

OHIO

SENATE

JOURNAL

WEDNESDAY, JUNE 5, 2013

FIFTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, June 5, 2013, 11:30 a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Eklund was selected to preside according to the rule.

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

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Jordan reports for the Standing Committee on Reference, recommending that the following bills and resolutions, standing in order for second consideration, be referred to committee as recommended:

H. C. R. No. 11-Representative Stebelton, et al.

To designate July 2013 as Ohio Independent Business Month.

To the Committee on Workforce and Economic Development.

Sub. H. B. No. 138-Representatives McClain, Letson, et al.

To amend sections 5703.02, 5717.01, 5717.011, 5717.02, and 5717.04 and to enact sections 5703.021 and 5717.031 of the Revised Code to make changes to the law governing the Board of Tax Appeals, including authorizing a small claims docket within the Board, requiring the Board to adopt rules to manage appeals and operate a mediation program, requiring the Board to receive notices of appeal and statutory transcripts electronically, providing pleading standards for appeals to the Board, and expressly authorizing the Board to consider motions.

To the Committee on Ways and Means.

H. B. No. 149-Representative Anielski, et al.

To enact section 5.2286 of the Revised Code to designate September 10 as "Ohio Suicide Prevention Day."

To the Committee on Medicaid, Health and Human Services.

Sub. H. B. No. 167-Representatives Heard, Grossman, et al.

To amend sections 3314.02, 5705.192, 5705.21, 5705.212, 5705.218, 5705.251, and 5705.261 and to enact sections 3311.60 and 3311.61 of the Revised Code to authorize school districts with an average daily membership greater than 60,000 and located in a city with a population greater than 700,000 to levy property taxes, the revenue from which may be shared with partnering community schools; to require such districts to place such a levy on the ballot at the next general or special election; to prescribe the creation of the position of independent auditor for such a school district, subject to voter approval; to authorize the mayor of the city in which such a school district is located to sponsor community schools; and to declare an emergency.

To the Committee on Education.

S. C. R. No. 16-Senator Tavares, et al.

To declare May 2013 as Mental Health Awareness Month.

To the Committee on Medicaid, Health and Human Services.

S. B. No. 139-Senator Uecker, et al.

To amend sections 120.01, 120.03, 120.04, 120.06, 120.08, 120.13, 120.14, 120.15, 120.16, 120.18, 120.23, 120.33, 120.34, 120.35, 120.36, 120.40, 307.441, 2941.51, 2945.37, 2945.40, and 2953.21 and to repeal sections 120.24, 120.25, 120.26, 120.27, and 120.28 of the Revised Code to provide a 50 per cent reimbursement to the counties for their indigent defense costs, to increase the guaranteed reimbursement rate for such indigent defense costs, to require the State Public Defender to approve the establishment of county public defender commissions, to approve the appointment or retention of the county public defender, and to set a statewide schedule of hourly rates and per case maximums to be paid to appointed counsel, to eliminate the option for a county to operate a joint-county public defender system, to permit the State Public Defender to create state-run regional and district offices that would operate in lieu of the county-run systems, to allow the State Public Defender to use the Indigent Defense Support Fund to pay the state's portion of costs for the regional and district offices, to provide that the Governor's next appointment to the Ohio Public Defender Commission be from a list of nominees submitted by the County Commissioners Association of Ohio, and to allow the State Public Defender to contract directly with a municipal corporation to provide representation in municipal ordinance cases.

To the Committee on Finance.

S. B. No. 140-Senator Bacon.

To amend sections 1751.25, 3901.043, 3901.17, 3901.32, 3901.321, 3901.33, 3901.34, 3901.341, 3901.35, 3901.36, 3901.62, 3901.63, 3901.64, 3907.14, 3913.34, 3921.21, 3925.08, 3939.01, and 3953.15, to enact sections 3901.351, 3901.371, 3901.372, 3901.373, 3901.374, 3901.375, 3901.376, 3901.377, 3901.378, 3901.41, 3901.621, 3901.631, and 3906.01 to 3906.15, and to repeal sections 3907.09, 3907.10, 3907.11, and 3907.13 of the Revised Code to make changes to the law governing insurance holding company systems, to eliminate the petition requirement for domestic mutual companies that wish to merge or consolidate with another company, to eliminate the commission created to hear and determine petitions for merger and consolidation, to provide the requirements for maintaining a risk management framework and completing an own risk and solvency assessment, and to provide guidance and instructions for filing an own risk and solvency assessment summary report with the superintendent of insurance.

To the Committee on Insurance and Financial Institutions.

YES - 7: KRIS JORDAN, SCOTT OELSLAGER, TOM PATTON,
LARRY OBHOF, KEVIN BACON, RANDY GARDNER,
ERIC H. KEARNEY.

NO - 0.

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

The report of the committee was accepted.

Said bills and resolutions were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Oelslager submitted the following report:

The standing committee on Finance, to which was referred **Am. Sub. H. B. No. 59**-Representative Amstutz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: SCOTT OELSLAGER, BILL COLEY, TOM PATTON,
JIM HUGHES, SHANNON JONES, DAVE BURKE,
FRANK LAROSE, RANDY GARDNER, BOB
PETERSON.

NO - 4: THOMAS SAWYER, JOSEPH SCHIAVONI, SHIRLEY A. SMITH, CHARLETA B. TAVARES.

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

The report of the committee was accepted.

OFFERING OF RESOLUTIONS

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

S. R. No. 131-Senator Oelslager.

Honoring the Professional Football Hall of Fame on its Fiftieth Anniversary.

S. R. No. 132-Senator Balderson.

Honoring the Zanesville Amrou Grotto on its One Hundredth Anniversary.

S. R. No. 133-Senators Oelslager, Schaffer.

Honoring Larry Kehres on his retirement as the head football coach at the University of Mount Union.

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

So the resolutions were adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

STATE OF OHIO EXECUTIVE DEPARTMENT OFFICE OF THE GOVERNOR COLUMBUS

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Paul Timothy Bailey, Democrat, from Marion, Marion County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a term beginning April 9, 2013 and ending at the close of business September 3, 2014, replacing Dwight E. Radcliff, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 9th day of April in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Mark A. Bechtel, M.D., from Westerville, Delaware County, Ohio, as a Member of the State Medical Board for a new term beginning April 30, 2013 and ending at the close of business March 18, 2018, replacing Mark A. Bechtel, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 30th day of April in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Verna Riffe Biemel, from Walton Hills, Cuyahoga County, Ohio, as a Member of the Ohio Respiratory Care Board for a term beginning April 25, 2013 and ending at the close of business March 14, 2015, replacing Sandra Stabile Harwood, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 25th day of April in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Cary Rodman Cooper, from Maumee, Lucas County, Ohio, as a Member of the Ohio University Board of Trustees for a term beginning April 29, 2013 and ending at the close of business May 13, 2014, replacing Norman E. DeWire, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 29th day of April in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, A. "Tony" Grotrain, from Findlay, Hancock County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 26, 2013 and ending at the close of business December 23, 2015, replacing Hope Taft, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 26th day of April in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, John Francis Martin, from Copley, Summit County, Ohio, as a Member of the Ohio Higher Educational Facility Commission for a term beginning April 29, 2013 and ending at the close of business January 1, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 29th day of April in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Erin Michel, from Columbus, Franklin County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning May 9, 2013 and ending at the close of business October 10, 2014, replacing Jennifer Hadden, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 9th day of May in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Sushil M. Sethi, from Mansfield, Richland County, Ohio, as a Member of the State Medical Board for a term beginning April 30, 2013 and ending at the close of business March 18, 2016, replacing Dr. Salsukh A. Madia, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 30th day of April in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Richard M. Zaleski, Republican, from Mentor, Lake County, Ohio, as a Member of the Ohio Fair Plan Underwriting Association Board of Governors for a term beginning April 9, 2013 and ending at the close of business September 18, 2014.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 9th day of April in the year of our Lord, two thousand and thirteen.

[Seal]

John R. Kasich,
Governor.

Said appointments were referred to the Committee on Rules.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 29 -Representative Damschroder

Cosponsors: Representatives Roegner, Gonzales, Cera, Huffman, Sears, Smith, Hood, Adams, J., Retherford, Perales, McGregor, Pillich, Johnson, Burkley, Hagan, C., Lynch, Patterson, Redfern, Scherer, Strahorn, Anielski, Antonio, Baker, Barborak, Beck, Blair, Blessing, Boose, Brenner, Brown, Buchy, Butler, Carney, DeVitis, Dovilla, Duffey, Green, Grossman, Hackett, Hagan, R., Hall, Hottinger, Kunze, Letson, Maag, McClain, Milkovich, O'Brien, Pelanda, Ramos, Rogers, Rosenberger, Schuring, Slaby, Sprague, Stebelton, Stinziano, Terhar, Thompson, Wachtmann, Winburn, Young, Speaker Batchelder

To amend sections 1547.05, 1547.52, and 1547.521 of the Revised Code to exempt persons holding certain Coast Guard endorsements from the requirement to complete a safe boater course or examination and to establish conditions for watercraft safety inspections.

H. B. No. 105 -Representative Hayes

Cosponsors: Representatives Derickson, Beck, Milkovich, Strahorn, Wachtmann, Antonio, Bishoff, Brown, Hottinger, Adams, R., Amstutz, Anielski, Ashford, Baker, Blair, Boose, Buchy, Budish, Burkley, Carney, Green, Grossman, Hackett, Hagan, C., Hall, Landis, McClain, O'Brien, Patmon, Pelanda, Ramos, Reece, Roegner, Rogers, Sears, Slaby, Smith, Sprague, Stebelton, Young, Speaker Batchelder

To enact section 5.2279 of the Revised Code to designate the calendar week including the seventeenth day of July as "Congenital Diaphragmatic Hernia Week."

Am. 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

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, 3964.20, and 3964.21 of the Revised Code to provide for the operation of captive insurance companies in Ohio.

Attest:

Bradley J. Young,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

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

H. C. R. No. 15 -Representative Beck

Cosponsors: Representatives Smith, Becker, Brenner, Wachtmann, Pillich, Stinziano, Derickson, Perales, Buchy, Green, Adams, J., Mallory, Strahorn, Stebelton, Brown, Adams, R., Fedor, Rosenberger, Maag, Milkovich, Ruhl, Barnes, Reece, Landis, Anielski, Barborak, Bishoff, Dovilla, Retherford, Young, Amstutz, Antonio, Ashford, Baker, Blair, Blessing, Boose, Boyce, Budish, Burkley, Butler, Carney, Cera, Clyde, Conditt, Curtin, Damschroder, DeVitis, Driehaus, Duffey, Gerberry, Gonzales, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hood, Hottinger, Huffman, Kunze, Letson, Lundy, Lynch, McClain, McGregor, O'Brien, Patmon, Patterson, Pelanda, Phillips, Ramos, Redfern, Roegner, Rogers, Romanchuk, Scherer, Schuring, Sears, Slaby, Slesnick, Sprague, Stautberg, Sykes, Terhar, Williams, Winburn, Speaker Batchelder

Recognizing the Fortieth Anniversary of Operation Homecoming.

Attest:

Bradley J. Young,
Clerk.

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

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

On the motion of Senator Hite, the Senate adjourned until Thursday, June 6, 2013 at 9:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.