

OHIO

SENATE

JOURNAL

WEDNESDAY, NOVEMBER 13, 2013

ONE HUNDRED THIRTEENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, November 13, 2013, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Thomas Wise, Valleyview Church, Dayton, 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:

Senators Obhof and LaRose presented a resolution to Debra McDonald recognizing her as the Ohio Department of Education 2013-2014 Teacher of the Year.

On the motion of Senator Widener, the Senate recessed until 2:30 p.m.

The Senate met pursuant to the recess.

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

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

S. C. R. No. 23-Senators Burke, Cafaro, et al.

Declaring May 12, 2014 "National Fibromyalgia Awareness Day" in Ohio.

To the Committee on Medicaid, Health and Human Services.

S. B. No. 229-Senator Gardner, et al.

To amend sections 3319.111 and 3319.112 of the Revised Code regarding teacher performance evaluations.

To the Committee on Education.

S. B. No. 230-Senators Manning, Oelslager, et al.

To enact section 4729.43 of the Revised Code to establish standards for the delivery of non-self-injectable cancer drugs.

To the Committee on Medicaid, Health and Human Services.

S. B. No. 231-Senators Gardner, Hite.

To amend section 5705.10 of the Revised Code with respect to the distribution of proceeds from the sale of school district real property.

To the Committee on Finance.

S. B. No. 232-Senator Uecker, et al.

To amend sections 4775.01, 4775.02, 4775.03, 4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, and 4775.11 of the Revised Code to extend the jurisdiction of the Motor Vehicle Repair Board to persons who perform motor vehicle mechanical repairs, to require motor vehicle repair facilities to register with the Board, to create the Motor Vehicle Repair Operator Vendor's License Suspension Fund, and to make other changes to the Motor Vehicle Repair and Window Tint Operator Law, and to further amend section 4775.03 of the Revised Code on July 1, 2014, to dissolve the existing Motor Vehicle Repair Board and replace it with a new board of the same name.

To the Committee on Commerce and Labor.

S. B. No. 233-Senator Hughes, et al.

To enact section 5.095 of the Revised Code to designate Rascal Flatts as the official country music group of the state.

To the Committee on State Government Oversight and Reform.

S. B. No. 234-Senator Hughes, et al.

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

To the Committee on Transportation.

YES - 9: KRIS JORDAN, SCOTT OELSLAGER, CHRIS WIDENER, TOM PATTON, LARRY OBHOF, KEVIN BACON, RANDY GARDNER, ERIC H. KEARNEY, JOSEPH SCHIAVONI.

NO - 0.

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

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Balderson submitted the following report:

The standing committee on Energy and Natural Resources, to which was referred **S. B. No. 179**-Senator Eklund, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 8: JOE UECKER, TIMOTHY O. SCHAFFER, JOHN EKLUND, BOB PETERSON, TROY BALDERSON, KRIS JORDAN, 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 Balderson submitted the following report:

The standing committee on Energy and Natural Resources, to which was referred **S. C. R. No. 9**-Senator Patton, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Schaffer.

YES - 8: JOE UECKER, TIMOTHY O. SCHAFFER, TOM PATTON, JOHN EKLUND, BOB PETERSON, TROY BALDERSON, LOU GENTILE, KRIS JORDAN.

NO - 0.

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. 16**-Senator Schiavoni, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

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

NO - 0.

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 **Sub. H. B. No. 126**-Representatives Kunze, Stinziano, et al., having had the same under consideration, reports it back and recommends its passage.

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

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. 148**-Senators Turner, Patton, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Cafaro.

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

GARDNER.

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. 186**-Senator Hughes, et al., having had the same under consideration, reports it back and recommends its passage.

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

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. B. No. 206**-Senator Burke, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Coley, LaRose, Tavares.

YES - 12: BILL COLEY, TOM PATTON, JIM HUGHES, SHANNON JONES, FRANK LAROSE, DAVE BURKE, SCOTT OELSLAGER, BOB PETERSON, THOMAS SAWYER, RANDY GARDNER, CHARLETA B. TAVARES, JOSEPH SCHIAVONI.

NO - 0.

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

The report of the committee was accepted.

RESOLUTIONS REPORTED BY COMMITTEE

H. C. R. No. 19-Representative Schuring.

Cosponsors: Representatives Wachtmann, Ramos, Cera, Brenner, Hottinger, Brown, Antonio, Slaby, Hayes, Duffey, Buchy, Strahorn, Bishoff, Hagan, R., Adams, J., Adams, R., Amstutz, Anielski, Baker, Barnes, Beck, Blair, Blessing, Budish, Burkley, Butler, Carney, Celebrezze, Derickson, DeVitis, Dovilla, Driehaus, Fedor, Gerberry, Gonzales, Green, Grossman, Hagan, C., Kunze, Landis, Letson, Lundy, Maag, Mallory, McClain, Milkovich, Patmon, Patterson, Pelanda, Phillips, Reece, Roegner, Rogers, Rosenberger, Ruhl, Scherer, Sears, Slesnick, Smith, Stebelton, Stinziano, Sykes, Williams, Young, Speaker Batchelder.

To memorialize the Congress of the United States to oppose any legislation that requires Social Security coverage for members of any of Ohio's state retirement systems.

WHEREAS, Ohio has a long history, predating the creation of Social Security, of providing retirement, disability, and survivor benefits to its state and local public employees through its own state retirement systems; and

WHEREAS, These state retirement systems, the Public Employees Retirement System, Ohio Police and Fire Pension Fund, State Teachers Retirement System, School Employees Retirement System, and State Highway Patrol Retirement System, have combined assets of over \$165 billion and provide retirement, disability, and survivor benefits to over 1.5 million members, retirees, and beneficiaries; and

WHEREAS, The state retirement system plans are offered in lieu of Social Security; and

WHEREAS, Ohio's state retirement systems are required by Ohio law to accumulate and maintain, through employer and employee contributions and investments, the necessary funds to pay all benefits promised by the Ohio General Assembly; and

WHEREAS, The state retirement systems are well-managed and free of the financial problems facing Social Security; and

WHEREAS, Any federal mandates that require Ohio public employee participation in Social Security or other federal pension programs would devastate Ohio's state retirement systems, weaken the retirement security of its public employees, and jeopardize their retirement benefits; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, in adopting this resolution, urge the Congress of the United States to oppose any legislation containing provisions that would require Ohio's public employees who are members of a state retirement system to participate in

Social Security or any federal pension program; and be if further

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, either in whole or in part, will meet with the members of the Ohio Congressional delegation whenever feasible to express our opposition to any federal legislation that would require Ohio's public employees who are members of a state retirement system to participate in Social Security or any federal pension program; and be it further

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, encourage our fellow members to personally meet with each Senator and Representative in the Ohio Congressional delegation to further express our opposition to any federal legislation that would require Ohio's public employees who are members of a state retirement system to participate in Social Security or any federal pension program; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the resolution, **H. C. R. No. 19**, be adopted?"

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
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

So the resolution was adopted.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, 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. C. R. No. 9-Senator Patton.

Cosponsors: Senators Gardner, Cafaro, Brown, Lehner, Manning, Seitz, Jones, Hughes, Smith, Sawyer, Balderson, Skindell, Uecker, Schaffer.

To urge the President of the United States and the Congress of the United States to take all actions necessary to prevent Asian carp from entering the Great Lakes, including Lake Erie.

WHEREAS, The Great Lakes form the largest group of freshwater lakes on Earth and are a habitat for many different species of fish, birds, and other wildlife. The waters of the Great Lakes are an important and vital asset of the United States, and the waters of Lake Erie are an important and vital asset of the State of Ohio and are critical to sustaining the economy of northern Ohio; and

WHEREAS, The Great Lakes and their fisheries contribute to the economy of the region, with hundreds of thousands of jobs tied to the lakes and billions of dollars associated with Great Lakes fisheries; and

WHEREAS, The Asian carp, an invasive species, has been found in the Illinois River, which connects the Mississippi River to Lake Michigan. Asian carp are very large and pose a significant threat to the Great Lakes because they are extremely prolific and consume vast amounts of food. Because of those characteristics, many native species would be threatened if Asian carp entered the Great Lakes ecosystem; and

WHEREAS, Asian carp are known to be present in the Chicago Ship and Sanitary Canal, just a few miles upstream from Lake Michigan. The United States Army Corps of Engineers has erected an electric barrier in the Canal to prevent Asian carp from reaching the Great Lakes. However, a more effective solution is necessary, including closure of the navigational locks in Chicago's waterways and separation of the Mississippi River Basin from the Great Lakes Basin; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, in adopting this resolution, strongly urge the President of the United States and the Congress to take all actions that are necessary and reasonable to prevent Asian carp from entering the Great Lakes, including Lake Erie. The actions must include presidential directives and the enactment of legislation requiring the United States Army Corps of Engineers and other federal agencies to conduct specified activities, including closure of the navigational locks in Chicago's waterways; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the resolution, **S. C. R. No. 9**, be adopted?"

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
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

So the resolution was adopted.

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

Senator Patton moved to amend the title as follows:

Add the names: "Bacon, Beagle, Burke, Coley, Eklund, Faber, Hite, LaRose, Obhof, Oelslager, Peterson, Schiavoni, Tavares, Turner, 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. S. B. No. 69-Senator Beagle.

Cosponsors: Senators Balderson, Hite, Patton, Uecker, Widener, Coley, Oelslager, Sawyer, Tavares.

To establish the Course and Program Sharing Network, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 69**, 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
Schiavoni	Seitz	Skindell	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: "Jones, Lehner, Turner."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 106-Senator Schaffer.

Cosponsor: Senator Manning.

To enact section 4511.714 of the Revised Code to prohibit the operation of a motor vehicle on or onto any location that is temporarily covered by a rise in water level and to impose on an offender a financial sanction of up to \$2,000 for the cost of the person's rescue, payable to the person's rescuer, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 106**, 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
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Jones, LaRose, Lehner."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 155-Senator Burke.

Cosponsor: Senator LaRose.

To enact section 6133.041 of the Revised Code to authorize a joint board of county commissioners to conduct proceedings regarding existing joint county ditches via teleconference or video conference, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 155**, 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
Schiavoni	Seitz	Skindell	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: "Bacon, Brown, Eklund, Gardner, Hite, Hughes, Manning, Peterson, Seitz, 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. 206-Senator Burke.

Cosponsors: Senators Coley, LaRose, Tavares.

To amend sections 191.02, 5162.01, 5162.13, 5162.131, 5162.132, 5162.20, 5163.01, 5163.06, 5163.09, 5163.0910, and 5164.911; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 5163.0910 (5162.133); to enact sections 103.41, 103.411, 103.412, 103.413, 103.414, 103.415, 191.08, 5162.134, 5162.70, 5162.71, and 5164.94; and to repeal sections 101.39, 101.391, and 5163.099 of the Revised Code; to amend Section 323.90 of Am. Sub. H.B. 59 of the 130th General Assembly; to require implementation of certain Medicaid revisions, reform systems, and program oversight; to provide for government programs that provide public benefits to prioritize employment goals; and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 206**, pass?"

Senator Burke moved that Senator Cafaro be added as a joint sponsor of the bill.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 206**, pass?"

Senator Jones moved to amend as follows:

In line 483, after "recipients" insert " ;

(4) Reduce infant mortality rates among medicaid recipients"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 206**, pass?"

The yeas and nays were taken and resulted - yeas 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Hite	Hughes	Jones
Jordan	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Peterson
Sawyer	Schaffer	Seitz	Tavares
Uecker	Widener		Faber-27.

Senators Gentile, Kearney, Schiavoni, Skindell, and Turner voted in the negative-5.

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, Beagle, Eklund, Jones, Lehner, Manning, Peterson, Schaffer, Widener."

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, November 10, 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. 235-Senator Cafaro.

To amend sections 4506.16 and 4511.35 of the Revised Code to increase the penalties related to operating a commercial motor vehicle on the wrong side of an interstate freeway.

S. B. No. 236-Senator Hughes.

Cosponsor: Senator Schaffer.

To enact section 5.094 of the Revised Code to designate the song entitled "My Wish" as the official state country music song.

S. B. No. 237-Senator Jordan.

To amend sections 3301.07 and 3301.0714 and to enact section 3301.078 of the Revised Code with respect to the Common Core Initiative academic standards, powers of the State Board of Education, and the distribution of student information.

S. B. No. 238-Senator LaRose.

Cosponsors: Senators Schaffer, Seitz, Jordan, Eklund, Coley, Widener.

To amend sections 3509.01 and 3511.10 of the Revised Code to reduce the days for absent voting.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 212-Senator Balderson.

Honoring Deborah Withem as the 2013-2014 CEA-O Teacher of the Year.

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

So the resolution was adopted.

On the motion of Senator Widener, the Senate adjourned until Thursday, November 14, 2013 at 10:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.