **OFFERING OF RESOLUTIONS**

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

**S. R. No. 343**-Senators Jones, Kearney, Seitz, Uecker.

Honoring the University of Cincinnati dance team on winning the 2014 International Cheer Union World Championship in the hip-hop division.

**S. R. No. 344**-Senator Hite.

Honoring the Cooper Tire & Rubber Company on its One Hundredth Anniversary.

**S. R. No. 345**-Senator Hughes.

Commemorating the Seventieth Anniversary of D-Day.

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

So the resolutions were adopted.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has refused to concur in the Senate amendments to:

**Am. Sub. H. B. No. 483**-Representative Amstutz - et al.

Attest:

Bradley J. Young,  
Clerk.

Senator Widener moved that the Senate insist on the Senate amendments to **Am. Sub. H. B. No. 483**, and ask for a Committee of Conference.

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

The motion was agreed to.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives accedes to the request of the Senate for a Committee of Conference on matters of difference between the two Houses on:

**Am. Sub. H. B. No. 483**-Representative Amstutz - et al.

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Amstutz, Wachtmann, and Driehaus.

Attest:

Bradley J. Young,  
Clerk.

**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 Am. Sub. H. B. 483:

Senator Scott Oelslager  
Senator William Coley  
Senator Michael Skindell

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has refused to concur in the Senate amendments to:

**Am. Sub. H. B. No. 487**-Representative Brenner - et al.

Attest:

Bradley J. Young,  
Clerk.

Senator Widener moved that the Senate insist on the Senate amendments to **Am. Sub. H. B. No. 487**, and ask for a Committee of Conference.

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

The motion was agreed to.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives accedes to the request of the Senate for a Committee of Conference on matters of difference between the two Houses on:

**Am. Sub. H. B. No. 487**-Representative Brenner - et al.

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Stebelton, Brenner, and Fedor.

Attest:

Bradley J. Young,  
Clerk.

**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 Am. Sub. H. B. 487:

Senator Peggy Lehner  
Senator Randy Gardner  
Senator Tom Sawyer

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

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

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 Senate amendments to:

**Sub. H. B. No. 289**-Representative Schuring - et al.

Attest:

Bradley J. Young,  
Clerk.

On the motion of Senator Widener, the Senate adjourned until Thursday, May 29, 2014 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.