

OHIO

SENATE

JOURNAL

CORRECTED VERSION
WEDNESDAY, OCTOBER 30, 2013

ONE HUNDRED SEVENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, October 30, 2013, 1:30 p.m.

The Senate met pursuant to adjournment. Prayer was offered by Pastor Brian Hanson, Grace Baptist Church, Cedarville, Ohio, followed by the Pledge of Allegiance to the Flag.

President Faber called upon fourth grade students from Versailles Elementary to lead the Senate in 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 Hughes and President Faber presented a resolution to Chris Spielman recognizing the Stefanie Spielman Fund for breast cancer research and October 2013 as Breast Cancer Awareness Month.

Senator Schaffer presented a resolution to Zachery Hanf as a 2013 OHSAA Track and Field State Champion.

Senator Schaffer presented a resolution to Jeffery Lowery as a 2013 AMA Racing Dirt Track Grand Champion.

Senator Widener requested a moment of silence in memory of John Breckenridge.

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

Senator Oelslager 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. 27-Representatives Johnson, Mallory, et al.

To urge the Internal Revenue Service to correct its policy of targeting tax-exempt status applications for additional review based on the applicant organization's presumed political affiliation.

To the Committee on Ways and Means.

H. C. R. No. 33-Representative Romanchuk, et al.

To urge the United States Department of Defense to award funding to

establish the American Lightweight Materials Manufacturing Innovation Institute.

To the Committee on Workforce and Economic Development.

Sub. H. B. No. 170-Representatives Johnson, Stinziano, et al.

To amend sections 4762.03, 4765.35, and 4765.37 and to enact sections 2925.61, 4723.488, 4730.431, and 4731.94 of the Revised Code to provide for increased access to naloxone, to ensure English proficiency in licensed practitioners of Oriental medicine and acupuncture, and to declare an emergency.

To the Committee on Medicaid, Health and Human Services.

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

To amend sections 2105.06, 2937.02, 3107.07, and 3109.042 and to enact sections 2105.062, 3109.50, 3109.501, 3109.502, 3109.503, 3109.504, 3109.505, 3109.506, 3109.507, and 3109.508 of the Revised Code regarding the parental rights of a person who was convicted of, or pleaded guilty to, rape or sexual battery.

To the Committee on Criminal Justice.

S. B. No. 208-Senator Schaffer, et al.

To enact section 718.17 of the Revised Code to require municipal corporations with more than \$100 million in annual income tax collections to provide a tax credit to nonresident taxpayers.

To the Committee on Ways and Means.

S. B. No. 209-Senator Manning.

To enact section 5533.609 of the Revised Code to designate a portion of State Route 58 within Lorain County as the "Sgt. Louis Torres Memorial Highway."

To the Committee on Transportation.

S. B. No. 210-Senator Widener, et al.

To amend section 5747.02 of the Revised Code to provide for a permanent income tax rate reduction of 4% for all tax brackets beginning in 2014.

To the Committee on Finance.

S. B. No. 211-Senators Schaffer, Peterson, et al.

To amend section 5747.98 and to enact section 5747.78 of the Revised Code to authorize an income tax credit for donations to the permanent endowment fund of an eligible community foundation.

To the Committee on Ways and Means.

S. B. No. 212-Senator Turner, et al.

To enact section 101.48 of the Revised Code to establish a controlled substance assessments and testing for members of the General Assembly.

To the Committee on State Government Oversight and Reform.

S. B. No. 213-Senator Gardner.

To amend sections 2915.01, 2915.07, and 2915.10 and to enact section 2915.096 of the Revised Code to permit charitable organizations to conduct not-for-profit quarter auctions.

To the Committee on State Government Oversight and Reform.

S. B. No. 214-Senator Lehner, et al.

To enact section 3701.94 of the Revised Code regarding the practice of surgical technology in hospitals and ambulatory surgical facilities.

To the Committee on Medicaid, Health and Human Services.

S. B. No. 215-Senator Skindell, et al.

To amend sections 1710.01, 1710.02, and 1710.06 of the Revised Code to authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.

To the Committee on Energy and Natural Resources.

S. B. No. 216-Senator Seitz.

To amend sections 3501.22, 3503.16, 3505.18, 3505.181, 3505.182, and 3505.183 of the Revised Code to revise the law concerning provisional ballots and to specify permitted procedures for a voting location that serves more than one precinct.

To the Committee on State Government Oversight and Reform.

S. B. No. 217-Senator Kearney.

To amend sections 4741.01, 4741.03, and 4741.26 of the Revised Code to require the State Veterinary Medical Licensing Board to inspect the place of business of a person that is licensed, registered, or permitted under the Veterinarians Law and to establish requirements and procedures for those inspections.

To the Committee on Agriculture.

S. B. No. 218-Senator Cafaro, et al.

To amend sections 5501.03, 5501.311, 5531.09, and 5531.18 and to enact sections 5539.01, 5539.02, 5539.03, 5539.031, 5539.04, 5539.05, 5539.06, 5539.07, 5539.08, 5539.09, 5539.10, and 5539.11 of the Revised Code to authorize the creation of transportation innovation authorities by specified governmental entities and to establish the powers and duties of such authorities.

To the Committee on Transportation.

S. B. No. 219-Senators Obhof, Seitz, et al.

To amend sections 2701.03, 2701.031, 2743.03, 2743.04, 2743.09, 2743.121, 2743.20, 2743.52, 2743.53, 2743.531, 2743.55, 2743.60, 2743.601, 2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 2743.66, 2743.67, 2743.68,

2743.69, and 2743.71, to enact section 2743.041, and to repeal section 2743.54 of the Revised Code to abolish the office of the Court of Claims commissioner, to transfer the powers of a judge of the Court of Claims to the court; to specify certain powers of a Court of Claims magistrate, to modify the Attorney General's annual report on the crime victims compensation program, to conform existing law to the existing filing period for filing a claim for reparations by an adult, to eliminate the procedure for filing an affidavit of disqualification for a judge of a municipal or county court and instead include the disqualification of a judge of a municipal or county court and a judge of the court of claims within the procedure for filing an affidavit of disqualification for a probate judge, a judge of a court of appeals, and a judge of the court of common pleas, and to change the basis of the per diem compensation of a retired judge who serves on the Court of Claims from the annual compensation of a judge of a court of appeals to the annual compensation of a judge of a court of common pleas.

To the Committee on Civil Justice.

S. B. No. 220-Senator Gardner.

To amend sections 3313.6013 and 3365.12 of the Revised Code to remove the prohibition on charging students fees for participating in dual enrollment programs or in alternative funding arrangements under the Post-Secondary Enrollment Options Program, to require the Chancellor of the Board of Regents, not later than December 31, 2013, to make recommendations to the General Assembly regarding the charging of students for costs associated with the College Credit Plus Program, and to declare an emergency.

To the Committee on Education.

S. B. No. 221-Senator Gardner, et al.

To enact sections 3727.11, 3727.12, 3727.13, and 3727.14 of the Revised Code to provide for state recognition of hospitals that are comprehensive stroke centers, primary stroke centers, and acute stroke ready hospitals.

To the Committee on Medicaid, Health and Human Services.

YES - 7 SCOTT OELSLAGER, TOM PATTON, LARRY OBHOF, RANDY GARDNER, ERIC H. KEARNEY, NINA TURNER, 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 resolutions were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Balderson submitted the following report:

The standing committee on Energy and Natural Resources, to which was referred **S. R. No. 184**-Senator Schaffer, having had the same under consideration, reports back a substitute resolution and recommends its adoption.

Co-Sponsors: Peterson, Hite.

YES - 9 JOE UECKER, TOM PATTON, JOHN EKLUND, TROY
BALDERSON, CLIFF HITE, JOSEPH SCHIAVONI,
LOU GENTILE, TIMOTHY O. SCHAFFER, CAPRI S.
CAFARO.

NO - 0

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

The report of the committee was accepted.

Senator Beagle submitted the following report:

The standing committee on Workforce and Economic Development, to which was referred **H. C. R. No. 11**-Representative Stebelton, et al., having had the same under consideration, reports it back with the following amendment and recommends its adoption when so amended.

In line 4, delete "2013" and insert "2014"

In line 20, delete "2013" and insert "2014"

In line 1 of the title, delete "2013" and insert "2014"

Co-Sponsors: Schaffer, Gardner.

YES - 10 JOSEPH SCHIAVONI, TIMOTHY O. SCHAFFER,
MICHAEL J. SKINDELL, BILL BEAGLE, GAYLE

MANNING, TROY BALDERSON, CHRIS WIDENER,
PEGGY B. LEHNER, CHARLETA B. TAVARES,
RANDY GARDNER.

NO - 0

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

The report of the committee was accepted.

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **S. B. No. 200**-Senator Uecker, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8 DAVE BURKE, BILL COLEY, CHRIS WIDENER,
LARRY OBHOF, KEVIN BACON, BILL SEITZ,
FRANK LAROSE, JOE UECKER.

NO - 2 EDNA BROWN, MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

Senator Coley submitted the following report:

The standing committee on Civil Justice, to which was referred **S. B. No. 202**-Senators Obhof, Kearney, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 219, delete " person" and insert " person's"

In line 363, after " the" insert " issuing"

In line 225, delete the underlined semicolon

Delete lines 226 through 228

In line 229, delete everything before the period

Co-Sponsor: Coley.

YES - 9 JOE UECKER, SCOTT OELSLAGER, JOHN EKLUND,

KEVIN BACON, BILL COLEY, LARRY OBHOF,
MICHAEL J. SKINDELL, EDNA BROWN, JOSEPH
SCHIAVONI.

NO - 0

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

The report of the committee was accepted.

Senator Hughes submitted the following report:

The standing committee on Insurance and Financial Institutions, to which was referred **H. C. R. No. 19**-Representative Schuring, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 11 GAYLE MANNING, SHANNON JONES, LARRY
OBHOF, DAVE BURKE, CLIFF HITE, BILL BEAGLE,
JIM HUGHES, KEVIN BACON, NINA TURNER, LOU
GENTILE, MICHAEL J. SKINDELL.

NO - 0

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

The report of the committee was accepted.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **S. B. No. 102**-Senator Hughes, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Cafaro, Tavares, Jones.

YES - 7 RANDY GARDNER, PEGGY B. LEHNER, DAVE
BURKE, SHANNON JONES, CAPRI S. CAFARO,
EDNA BROWN, CHARLETA B. TAVARES.

NO - 0

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

The report of the committee was accepted.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **H. B. No.**

23-Representative Gonzales, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Gardner, Cafaro, Turner.

YES - 9 GAYLE MANNING, RANDY GARDNER, BILL SEITZ,
FRANK LAROSE, CAPRI S. CAFARO, LOU GENTILE,
NINA TURNER, TOM PATTON, TROY BALDERSON.

NO - 0

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

The report of the committee was accepted.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **Am. H. B. No. 177**-Representative Pelanda, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

In line 54, delete " the bodily"

In line 55, delete " injury or death of" and insert " serious physical harm to"

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

In line 11 of the title, delete "bodily injury or death of" and insert "serious physical harm to"

Co-Sponsors: Manning, Gardner.

YES - 9 GAYLE MANNING, TROY BALDERSON, BILL SEITZ,
FRANK LAROSE, RANDY GARDNER, NINA
TURNER, CAPRI S. CAFARO, LOU GENTILE, TOM
PATTON.

NO - 0

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

The report of the committee was accepted.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **S. B. No. 194**-Senator Seitz, et al., having had the same under consideration, reports it

back and recommends its passage.

Co-Sponsor: Manning.

YES - 9 GAYLE MANNING, TROY BALDERSON, BILL SEITZ,
FRANK LAROSE, RANDY GARDNER, NINA
TURNER, CAPRI S. CAFARO, LOU GENTILE, TOM
PATTON.

NO - 0

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

The report of the committee was accepted.

Senator Oelslager submitted the following report:

The standing committee on Finance, to which was referred **S. J. R. No. 5**-Senator Faber, et al., having had the same under consideration, reports it back with the following amendment and recommends its adoption when so amended.

In line 16, after "year" insert ", together with any related and appropriate fiscal restraints"

Delete lines 25 through 32 and insert:

"RESOLVED, This application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, and Texas. This application shall be aggregated with those other applications for the purpose of attaining the two-thirds of states necessary to require the calling of a convention for proposing a balanced budget amendment, but shall not be aggregated with any applications on any other subject; and be it further"

In line 41, after "year" insert ", together with any related and appropriate fiscal restraints"

In line 6 of the title, delete "amendments" and insert "a balanced budget amendment"

YES - 11 BILL COLEY, SCOTT OELSLAGER, JIM HUGHES,
SHANNON JONES, FRANK LAROSE, DAVE BURKE,
RANDY GARDNER, CHARLETA B. TAVARES,
JOSEPH SCHIAVONI, SHIRLEY A. SMITH, TOM

PATTON.

NO - 1 THOMAS SAWYER.

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

The report of the committee was accepted.

RESOLUTIONS REPORTED BY COMMITTEE

Am. S. J. R. No. 5-Senator Faber.

Cosponsors: Senators Burke, LaRose, Coley, Schaffer, Hite, Beagle, Patton, Eklund, Hughes, Manning, Balderson, Seitz, Oelslager, Uecker, Peterson, Obhof, Jones.

Urging the Congress of the United States to propose a balanced budget amendment to the United States Constitution and applying to the Congress, pursuant to Article V of the United States Constitution, to call a convention for proposing a balanced budget amendment.

The General Assembly of the State of Ohio urges the Congress of the United States to propose a balanced budget amendment to the United States Constitution and hereby applies to the Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing an amendment to the United States Constitution requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further

RESOLVED, The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the Senate and to the Speaker and Clerk of the House of Representatives of the Congress, and copies to the members of the Senate and House of Representatives from the State of Ohio; also to transmit copies of this application to the presiding officers of each of the legislative houses of the several states, requesting their cooperation; and be it further

RESOLVED, This application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, and Texas. This application shall be aggregated with those other applications for the purpose of attaining the two-thirds of states necessary to require the calling of a convention for proposing

a balanced budget amendment, but shall not be aggregated with any applications on any other subject; and be it further

RESOLVED, If the convention called by the Congress is not limited to considering a balanced budget amendment, then any delegates, representatives, or participants from the State of Ohio asked to participate in the convention are authorized to debate and vote only on a proposed amendment or amendments to the United States Constitution requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further

RESOLVED, This application constitutes a continuing application in accordance with Article V of the United States Constitution until the legislatures of at least two-thirds of the several states have made applications on the same subject or the Congress has proposed an amendment to the United States Constitution equivalent to the amendment proposed in this resolution. This application supersedes all previous applications by the General Assembly of the State of Ohio on the same subject.

The question being, "Shall the joint resolution, **Am. S. J. R. No. 5**-Senator Faber, et al., be adopted?"

Senator Tavares moved to amend as follows:

In line 17, after "restraints" insert ". For purposes of this resolution, "national emergency" means a natural disaster, economic recession, war or military action or conflict, or any extraordinary emergency situation that is either beyond the control of the United States or significantly impairs the financial situation or the economic sustainability of the United States"

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 21, nays 10, 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 |
| Schaffer | Seitz | Uecker | Widener |
| | | | Faber-21. |

Those who voted in the negative were: Senators

| | | | |
|---------|-----------|----------|------------|
| Brown | Cafaro | Gentile | Kearney |
| Sawyer | Schiavoni | Skindell | Smith |
| Tavares | | | Turner-10. |

The amendment was laid on the table.

The question being, "Shall the joint resolution, **Am. S. J. R. No. 5**, be adopted?"

The yeas and nays were taken and resulted - yeas 28, nays 3, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|---------|-----------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Eklund |
| Gardner | Hite | Hughes | Jones |
| Kearney | LaRose | Lehner | Manning |
| Obhof | Oelslager | Patton | Schaffer |
| Schiavoni | Seitz | Smith | Tavares |
| Turner | Uecker | Widener | Faber-28. |

Senators Gentile, Sawyer, and Skindell voted in the negative-3.

So the joint resolution was adopted.

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

Senator Faber moved to amend the title as follows:

Add the names: "Bacon, Gardner, Lehner, Widener."

The motion was agreed to and the title so amended.

Sub. S. R. No. 184-Senator Schaffer.

Cosponsors: Senators Peterson, Hite.

To urge the National Park Service in the U.S. Department of the Interior to submit, at the earliest possible time, the nomination of the Hopewell Ceremonial Earthworks, including the Fort Ancient Earthworks, the Newark Earthworks, and the Hopewell Culture National Historical Park, to the World Heritage Committee for inscription on the World Heritage List.

WHEREAS, The Fort Ancient Earthworks in Warren County, the Newark Earthworks in Licking County, and the Hopewell Culture National Historical Park in Ross County are all outstanding examples of the ceremonial earthworks that were built 2,000 years ago by the indigenous Eastern Woodland people now known as the Hopewell culture. The earthworks are internationally significant and nationally recognized archaeological sites in Ohio and represent the greatest achievements of this extraordinary civilization whose cultural center was located in the area that is today known as Ohio; and

WHEREAS, The investigations of those sites were important foundations

for scientific archaeology in North America. In addition, the sites were some of the first archaeological sites to be preserved in the United States; and

WHEREAS, The National Park Service in the U.S. Department of the Interior periodically selects sites from its Tentative List, which was compiled and submitted by the United States in 2008 to the World Heritage Committee of the United Nations Educational, Scientific, and Cultural Committee, for nomination to the World Heritage List. The World Heritage List identifies the world's most important cultural and natural heritage sites; and

WHEREAS, Currently, the Fort Ancient Earthworks, the Newark Earthworks, and the Hopewell Culture National Historical Park, together known as the Hopewell Ceremonial Earthworks, are on the Tentative List. The Ohio Historical Society and the Hopewell Culture National Historical Park and their partners on the Ohio World Heritage Committee have made significant progress in preparing supporting documentation for the nomination of the Hopewell Ceremonial Earthworks to the World Heritage List; now therefore be it

RESOLVED, That we, the members of the Senate of the 130th General Assembly of the State of Ohio, urge the National Park Service in the U.S. Department of the Interior to submit, at the earliest possible time, the nomination of the Hopewell Ceremonial Earthworks, including the Fort Ancient Earthworks, the Newark Earthworks, and the Hopewell Culture National Historical Park, to the World Heritage Committee for inscription on the World Heritage List; and be it further

RESOLVED, That the Clerk of the Senate send duly authenticated copies of this resolution to the Ohio Historical Society, the Hopewell Culture National Historical Park, the National Park Service, and the news media of Ohio.

The question being, "Shall the resolution, **Sub. S. R. No. 184**, 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 | Cafaro | Coley | Eklund |
| Gardner | Gentile | Hite | Hughes |
| Jones | Kearney | LaRose | Lehner |
| Manning | Obhof | Oelslager | Patton |
| Sawyer | Schaffer | Schiavoni | Seitz |
| Skindell | Smith | Tavares | Turner |
| Uecker | Widener | | Faber-31. |

So the resolution was adopted.

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Bacon, Balderson, Coley, Eklund, Gardner, Hughes,

LaRose, Lehner, Obhof, Oelslager, Patton, Schiavoni, Skindell, Tavares, Turner."

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

H. B. No. 127-Representative Adams, R.

Cosponsors: Representatives Antonio, Brenner, Brown, Buchy, Foley, Grossman, Milkovich, Romanchuk, Thompson, Bishoff, Amstutz, Anielski, Baker, Barborak, Barnes, Beck, Blessing, Boyce, Budish, Burkley, Butler, Carney, Celebrezze, Damschroder, Derickson, DeVitis, Dovilla, Duffey, Green, Hackett, Hagan, C., Hagan, R., Hall, Hill, Huffman, Johnson, Kunze, Lundy, O'Brien, Patterson, Pelanda, Pillich, Ramos, Reece, Roegner, Rogers, Rosenberger, Ruhl, Scherer, Schuring, Slaby, Slesnick, Smith, Sprague, Stebelton, Stinziano, Strahorn, Terhar, Young, Speaker Batchelder. Senators Tavares, Skindell, Manning, Schiavoni, Schaffer, Beagle.

To enact section 5.2279 of the Revised Code to designate the month of March as "Career-Technical Education and Skilled Workforce Development Month", was considered the third time.

The question being, "Shall the bill, **H. B. No. 127**, 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 | Cafaro | Coley | Eklund |
| Gardner | Gentile | Hite | Hughes |
| Jones | Kearney | LaRose | Lehner |
| Manning | Obhof | Oelslager | Patton |
| Sawyer | Schaffer | Schiavoni | Seitz |
| Skindell | Smith | Tavares | Turner |
| Uecker | Widener | | Faber-31. |

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: "Bacon, Balderson, Brown, Cafaro, Coley, Faber, Gardner, Gentile, Hite, Hughes, Jordan, Kearney, LaRose, Lehner, Obhof, Oelslager, Patton, Sawyer, Smith, 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. 82-Senators Balderson, Gentile.

Cosponsor: Senator Sawyer.

To enact section 307.933 of the Revised Code to authorize a corrections commission of a multicounty, municipal-county, or multicounty-municipal correctional center to issue securities of the commission to pay the costs associated with certain improvements of the center, was considered the third time.

The question being, "Shall the bill, **S. B. No. 82**, pass?"

Senator Widener moved that he be excused from voting pursuant to Senate Rule No. 57.

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

The motion was agreed to.

The question being, "Shall the bill, **S. B. No. 82**, pass?"

The yeas and nays were taken and resulted - yeas 30, 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 | Kearney | LaRose | Lehner |
| Manning | Obhof | Oelslager | Patton |
| Sawyer | Schaffer | Schiavoni | Seitz |
| Skindell | Smith | Tavares | Turner |
| Uecker | | | Faber-30. |

So the bill passed.

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

Senator Balderson moved to amend the title as follows:

Add the names: "Burke, Cafaro, Hite, Kearney, Oelslager, Patton, Smith, Uecker."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 200-Senator Uecker, et al.

To amend sections 3503.11, 3503.15, 3503.18, 3503.21, and 3506.22 of the Revised Code to modify the law governing the statewide voter registration database and the transmission of voter registration information from the Bureau of Motor Vehicles to the Secretary of State and to reduce the minimum required number of direct recording electronic voting machines.

The question being, "Shall the bill, **Sub. S. B. No. 200**, pass?"

Senator Uecker moved to amend as follows:

In line 81, delete " (6)" and insert " (7)"

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

The motion was agreed to.

The question being, "Shall the bill, **Sub. S. B. No. 200**, pass?"

Senator LaRose moved to amend as follows:

In line 101, after the underlined period insert " The secretary of state shall adopt rules pursuant to Chapter 119. of the Revised Code identifying the persons or organizations who may receive that information or data. The secretary of state shall not share that information or data with a person or organization not identified in those rules."

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

The motion was agreed to.

The question being, "Shall the bill, **Sub. S. B. No. 200**, pass?"

Senator LaRose moved to amend as follows:

Between lines 327 and 328, insert:

" (F)(1) When a registration is canceled pursuant to division (A)(2) or (3) of this section, the applicable board of elections shall send a written notice, on a form prescribed by the secretary of state, to the address at which the elector was registered, informing the recipient that the elector's registration has been canceled, of the reason for the cancellation, and that if the cancellation was made in error, the elector may contact the board of elections to correct the error."

(2) If the elector's registration is canceled pursuant to division (A)(2) or (3) of this section in error, it shall be restored and treated as though it were never canceled."

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

The motion was agreed to.

The question being, "Shall the bill, **Sub. S. B. No. 200**, pass?"

Senator Obhof moved to amend as follows:

Between lines 73 and 74, insert:

" No public office, and no public official or employee, shall sell that information or data or use that information or data for profit."

In line 105, after " possession" insert " by, at a minimum, entering into a confidentiality agreement with the person or organization. Any confidentiality agreement entered into under this division shall include a requirement that the person or organization submit to the jurisdiction of this state in the event that the person or organization breaches the agreement.

Any person or entity that receives information or data under division (A)(3) of this section shall refrain from selling the information or data or using the information or data for profit"

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

On the motion of Senator Widener, the Senate recessed until 3:27 p.m.

The Senate met pursuant to the recess.

Senator LaRose moved to amend the amendment as follows:

In line 11 of the amendment, delete " Any" and insert " (4) No"

In line 12 of the amendment, delete " refrain from selling" and insert " sell"

In line 13 of the amendment, delete " using" and insert " use"

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

The amendment to the amendment was agreed to.

The question being, "Shall the amendment, as amended, be agreed to?"

The motion to amend was agreed to.

The question being, "Shall the bill, **Sub. S. B. No. 200**, pass?"

Senator Turner moved to amend as follows:

Strike through lines 358 through 361

In line 362, strike through "3506.19 of the Revised Code after"

In line 363, delete "May 2, 2006"; strike through the balance of the line

Strike through lines 364 and 365

After line 367, insert:

"Section 3. That Section 514.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.

Section 4. (A) Section 3506.22 of the Revised Code, as amended by this act, takes effect January 1, 2015. During the period commencing on the effective date of this section and expiring January 1, 2015, the operation of section 3506.22 of the Revised Code is suspended. Upon the expiration of the period of suspension, section 3506.22 of the Revised Code, as it is amended by this act and by any subsequent act, again becomes fully operational.

(B) During the period commencing on the effective date of this section and expiring January 1, 2015, a county that selects direct recording electronic voting machines as the primary voting system to be used in the county and not only for accessibility for individuals with disabilities as required under the Help America Vote Act of 2002 and section 3506.19 of the Revised Code shall acquire, if needed, sufficient direct recording electronic voting machines to meet the minimum number of direct recording electronic voting machines required to be established by the Secretary of State under this division.

The Secretary of State shall establish, for each county, a minimum number of direct recording electronic voting machines that the county shall be required to have if it elects to use direct recording electronic voting machines as the primary voting system in the county. The minimum number for each county shall be calculated as follows:

(1) The total number of registered voters in the county as of October 7, 2012, or the average of the total number of registered voters in the county as of October 7, 2012, and October 5, 2008, whichever number is higher, shall be determined.

(2) The number resulting from the determination under division (B)(1) of this section shall be divided by two hundred fifteen.

(3) Any fraction resulting from the calculation under division (B)(2) of this section shall be rounded up to the next whole number.

(C)(1) A study committee shall be formed to determine the most appropriate method of calculating the minimum number of direct electronic voting machines that a county should be required to have if the county elects to use direct recording electronic voting machines as the primary voting system in the county. The study committee shall consist of the Secretary of State or the Secretary of State's designee, who shall be the chairperson of the study committee; two members appointed by the President of the Senate; one member appointed by the Minority Leader of the Senate; two members appointed by the Speaker of the House of Representatives; and one member appointed by the Minority Leader of the House of Representatives.

(2) The study committee shall hold not less than three public hearings at which interested individuals and organizations may express their opinions concerning that method of calculation.

(3) Not later than September 1, 2014, the study committee shall submit a written report containing the results of the study to the Speaker and Minority Leader of the House of Representatives and to the President and Minority Leader of the Senate."

In line 2 of the title, after "Code" insert "; to repeal Section 514.03 of Am. Sub. H.B. 66 of the 126th General Assembly; and to suspend section 3506.22 of the Revised Code"

In line 6 of the title, after the second "to" insert "temporarily"

Delete lines 7 and 8 of the title and insert "the minimum required number of direct recording electronic voting machines and require the Secretary of State to conduct a study concerning that minimum number."

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 yeas and nays were taken and resulted - yeas 21, nays 10, 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 |
| Schaffer | Seitz | Uecker | Widener |
| | | | Faber-21. |

Those who voted in the negative were: Senators

- | | | | |
|-------|--------|---------|---------|
| Brown | Cafaro | Gentile | Kearney |
|-------|--------|---------|---------|

| | | | |
|---------|-----------|----------|------------|
| Sawyer | Schiavoni | Skindell | Smith |
| Tavares | | | Turner-10. |

The amendment was laid on the table.

The question being, "Shall the bill, **Sub. S. B. No. 200**, pass?"

The yeas and nays were taken and resulted - yeas 21, nays 10, 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 |
| Schaffer | Seitz | Uecker | Widener |
| | | | Faber-21. |

Those who voted in the negative were: Senators

| | | | |
|---------|-----------|----------|------------|
| Brown | Cafaro | Gentile | Kearney |
| Sawyer | Schiavoni | Skindell | Smith |
| Tavares | | | Turner-10. |

So the bill passed.

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

Senator Uecker moved to amend the title as follows:

Add the names: "Eklund, Hite."

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

The motion was agreed to and the title so amended.

S. B. No. 201-Senator Bacon.

To authorize the conveyance of state-owned real estate in Franklin County to Step by Step Academy, Inc., and to declare an emergency.

The question being, "Shall the section, Section 2, 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 0, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------|-----------|-----------|--------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Eklund |
| Gardner | Gentile | Hite | Hughes |
| Jones | Kearney | LaRose | Lehner |
| Manning | Obhof | Oelslager | Patton |

| | | | |
|----------|----------|-----------|-----------|
| Sawyer | Schaffer | Schiavoni | Seitz |
| Skindell | Smith | Tavares | Turner |
| Uecker | Widener | | Faber-31. |

So the section, Section 2, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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 | Cafaro | Coley | Eklund |
| Gardner | Gentile | Hite | Hughes |
| Jones | Kearney | LaRose | Lehner |
| Manning | Obhof | Oelslager | Patton |
| Sawyer | Schaffer | Schiavoni | Seitz |
| Skindell | Smith | Tavares | Turner |
| Uecker | Widener | | Faber-31. |

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Balderson, Brown, Burke, Coley, Eklund, Hite, Hughes, Kearney, Lehner, Sawyer, Schiavoni, Seitz, Smith, Tavares, Turner."

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, October 27, 2013, 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 bills were introduced and considered the first time:

S. B. No. 222-Senator LaRose.

To enact section 5533.096 of the Revised Code to designate a portion of State Route 8 in the municipal corporation of Stow as the "Second Lieutenant David E. Rylander Memorial Highway."

S. B. No. 223-Senator Gardner.

Cosponsors: Senators Patton, Lehner, Manning.

To enact sections 3318.34 and 3318.341 of the Revised Code to require the Ohio School Facilities Commission to develop a procedure for awarding information technology infrastructure grants to public primary and secondary schools and school districts.

OFFERING OF RESOLUTIONS

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

S. R. No. 205-Senators Hughes, Faber, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Gardner, Gentile, Hite, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Tavares, Turner, Uecker, Widener.

Recognizing the Stefanie Spielman Fund for Breast Cancer Research and October 2013 as Breast Cancer Awareness Month.

S. R. No. 206-Senator Hite.

Honoring the Tinora High School girls 4x200-meter relay team as the 2013 Division III State Champion.

S. R. No. 207-Senators Tavares, Bacon, Burke, Hughes, Jordan, Widener.

Honoring LifeCare Alliance on its One Hundred Fifteenth Anniversary.

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 recessed until 7:30 p.m.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. Sub. S. B. No. 193 -Senator Seitz
Cosponsors: Senator Eklund Representatives Buchy, Huffman, Stebelton, Wachtmann, Speaker Batchelder

To amend sections 3501.01, 3501.07, 3505.03, 3505.08, 3505.10, 3506.11, 3513.01, 3513.04, 3513.05, 3513.31, 3513.311, 3513.312, 3517.01, 3517.012, 3517.02, 3517.03, 4503.03, and 5747.29 and to repeal section 3517.015 of the Revised Code to eliminate intermediate political parties and to revise the processes for determining political party status and for establishing new political parties.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

After line 2007, insert:

"**Section 4.** Notwithstanding any contrary provision of this act, a group that wishes to form a political party and nominate candidates to appear on the ballot at the 2014 general election shall submit a party formation petition that is signed by at least 10,000 qualified electors that meets all other requirements of sections 3517.01 and 3517.012 of the Revised Code, as amended by this act, except that the petition shall not be required to contain the signatures of 500 qualified electors from each of at least a minimum of one-half of the congressional districts in this state."

Attest:

Bradley J. Young,
Clerk.

Senator Widener moved that the amendments of the House of Representatives to **Am. Sub. S. B. No. 193** - Senator Seitz - et al. be brought up for immediate consideration, pursuant to Senate Rule No. 44.

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

The motion was agreed to.

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

On the motion of Senator Widener, the Senate recessed until 6:36 p.m.

The Senate met pursuant to the recess.

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

The yeas and nays were taken and resulted - yeas 0, nays 29, as follows:

Those who voted in the negative were: Senators

| | | | |
|----------|-----------|-----------|-----------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Eklund |
| Gardner | Gentile | Hite | Hughes |
| Jones | Kearney | LaRose | Lehner |
| Manning | Obhof | Oelslager | Patton |
| Schaffer | Schiavoni | Seitz | Skindell |
| Tavares | Turner | Uecker | Widener |
| | | | Faber-29. |

So the Senate did not concur in the amendments of the House of Representatives.

On the motion of Senator Widener, the Senate recessed.

The Senate met pursuant to the recess.

On the motion of Senator Obhof, the Senate adjourned until Thursday, October 31, 2013 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.