

OHIO

SENATE

JOURNAL

WEDNESDAY, DECEMBER 4, 2013

ONE HUNDRED TWENTY-SECOND DAY
Senate Chamber, Columbus, Ohio
Wednesday, December 4, 2013, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Angel Arroyo, Spanish Pentecostal Church, Lorain, 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 Faber recognized Michael Davidson as the 2013 State Bowling Champion.

Senator Faber recognized the Versailles High School Girls' Track and Field Team as the 2013 Division III State Champions.

Senator Faber recognized the Versailles High School Girls' Volleyball Team as the 2013 Division III State Champions.

Senator Schiavoni recognized Mark Hadley as the 2013 Division I State Champion in boys' cross country.

Senator Burke recognized Makayla Dull as the 2013 Division II State Champion in girls' golf.

Senator Hite recognized the Defiance High School Boys' Cross Country Team as the 2013 Division II State Champions.

Senator Balderson recognized the Ohio Christian University Men's Basketball Team as the 2013 NCAA Division II Champions.

Senator Lehner recognized Sinclair Professor Bob Chaney as the 2013 U.S. Professor of the Year.

Senator Widener recognized Dr. John Ritter as the 2013 Ohio Professor of the Year.

On the motion of Senator Widener, the Senate recessed.

The Senate met pursuant to the recess.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Coley submitted the following report:

The standing committee on Civil Justice, to which was referred **Sub. H. B. No. 9**-Representative Stautberg, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Coley.

YES - 6: JOE UECKER, SCOTT OELSLAGER, BILL SEITZ,
JOHN EKLUND, LARRY OBHOF, BILL COLEY.

NO - 4: KEVIN BACON, MICHAEL J. SKINDELL, EDNA
BROWN, JOSEPH SCHIAVONI.

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. 23**-Senators Beagle, Burke, et al., having had the same under consideration, re-reports back a substitute bill and recommends its passage.

Co-Sponsors: Coley, Obhof, Bacon.

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

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. 219**-Senators Obhof, Seitz, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Coley.

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

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 **H. B. No. 83**-Representative Hackett, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Tavares.

YES - 8: RANDY GARDNER, PEGGY B. LEHNER, DAVE BURKE, SHANNON JONES, SCOTT OELSLAGER, 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 Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **Sub. H. B. No. 123**-Representatives Gonzales, Wachtmann, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 6, delete "5111.0216" and insert "5164.94"

In line 151, delete " Release" and insert:

" The release"

In line 176, delete " **5111.0216**" and insert " **5164.94**"

In line 181, delete " office of medical assistance" and insert " department of medicaid"

In line 182, delete " reimbursement" and insert " payments"

In line 183, delete " office" and insert " department"

In line 185, delete " 5111.02" and insert " 5164.02"

In line 2 of the title, delete "5111.0216" and insert "5164.94"

Co-Sponsor: Tavares.

YES - 8: RANDY GARDNER, PEGGY B. LEHNER, DAVE BURKE, SHANNON JONES, SCOTT OELSLAGER, 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 Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **Am. H. B. No. 139**-Representative Gonzales, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Tavares.

YES - 9: KRIS JORDAN, RANDY GARDNER, DAVE BURKE, SHANNON JONES, SCOTT OELSLAGER, CAPRI S. CAFARO, EDNA BROWN, CHARLETA B. TAVARES, PEGGY B. LEHNER.

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 **Sub. H. B. No. 147**-Representatives Patmon, Wachtmann, 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, SHANNON JONES, SCOTT OELSLAGER, 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 Lehner submitted the following report:

The standing committee on Education, to which was referred **S. B. No. 229**-Senator Gardner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schiavoni, Turner, Coley, Balderson, Sawyer.

YES - 10: PEGGY B. LEHNER, JOSEPH SCHIAVONI, NINA TURNER, CLIFF HITE, BILL COLEY, RANDY GARDNER, BILL BEAGLE, GAYLE MANNING, THOMAS SAWYER, TROY BALDERSON.

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 **Am. Sub. H. B. No. 311**-Representatives Boose, Retherford, et al., having had the same under consideration, reports it back and recommends its passage.

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

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. 33-Representative Romanchuk.

Cosponsors: Representatives Derickson, Hall, Letson, Slesnick, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Baker, Barborak, Beck, Bishoff, Blair, Blessing, Boose, Brown, Buchy, Burkley, Butler, Damschroder, DeVitis, Dovilla, Fedor, Gerberry, Green, Grossman, Hackett, Hagan, C., Hagan, R., Hayes, Hill, Huffman, Johnson, Landis, Maag, McGregor, Milkovich, Patterson, Pelanda, Perales, Ramos, Retherford, Roegner, Rogers, Rosenberger, Ruhl, Scherer, Schuring, Sears, Smith, Sprague, Stautberg, Stinziano, Terhar, Wachtmann, Winburn, Young, Speaker Batchelder. Senators Tavares, Beagle.

To urge the United States Department of Defense to award funding to establish the American Lightweight Materials Manufacturing Innovation Institute.

WHEREAS, Lightweight metals are increasingly critical to the performance of many defense and transportation systems, and large sectors of Ohio's economy can benefit from more affordable lightweight materials and their associated design and manufacturing processes; and

WHEREAS, In 2013, the United States Department of Defense is soliciting for the establishment of an institute for "lightweight and modern metals manufacturing innovation," providing \$70,000,000 federal funding opportunity over five years, with an additional \$70,000,000 in cost matching, for which competition for this funding will be fierce; and

WHEREAS, EWI, who develops and applies manufacturing technology innovation within the manufacturing industry, is partnering with The Ohio State University and the University of Michigan to establish the American Lightweight Materials Manufacturing Innovation Institute (ALMMII) to develop and implement innovative manufacturing technologies to be transitioned to industry, with a particular focus on the automotive, aerospace, truck, and defense system manufacturing sectors; and

WHEREAS, The proposal team also will include many other industry, research, workforce development, and economic development partners from Ohio, Michigan, and across the nation; and

WHEREAS, The goals of ALMMII include promoting American competitiveness in energy efficiency, defense readiness, and economic growth by enabling the next generation of transportation and defense systems to meet ambitious weight, cost, performance, and durability targets; commercializing emerging manufacturing technologies to provide a path to market for university and federal laboratory innovations; identifying and supporting the establishment of career pathways for the existing workforce and education programs to adapt and implement skills training for new manufacturing technologies; and helping manufacturers of all sizes adopt new manufacturing technologies that create differentiating competitive advantages to encourage job creation and retention; and

WHEREAS, Industry supports this approach, and the majority of the \$70,000,000 in cost-sharing will come from manufacturers and metal producers, and the proposal team also is soliciting significant support from state governments of both Ohio and Michigan; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, urge the United States Department of Defense to award funding to establish ALMMII to assist Ohio and other manufacturers in receiving the benefits of the ALMMII and lightweight materials; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the United States Secretary of Defense, the Ohio Congressional delegation, the Governor of Ohio, and the news media of Ohio.

The question being, "Shall the resolution, **H. C. R. No. 33**, be adopted?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

- | | | | |
|-----------|-----------|----------|-----------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Eklund |
| Gardner | Gentile | Hite | Hughes |
| Jones | Jordan | Kearney | LaRose |
| Lehner | Manning | Obhof | Oelsluger |
| Patton | Peterson | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Uecker | Widener |
| | | | Faber-33. |

So the resolution was adopted.

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

Senator Beagle moved to amend the title as follows:

Add the names: "Balderson, Brown, Coley, Eklund, Faber, Gardner, Gentile, Hite, Jones, LaRose, Lehner, Obhof, Oelsluger, Patton, Peterson, Sawyer, Schaffer, 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. 10-Senator Burke.

Cosponsors: Senators Brown, Gardner, Tavares.

To memorialize the Congress of the United States to seek the withdrawal of the United States Preventive Services Task Force recommendation against prostate-specific antigen-based screening for prostate cancer for men in all age

groups.

WHEREAS, The United States Preventive Services Task Force (USPSTF) is an independent panel of nonfederal experts in prevention and evidence-based medicine that is composed of primary care physicians; and

WHEREAS, The USPSTF members are appointed by the United States Department of Health and Human Services to conduct scientific evidence reviews of a broad range of clinical health care preventive services and develop recommendations for primary care clinicians and health systems; and

WHEREAS, The USPSTF acknowledges that prostate cancer is the most commonly diagnosed nonskin cancer in men in the United States, with one in six American men being diagnosed with prostate cancer in his lifetime; and

WHEREAS, Prostate cancer is the second leading cause of cancer-related deaths in men in the United States; and

WHEREAS, The American Cancer Society estimates that in 2013 approximately 238,590 men in the United States will be diagnosed with prostate cancer and 29,720 men will die from the disease; and

WHEREAS, In Ohio alone, there are approximately 7,961 newly diagnosed cases of prostate cancer and 1,232 deaths from the disease on an annual basis, according to the February 2011 report issued by the Ohio Cancer Incidence Surveillance System; and

WHEREAS, In 2008, the USPSTF recommended against prostate-specific antigen-based screening for prostate cancer for men ages 75 and older; and

WHEREAS, In October 2011, the USPSTF issued a new recommendation against prostate-specific antigen-based screening for prostate cancer for men in all age groups, because it concluded that there is moderate or high certainty that the service has no net benefit or that the harms outweigh the benefits; and

WHEREAS, The USPSTF states that the October 2011 recommendation applies to men in the United States who do not have symptoms of prostate cancer, even though by the time a man experiences symptoms of prostate cancer, the cancer is generally too advanced to cure; and

WHEREAS, The USPSTF states that its recommendation against screening applies regardless of race, even though the USPSTF acknowledges that African-American men have a substantially higher prostate cancer incidence rate than Caucasian men and more than twice the prostate cancer mortality rate of Caucasian men; and

WHEREAS, The USPSTF issued this recommendation without having a urologist or oncologist, two types of physicians who specialize in diagnosing and

treating patients with prostate cancer, on the task force; and

WHEREAS, The USPSTF's 2011 recommendation regarding prostate cancer screening follows its recommendation in November 2009 against routine mammograms for women ages 40 to 49 and against teaching women to do breast self-examinations, which Congress rejected after public outcry; and

WHEREAS, The most recently updated study, the Goteborg Randomized Population-based Prostate Cancer Screening Trial, found that with screening, deaths from prostate cancer dropped 44 per cent over a 14-year period, compared with men who did not undergo screening, and that prostate cancer screening efficiency was similar to other cancers; and

WHEREAS, The USPSTF recommendation against screening puts into harm's way men who are most at risk: the underinsured, those who live in areas where health care is not readily available, those who have a family history of prostate cancer, and African-American men, who have a higher incidence of and higher mortality rate from prostate cancer than Caucasian men; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, in adopting this resolution, respectfully memorialize the Congress of the United States to seek the withdrawal of the United States Preventive Services Task Force recommendation against prostate-specific antigen-based screening for prostate cancer for men in all age groups; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to each member of the Ohio Congressional delegation.

The question being, "Shall the resolution, **S. C. R. No. 10**, be adopted?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

- | | | | |
|-----------|-----------|----------|-----------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Eklund |
| Gardner | Gentile | Hite | Hughes |
| Jones | Jordan | Kearney | LaRose |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Peterson | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Uecker | Widener |
| | | | Faber-33. |

So the resolution was adopted.

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

Senator Burke moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Coley, Eklund, Faber, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Seitz, Skindell, 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. 9-Representative Stautberg.

Cosponsors: Representatives Celebrezze, Hayes, Letson, Pillich, Winburn, Adams, J., Adams, R., Antonio, Barborak, Beck, Blair, Boose, Brown, Buchy, Budish, Burkley, Butler, Carney, Damschroder, Derickson, Duffey, Foley, Green, Hackett, McClain, Milkovich, O'Brien, Patterson, Pelanda, Perales, Rogers, Romanchuk, Rosenberger, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Szollosi, Speaker Batchelder. Senator Coley.

To amend sections 317.08, 2333.22, 2715.21, 2735.01, 2735.02, 2735.04, and 5301.09 and to enact sections 2735.07, 2735.08, and 4928.80 of the Revised Code to add to and clarify the powers of a receiver, to provide a procedure for a receiver's sale of property, to prohibit an electric distribution utility from altering, refusing, or discontinuing service to, or discriminating against, a receiver under certain circumstances, to specify the order of the distribution of the proceeds of the receivership, to address the effect of a receivership on noncompetitive retail electric service, and to specify that a lease of natural gas and petroleum is an interest in real estate, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 9**, pass?"

On the motion of Senator Widener, **Sub. H. B. No. 9** was informally passed and retained its place on the calendar.

Sub. H. B. No. 83-Representative Hackett.

Cosponsors: Representatives Beck, Carney, Ramos, Anielski, Antonio, Bishoff, Brown, Burkley, Celebrezze, Driehaus, Foley, Grossman, Letson, McClain, Milkovich, O'Brien, Pillich, Rogers, Sears, Winburn, Speaker Batchelder. Senator Tavares.

To amend sections 102.02, 102.022, 102.03, 2152.54, 2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.06, 4732.07, 4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 4732.141, 4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 5122.01, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4732.16 (4732.15), 4732.172 (4732.171), and 4732.173 (4732.172), to enact new sections 4732.16 and 4732.173 and sections 4732.142, 4732.151, 4732.221, and 4732.33, and to repeal sections 4732.15,

4732.171, and 4732.23 of the Revised Code to revise the laws governing the practice of psychology, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 83**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Jones moved to amend the title as follows:

Add the names: "Bacon, Balderson, Brown, Faber, Gentile, Jones, Lehner, Oelslager, Patton, Seitz, Uecker."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 147-Representatives Patmon, Wachtmann.

Cosponsors: Representatives Ramos, Barnes, Hackett, Burkley, Grossman, Antonio, Bishoff, Brown, Schuring, Adams, R., Anielski, Ashford, Baker, Barborak, Beck, Blair, Blessing, Brenner, Buchy, Butler, Celebrezze, Curtin, Damschroder, Derickson, Dovilla, Driehaus, Duffey, Fedor, Foley, Gerberry, Gonzales, Green, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Kunze, Landis, Letson, Lundy, Lynch, Maag, Mallory, McClain, Milkovich, O'Brien, Patterson, Pelanda, Pillich, Reece, Rogers, Romanchuk, Rosenberger, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Strahorn, Sykes, Terhar, Winburn, Young, Speaker Batchelder. Senator Tavares.

To enact section 4731.73 of the Revised Code to require a surgeon performing a mastectomy in a hospital to guide the patient and provide referrals in a manner consistent with the standards of the National Accreditation Program for Breast Centers and to name this act the "Lizzie B. Byrd Act", was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 147**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Jones moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Sawyer, Schiavoni, Smith, Turner, Widener."

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

The motion was agreed to and the title so amended.

Am. H. B. No. 177-Representative Pelanda.

Cosponsors: Representatives Duffey, Buchy, Cera, Reece, Patmon, Mallory, Beck, Ruhl, Celebrezze, Hagan, R., Milkovich, Perales, Adams, R., Anielski, Antonio, Baker, Barnes, Blair, Blessing, Boose, Brown, Budish, Butler, Carney, Conditt, Curtin, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Fedor, Gerberry, Gonzales, Grossman, Hackett, Hagan, C., Hall, Heard, Hill, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, McClain, McGregor, O'Brien, Patterson, Rogers, Romanchuk, Sears, Slaby, Smith, Sprague, Stebelton, Stinziano, Strahorn, Terhar, Williams, Winburn, Speaker Batchelder. Senators Manning, Gardner.

To amend section 4549.20 of the Revised Code to prohibit the manufacture, import, or sale of a counterfeit or nonfunctional motor vehicle air bag, to prohibit the sale, installation, or reinstallation of a device in a motor vehicle that causes the vehicle's diagnostic system to inaccurately indicate that the vehicle is equipped with a functional air bag, and to increase the penalty for improper replacement of a motor vehicle air bag if the violation results in serious physical harm to an individual, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 177**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Manning moved to amend the title as follows:

Add the names: "Brown, Burke, Coley, Eklund, Hughes, LaRose, Obhof, Oelslager, Patton, Schiavoni, Smith, Tavares, Uecker."

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

The motion was agreed to and the title so amended.

Am. Sub. H. B. No. 311-Representatives Boose, Retherford.

Cosponsors: Representatives Winburn, Adams, R., Amstutz, Anielski, Antonio, Barborak, Beck, Blair, Blessing, Brenner, Brown, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Cera, Derickson, DeVitis, Green, Grossman, Hackett, Hall, Hayes, Milkovich, O'Brien, Phillips, Rogers, Ruhl, Schuring, Sears, Sheehy, Sprague, Thompson, Young, Speaker Batchelder.

To amend sections 323.152 and 4503.065 of the Revised Code and Section 803.80 of Am. Sub. H.B. 59 of the 130th General Assembly to clarify the effective date of an income tax deduction, to extend the availability of a corporation franchise tax credit, to clarify that a person eligible for the homestead exemption without income limits continues to receive that exemption if the person's homestead changes, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 7, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes

Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the section, Section 7, 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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

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

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

Senator Oelslager moved to amend the title as follows:

Add the names: "Burke, Coley, Eklund, LaRose, Oelslager, Patton, Seitz, Uecker."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 23-Senators Beagle, Burke.

Cosponsors: Senators Balderson, Hite, Jones, LaRose, Patton, Seitz, Skindell, Tavares, Gardner, Faber, Cafaro, Brown, Coley, Obhof, Bacon.

To amend sections 149.43, 1347.08, 2101.16, 2101.162, 2101.24, 3107.071, 3107.081, 3107.082, 3107.083, 3107.09, 3107.091, 3107.141, 3107.17, 3107.18, 3107.19, 3107.38, 3107.45, 3107.66, 3705.07, 3705.08, 3705.12, 3705.23, 3705.241, 3705.29, 5103.151, and 5103.152, to enact new section 3107.39 and sections 3107.171, 3107.381, 3107.391, 3107.392, 3107.393, 3107.394, 3705.121, 3705.122, 3705.123, 3705.124, 3705.125, and 3705.126,

and to repeal sections 3107.39, 3107.40, 3107.41, 3107.42, 3107.43, and 3107.44 of the Revised Code regarding access to adoption records, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 23**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Beagle moved to amend the title as follows:

Add the names: "Eklund, Hughes, Jordan, Lehner, Manning, Peterson, Sawyer, Schiavoni, Smith."

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

The motion was agreed to and the title so amended.

S. B. No. 103-Senator Skindell.

Cosponsors: Senators Gardner, Turner, Cafaro, Kearney, LaRose, Manning.

To enact section 5533.921 of the Revised Code to designate a portion of State Route 2 in Cuyahoga County as the "Governor Richard F. Celeste Shoreway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 103**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer

Schiavoni
Tavares

Seitz
Turner

Skindell
Uecker

Smith
Widener
Faber-33.

So the bill passed.

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

Senator Skindell moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Burke, Eklund, Gentile, Hite, Hughes, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Smith, Tavares."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 152-Senator Lehner.

Cosponsors: Senators Beagle, Cafaro, Jones, LaRose, Manning, Patton.

To amend sections 2151.281, 2151.353, 2151.414, 2151.415, 2151.417, 2151.421, 5101.802, 5103.035, and 5103.162 and to enact section 2151.315 of the Revised Code to permit a court to grant a motion for permanent custody of a child to a movant if the child or another child in the custody of the parent has been adjudicated an abused, neglected, or dependent child on three separate occasions, to require the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child to file any motions and other court papers in accordance with rules adopted by the Supreme Court, to require court appointed special advocates and guardian ad litem to report suspected child abuse or neglect, to require foster caregivers to use a reasonable and prudent parent standard when authorizing a foster child to participate in activities, to require the department of job and family services to adopt rules that establish policies and procedures for determining when a foster child or an alleged or adjudicated abused, neglected, or dependent child subject to out-of-home care may participate in certain activities, to exempt a public children services agency, private child placing agency, or private noncustodial agency from civil liability that results from a foster caregiver's or agency's decisions using a reasonable and prudent parent standard, to limit the circumstances under which a child is placed into a planned permanent living arrangement, to extend the period for incentive payments under the kinship permanency incentive program, and to provide factors for a person or facility to consider when determining if an alleged or adjudicated abused, neglected, or dependent child subject to out-of-home care is able to participate in certain activities, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 152**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Lehner moved to amend the title as follows:

Add the names: "Brown, Burke, Coley, Eklund, Gardner, Hite, Kearney, Peterson, Sawyer, Schiavoni, Seitz, Skindell, Smith, Tavares, Turner, Uecker."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 154-Senator Burke.

Cosponsors: Senators Seitz, Brown, Uecker, Eklund.

To amend sections 4703.30, 4733.01, 4733.09, 4733.11, 4733.12, 4733.13, 4733.15, and 4733.151 of the Revised Code to make changes to the examination, reporting, and educational requirements of professional engineers and surveyors, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 154**, pass?"

Senator Schaffer 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 recurred, "Shall the bill, **Sub. S. B. No. 154**, 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	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

The title was agreed to.

Am. S. B. No. 161-Senator Hughes.

To amend section 4513.19 of the Revised Code to require motor vehicle headlights to comply with the headlamp color requirements contained in Federal Motor Vehicle Safety Standard number 108, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 161**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Obhof, Patton."

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

The motion was agreed to and the title so amended.

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

Cosponsors: Senators Seitz, Hughes, Schiavoni, Skindell, LaRose, Bacon.

To amend sections 317.32, 321.261, 323.131, 323.25, 323.28, 323.47, 323.65, 323.69, 323.70, 323.71, 323.73, 323.78, 323.79, 715.261, 743.04, 1724.02, 1724.10, 2303.201, 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, 5723.04, 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, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 172**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 2, as follows:

Those who voted in the affirmative were: Senators

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

Senators Jordan and Widener voted in the negative-2.

So the bill passed.

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

Senator Patton moved to amend the title as follows:

Add the names: "Beagle, Eklund, Lehner, Manning, Tavares."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 173-Senator Hughes.

Cosponsors: Senators Seitz, Uecker, Schiavoni.

To amend sections 4301.171 and 4303.251 of the Revised Code to modify the law governing tasting samples of beer and intoxicating liquor, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 173**, pass?"

Senator LaRose 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 recurred, "Shall the bill, **Sub. S. B. No. 173**, 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	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
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, Coley, Eklund, Hite, Jordan, Kearney, Oelslager."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 229-Senator Gardner.

Cosponsors: Senators Manning, Lehner, Hite, Schiavoni, Turner, Coley, Balderson, Sawyer.

To amend sections 3319.111 and 3319.112 of the Revised Code regarding teacher performance evaluations, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 229**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Gardner moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Burke, Eklund, Gentile, Hughes, Kearney, LaRose, Obhof, Oelslager, Patton, Peterson, Seitz, Skindell, Smith, Tavares, Uecker, Widener."

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

The motion was agreed to and the title so amended.

On the motion of Senator Widener, **Sub. H. B. No. 9**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Sub. H. B. No. 9**, pass?"

The yeas and nays were taken and resulted - yeas 21, nays 12, as follows:

Those who voted in the affirmative were: Senators

Balderson	Beagle	Burke	Coley
Eklund	Gardner	Hite	Jones
Jordan	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Peterson
Schaffer	Seitz	Uecker	Widener
			Faber-21.

Those who voted in the negative were: Senators

Bacon	Brown	Cafaro	Gentile
Hughes	Kearney	Sawyer	Schiavoni
Skindell	Smith	Tavares	Turner-12.

So the bill passed.

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

The title was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 249-Senator Kearney.

Cosponsors: Senators Turner, LaRose.

To enact section 101.291 of the Revised Code to establish a Chaplain of the Senate.

S. B. No. 250-Senators Jones, LaRose.

Cosponsors: Senators Beagle, Burke, Lehner.

To amend sections 3107.055, 3107.16, 5747.37, and 5747.98, to amend

section 5103.17 and to recodify it by subdividing it into sections 5103.17 and 5103.172, and to enact sections 3107.056, 3107.0610, 3107.0611, 3107.0612, 3107.0613, 3107.0614, 3107.0615, 3107.0616, 5103.171, 5103.172, and 5103.173 of the Revised Code to require that certain pre-birth adoption notifications be sent to each putative father; to permit a person to advertise that the person will adopt children; to define for purposes of an adoption, "living expenses" of a birth mother, to specify how they must be paid, and to allow a credit or refund of those expenses; and to increase, and make refundable, the adoption income tax credit.

S. B. No. 251-Senator Patton.

To amend Section 10 of Am. Sub. H.B. 386 of the 129th General Assembly, as subsequently amended, to make changes to the second payment from the Casino Operator Settlement Fund to certain local government entities.

S. B. No. 252-Senator Patton.

Cosponsors: Senators Hughes, Turner, Brown, Schiavoni, Kearney.

To amend sections 4123.01 and 4123.026 of the Revised Code to make peace officers and firefighters diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law.

S. B. No. 253-Senator Patton.

Cosponsors: Senators LaRose, Jones, Kearney, Skindell.

To enact section 5.2280 of the Revised Code to designate the month of April as "Eastern European Month."

OFFERING OF RESOLUTIONS

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

S. R. No. 235-Senators Patton, Skindell.

Honoring the Padua Franciscan High School girls volleyball team as the 2013 Division II State Champion.

S. R. No. 236-Senator Oelslager.

Honoring Madison Gesiotto as the 2014 Miss Ohio USA.

S. R. No. 237-Senator Hite.

Honoring the Defiance High School boys cross country team on winning the 2013 Division II State Championship.

S. R. No. 238-Senator Bacon.

Honoring Jo Ann Davidson for outstanding public service.

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 concurred in the passage of the following bill:

Am. Sub. S. B. No. 206 -Senators Burke, Cafaro
Cosponsors: Senators Coley, LaRose, Tavares, Bacon, Balderson, Beagle, Eklund, Jones, Lehner, Manning, Peterson, Schaffer, Widener Representatives Amstutz, Hackett, McClain, McGregor, Sears

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, 355.01, 355.02, 355.03, 355.04, 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; to permit a board of county commissioners to establish a county Healthier Buckeye council; and to make an appropriation.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 22, after "191.08," insert "193.01, 193.02, 193.03, 193.04, 193.05, 193.06, 193.07,"

Between lines 234 and 235, insert:

" **Sec. 193.01** . As used in this chapter:

"Care coordination" means assisting an individual to access available physical health, behavioral health, social, employment, education, and housing services

the individual needs.

"Care coordinator" means a person who provides care coordination.

"Political subdivision" has the same meaning as in section 2744.01 of the Revised Code.

"Publicly funded assistance programs" include physical health, behavioral health, social, employment, education, and housing programs funded or provided by the state or a political subdivision of the state.

Sec. 193.02 . (A) There is hereby created the Ohio healthier buckeye council. The council shall consist of the following members:

- (1) The director of development services, or the director's designee;
- (2) The auditor of state, or the auditor's designee;
- (3) Two members representing administrative departments enumerated in section 121.02 of the Revised Code, appointed by the governor;
- (4) One member representing a law enforcement agency, appointed by the governor;
- (5) One member representing the interests of nongovernmental economic development entities, appointed by the governor;
- (6) Two members of the senate, one of whom shall be appointed by the president of the senate and the other shall be appointed by the minority leader of the senate;
- (7) One member representing health care providers, appointed by the president of the senate;
- (8) One member representing the interests of business and development, appointed by the president of the senate;
- (9) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives and the other shall be appointed by the minority leader of the house of representatives;
- (10) One member representing health care insurers, appointed by the speaker of the house of representatives;
- (11) One member representing faith-based organizations, appointed by the speaker of the house of representatives;
- (12) One member representing the judicial branch of government, appointed by the chief justice of the supreme court.

(B) Initial appointments to the council shall be made not later than March 31, 2014.

The members appointed under divisions (A)(4) and (5) of this section shall serve an initial term of one year. The members appointed under divisions (A)(7) and

(8) of this section shall serve an initial term of two years. The members appointed under divisions (A)(10), (11), and (12) of this section shall serve an initial term of three years. Thereafter, each member appointed under those divisions shall serve a four-year term. Each member appointed under division (A)(3) of this section shall serve a four-year term. A member appointed under divisions (A)(6) and (9) of this section shall serve a four-year term or during the member's tenure in the general assembly, whichever period is shorter. Members may be reappointed to the council.

Vacancies on the council shall be filled in the same manner as the original appointments.

(C) At its first meeting, the council shall select a chairperson from among its members. After the first meeting, the council shall meet at the call of the chairperson or upon the request of a majority of the council's members. A majority of the council constitutes a quorum.

(D) The development services agency shall provide administrative assistance to the council until June 30, 2015. Starting July 1, 2015, the joint medicaid oversight committee established in section 103.41 of the Revised Code shall provide administrative assistance to the council.

(E) Council members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of council duties.

Sec. 193.03 . The Ohio healthier buckeye council shall do all of the following:

(A) Promote the establishment of county healthier buckeye councils throughout this state through whatever means the council determines to be most efficient;

(B) Develop and promote means by which the county councils may reduce the reliance of individuals on publicly funded assistance programs using both of the following:

(1) Programs that have been demonstrated to be effective and:

(a) Have low costs;

(b) Use volunteer workers;

(c) Use incentives to encourage designated behaviors; and

(d) Are led by peers.

(2) Identification and elimination of eligibility requirements for publicly funded assistance programs that are barriers to achieving greater financial independence for participants in those programs.

(C) Establish eligibility criteria, application processes, and maximum grant amounts for the Ohio healthier buckeye grant program established in section 193.04 of the Revised Code and award grants under the program;

(D) Collect and analyze the data submitted to the council under section 193.07 of the Revised Code;

(E) Develop the best practices for the administration of publicly funded assistance programs in the state;

(F) Issue the annual reports required under section 193.05 of the Revised Code.

Sec. 193.04 . (A) There is hereby created the Ohio healthier buckeye grant program to be administered by the Ohio healthier buckeye council. The program shall provide grants to county healthier buckeye councils for the following:

(1) To assist county councils with costs associated with gathering data regarding enrollment and outcome information related to publicly funded assistance programs;

(2) To provide funding to county councils to enable care coordinators to seek relevant certification.

(B) Not later than June 30, 2014, the council shall establish all of the following:

(1) The application processes, eligibility criteria, and grant amounts to be awarded under the program;

(2) The form and manner to be used by county councils when submitting enrollment and outcome data to the council;

(3) Eligible certification programs for which county council care coordinators may receive a grant.

Sec. 193.05 . Not later than January 31, 2015, and every year thereafter, the Ohio healthier buckeye council shall submit a report to the joint medicaid oversight committee established in section 103.41 of the Revised Code. A copy of the report shall be submitted to each county healthier buckeye council. The report shall include the following:

(A) Information regarding the enrollment and outcome data submitted by county healthier buckeye councils under section 193.07 of the Revised Code, including information comparing past data, if available;

(B) Recommendations developed by the council regarding the best practices for the administration of publicly funded assistance programs.

Sec. 193.06 . Each board of county commissioners may adopt a resolution to establish a county healthier buckeye council. The board may invite any public or private agency or group that funds, advocates, or provides care coordination services or operates publicly funded assistance programs to individuals to become a member of the county council.

Sec. 193.07 . A county healthier buckeye council shall do all of the following:

(A) Promote care coordination among physical health, behavioral health, social, employment, education, and housing service providers within the county;

(B) Report to the Ohio healthier buckeye council enrollment and outcome data related to publicly funded assistance programs provided within the county;

(C) Seek care coordination certification for individuals within the county."

In line 7 of the title, after "191.08," insert "193.01, 193.02, 193.03, 193.04, 193.05, 193.06, 193.07,"

In line 15 of the title, after the semicolon insert "to create the Ohio Healthier Buckeye Council and the Ohio Healthier Buckeye Grant Program;"

In line 25, delete "193.01, 193.02, 193.03, 193.04, 193.05,"

In line 26, delete "193.06, 193.07," and insert "355.01, 355.02, 355.03, 355.04,"

In line 131, after " program" insert " ;

(6) Receive and consider reports submitted by county healthier buckeye councils under section 355.04 of the Revised Code"

In line 239, delete " **193.01**" and insert " **355.01**"

Delete lines 243 and 244

Delete lines 251 through 382 and insert:

" **Sec. 355.02** . Each board of county commissioners may adopt a resolution to establish a county healthier buckeye council. The board may invite any person or entity to become a member of the council, including a public or private agency or group that funds, advocates, or provides care coordination services, provides or promotes private employment or educational services, or otherwise contributes to the well-being of individuals and families.

Sec. 355.03 . A county healthier buckeye council may do all of the following:

(A) Promote means by which council members or the entities the members represent may reduce the reliance of individuals and families on publicly funded assistance programs using both of the following:

(1) Programs that have been demonstrated to be effective and have one or more of the following features:

(a) Low costs;

(b) Use volunteer workers;

(c) Use incentives to encourage designated behaviors;

(d) Are led by peers.

(2) Practices that identify and seek to eliminate barriers to achieving greater financial independence for individuals and families who receive services from or participate in programs operated by council members or the entities the members represent.

(B) Promote care coordination among physical health, behavioral health, social, employment, education, and housing service providers within the county;

(C) Collect and analyze data regarding individuals or families who receive services from or participate in programs operated by council members or the entities the members represent.

Sec. 355.04 . A county healthier buckeye council may report the following information to the joint medicaid oversight committee created in section 103.41 of the Revised Code:

(A) Notification that the county council has been established and information regarding the council's activities;

(B) Information regarding enrollment or outcome data collected under division (C) of section 355.03 of the Revised Code;

(C) Recommendations regarding the best practices for the administration and delivery of publicly funded assistance programs or other services or programs provided by council members or the entities the members represent;

(D) Recommendations regarding the best practices in care coordination."

In line 7 of the title, delete "193.01, 193.02, 193.03,"

In line 8 of the title, delete "193.04, 193.05, 193.06, 193.07," and insert "355.01, 355.02, 355.03, 355.04,"

In line 16 of the title, delete "create the Ohio"

Delete line 17 of the title

In line 18 of the title, delete everything before the semicolon and insert "permit a board of county commissioners to establish a county Healthier Buckeye council"

Attest:

Bradley J. Young,
Clerk.

Senator Widener moved that pursuant to Senate Rule No. 44 the amendments of the House of Representatives to **Sub. S. B. No. 206** be brought up for consideration.

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?"

The yeas and nays were taken and resulted - yeas 28, 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	Smith
Tavares	Uecker	Widener	Faber-28.

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

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

On the motion of Senator Widener, the Senate recessed.

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. S. B. No. 68 -Senator Schaffer

Cosponsors: Senators Bacon, Burke, Coley, Eklund, Faber, Hite, Hughes, Oelslager, Patton Representatives Hackett, Brown, Blair, Buchy, Grossman, Hayes, McClain, Stebelton, Young, Speaker Batchelder

To amend sections 3.16, 119.06, 4703.071, 4703.15, 4703.30, 4703.31, 4703.32, 4703.33, 4703.331, 4703.34, 4703.35, 4703.36, 4703.37, 4703.38, 4703.41, 4703.44, 4703.46, 4703.49, 4703.50, 4703.52, 4703.53, and 4703.99, to enact section 4703.411, and to repeal sections 4703.42, 4703.43, and 4703.45 of the Revised Code to eliminate the process for reinstatement of certificates issued by the Architects Board, to allow the Architects Board to deny renewal of, revoke, or suspend certificates issued by the Architects Board without an adjudication hearing when such a hearing is not requested, to make changes related to the laws governing landscape architects to provide for the appointment of an interim replacement official upon suspension of a public official, and to declare an emergency.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 559, after "registered" insert "on or after the effective date of this amendment"

In line 667, delete "representation" and insert "misrepresentation"

In line 756, after "**3.**" delete the balance of the line

Delete lines 757 through 765

In line 766, delete "or after October 31, 2013" and insert "If an individual holds a certificate of qualification to practice landscape architecture as a landscape architect on the effective date of this act, or if an individual's application for registration as a landscape architect is pending on the effective date of this act and a certificate of qualification is subsequently issued to the individual, the certificate of qualification does not expire until December 31, 2016, unless it is revoked or suspended for cause as provided in Chapter 4703. of the Revised Code or is suspended under section 3123.47 of the Revised Code"

In line 16, after "sections" insert "3.16,"

Between lines 20 and 21, insert:

"Sec. 3.16. (A) As used in this section:

(1) "Prosecuting attorney" means the prosecuting attorney of the county in which a public official who is charged as described in division (B) of this section serves.

(2) "Public official" means any elected officer of a political subdivision as defined in section 2744.01 of the Revised Code. "Public official" does not include a judge of a court of record.

(B)(1) If a public official is charged with a felony in a state or federal court and if the attorney general, if the attorney general is prosecuting the case, or prosecuting attorney with responsibility to prosecute the case determines that the felony relates to the public official's administration of, or conduct in the performance of the duties of, the office of the public official, the attorney general, if the attorney general is prosecuting the case, or prosecuting attorney with responsibility to prosecute the case shall transmit a copy of the charging document to the chief justice of the supreme court with a request that the chief justice proceed as provided in division (C) of this section. If the attorney general or the prosecuting attorney transmits a copy of the charging document to the chief justice, a copy also shall be sent to the attorney general if the prosecuting attorney transmits the copy to the chief justice or to the prosecuting attorney of the county in which the public official holds office if the attorney general transmits the copy to the chief justice.

(2) Upon transmitting a copy of a charging document and a request to the chief justice of the supreme court under division (B)(1)(a) or (b) of this section, the attorney general or prosecuting attorney shall provide the public official with a written notice that, not later than fourteen days after the date of the notice, the public official may file with the attorney general or prosecuting attorney, whichever sent the notice, a written statement either voluntarily authorizing the attorney general or prosecuting attorney to prepare a judgment entry for the judge presiding in the case to provisionally suspend the public official from office or setting forth the reasons why the public official should not be suspended from office.

If the public official voluntarily authorizes the attorney general or prosecuting attorney to prepare a judgment entry for the judge presiding in the case to provisionally suspend the public official from office as described in this division, the attorney general or prosecuting attorney shall prepare a judgment entry for the judge presiding in the case to provisionally suspend the public official from office immediately upon receipt of the ~~judement~~ judgment entry and shall notify the chief justice of the supreme court of the provisional suspension. Upon receipt of the judgment entry, the judge presiding in the case shall sign the judgment entry and file the signed judgment entry in the case. The signing and filing of the judgment entry provisionally suspends the public official from office. The attorney general's or prosecuting attorney's request to the chief justice that was made under division (B)(1) of this section remains applicable regarding the public official, and the chief justice shall establish a special commission pursuant to division (C)(1) of this section. A provisional suspension imposed under this division shall remain in effect until the special commission established by the chief justice enters its judgment under division (C)(3) of this section. After the special commission so enters its judgment, divisions (C)(3) and (4) of this section shall govern the continuation of the suspension. Division (E) of this section applies to a provisional suspension imposed under this division.

If the public official files a written statement setting forth the reasons why the public official should not be suspended from office, the public official shall not be provisionally suspended from office, and the attorney general or prosecuting attorney, whichever sent the notice to the public official, shall transmit a copy of the public official's written statement to the chief justice of the supreme court. The attorney general's or prosecuting attorney's request to the chief justice that was made under division (B)(1) of this section remains applicable regarding the public official, and the chief justice shall establish a special commission pursuant to division (C)(1) of this section.

(C)(1) Not sooner than fourteen days after the chief justice's receipt of the attorney general's or prosecuting attorney's request under division (B)(1) of this section, the chief justice shall establish a special commission composed of three retired justices or judges of a court of record. A special commission established under this division is an administrative agency. The chief justice shall appoint the members of the special commission and shall provide to the special commission all documents and materials pertaining to the matter that were received from the attorney general or prosecuting attorney under division (B)(1) or (2) of this section. At least one member of the special commission shall be of the same political party as the public official. Members of the special commission shall receive compensation for their services, and shall be reimbursed for any expenses incurred in connection with special commission functions, from funds appropriated to the attorney general's office.

(2) Once established under division (C)(1) of this section, a special commission shall review the document that charges the public official with the felony, all other documents and materials pertaining to the matter that were

provided by the chief justice under division (C)(1) of this section, and the facts and circumstances related to the offense charged. Within fourteen days after it is established, the special commission shall make a preliminary determination as to whether the public official's administration of, or conduct in the performance of the duties of, the official's office, as covered by the charges, adversely affects the functioning of that office or adversely affects the rights and interests of the public and, as a result, whether the public official should be suspended from office. Upon making the preliminary determination, the special commission immediately shall provide the public official with notice of the preliminary determination. The notice may be in writing, by telephone, or in another manner. If the preliminary determination is that the public official's administration of, or conduct in the performance of the duties of, the official's office, as covered by the charges, does not adversely affect the functioning of the office or adversely affect the rights and interests of the public, the preliminary determination automatically shall become the special commission's final determination for purposes of division (C)(3) of this section. If the preliminary determination is that the public official's administration of, or conduct in the performance of the duties of, the official's office, as covered by the charges, adversely affects the functioning of the office or adversely affects the rights and interests of the public and that the public official should be suspended from office, the notice shall inform the public official that the public official may contest the preliminary determination by filing with the special commission and within fourteen days after the date of the notice to the public official a notice contesting the determination.

If the public official files a notice contesting the preliminary determination within fourteen days after the date of the notice to the public official, the public official may review the reasons and evidence for the determination and may appear at a meeting of the special commission to contest the determination and present the public official's position on the matter. The meeting of the special commission shall be held not later than fourteen days after the public official files the notice contesting the preliminary determination. The public official has a right to be accompanied by an attorney while appearing before the special commission, but the attorney is not entitled to act as counsel or advocate for the public official before the special commission or to present evidence or examine or cross-examine witnesses before the special commission. At the conclusion of the meeting, the special commission shall make a final determination as to whether the public official's administration of, or conduct in the performance of the duties of, the official's office, as covered by the charges, adversely affects the functioning of the office or adversely affects the rights and interests of the public and, as a result, whether the public official should be suspended from office and shall proceed in accordance with division (C)(3) of this section.

If the public official does not file a notice contesting the determinations within fourteen days after the date of the notice to the public official, the special commission's preliminary determination automatically shall become its final

determination for purposes of division (C)(3) of this section.

Notwithstanding anything to the contrary in section 121.22 of the Revised Code, all meetings of the special commission shall be closed to the public. Notwithstanding anything to the contrary in section 149.43 of the Revised Code, the records of the special commission shall not be made available to the public for inspection or copying until the special commission issues its written report under this division.

(3) Upon making the final determination described in division (C)(2) of this section regarding a public official who is charged with a felony, including, if applicable, conducting a meeting pursuant to that division for the public official to contest the preliminary determination, the special commission shall issue a written report that sets forth its findings and final determination. The special commission shall send the report by certified mail to the public official, the attorney general if the attorney general is prosecuting the case or the prosecuting attorney with responsibility to prosecute the case, whichever is applicable, and any other person that the special commission determines to be appropriate. Upon the issuance of the report, one of the following applies:

(a) If the special commission in its final determination does not determine that the public official's administration of, or conduct in the performance of the duties of, the official's office, as covered by the charges, adversely affects the functioning of that office or adversely affects the rights and interests of the public, the special commission shall include in the report a statement to that effect, and the public official shall not be suspended from office. If the public official was provisionally suspended from office under division (B)(2) of this section, the provisional suspension shall terminate immediately upon the issuance of the report.

(b) If the special commission in its final determination determines that the public official's administration of, or conduct in the performance of the duties of, the official's office, as covered by the charges, adversely affects the functioning of that office or adversely affects the rights and interests of the public, the special commission shall include in the report a holding that the public official be suspended from office. The holding that the public official be suspended from office and the suspension take effect immediately upon the special commission's issuance of the report. If the public official was provisionally suspended from office under division (B)(2) of this section, the holding that the public official be suspended from office shall continue the suspension immediately upon the special commission's issuance of the report. The report and holding shall have the same force and effect as a judgment of a court of record.

(4) A suspension imposed or continued under division (C)(3) of this section shall continue until one of the following occurs:

(a) The public official is reinstated to office by an appeal as provided in division (D) of this section;

(b) All charges are disposed of by dismissal or by a finding or findings of not guilty;

(c) A successor is elected and qualified to serve the next succeeding term of the public official's office.

(D) If a special commission issues a written report and holding pursuant to division (C)(3)(b) of this section that suspends a public official from office or that continues a provisional suspension imposed under division (B)(2) of this section, the public official may appeal the report and holding to the supreme court. The public official shall take the appeal by filing within thirty days of the date on which the report is issued a notice of appeal with the supreme court and the special commission. Unless waived, notice of the appeal shall be served upon all persons to whom the report was sent under division (C)(3) of this section. The special commission, upon written demand filed by the public official, shall file with the supreme court, within thirty days after the filing of the demand, a certified transcript of the proceedings of the special commission pertaining to the report and the evidence considered by the special commission in making its decision.

The supreme court shall consider an appeal under this division on an expedited basis. If the public official appeals the report and holding, the appeal itself does not stay the operation of the suspension imposed or continued under the report and holding. If, upon hearing and consideration of the record and evidence, the supreme court decides that the determinations and findings of the special commission are reasonable and lawful, the court shall affirm the special commission's report and holding and the suspension and shall enter final judgment in accordance with its decision. If the public official subsequently pleads guilty to or is found guilty of any felony with which the public official was charged, the public official is liable for any amount of compensation paid to the official during the suspension, with the liability relating back to the date of the original suspension under the special commission's report and holding, and the amount of that liability may be recovered as provided in division (E) of this section. If, upon hearing and consideration of the record and evidence, the supreme court decides that the determinations and findings of the special commission are unreasonable or unlawful, the court shall reverse and vacate the special commission's report and holding and the suspension, reinstate the public official, and enter final judgment in accordance with its decision.

The clerk of the supreme court shall certify the judgment of the court to the special commission. Upon receipt of the judgment, the special commission shall certify the judgment to all persons to whom the special commission's report was certified under division (C)(3) of this section and shall certify the judgment to all other public officials or take any other action in connection with the judgment as is required to give effect to it.

(E) Any public official suspended from office under this section shall not exercise any of the rights, powers, or responsibilities of the holder of that office during the period of the suspension. The suspended public official, however,

shall retain the title of the holder of that office during the period of the suspension and continue to receive the compensation that the official is entitled to receive for holding that office during the period of the suspension, until the public official pleads guilty to or is found guilty of any felony with which the public official is charged or until one of the conditions in division (C)(4)(a), (b), or (c) of this section occurs. For the duration of the public official's suspension, ~~a~~ an interim replacement official shall be appointed ~~or elected by the county~~ central committee of the political party that nominated the suspended public official if the suspended public official is an elected county official, or by the probate judge of the court of common pleas if the suspended public official is an elected official of a municipal corporation, township, school district, or other political subdivision, to perform the suspended public official's duties of office in the manner provided by law for filling a vacancy in that office. The interim replacement official shall have all of the rights, powers, and responsibilities of, and shall be entitled to the same rate of pay as, the suspended public official. The interim replacement official shall give bond and take the oath of office. If the office of the suspended public official becomes vacant during the period of suspension, a public official shall be appointed or elected to fill such vacancy as provided by law. If a regular election is to occur during the period of suspension, a public official shall be elected as provided by law.

A political subdivision may file a civil action in the appropriate court to recover from any former public official of the political subdivision the amount of compensation paid to that former public official in accordance with this division from the date of the former public official's suspension to the date the former public official pleads guilty to or is found guilty of any felony with which the former public official was charged."

In line 752, after "sections" insert "3.16,"

After line 775, insert:

"**Section 5.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that an interim replacement public official is needed to carry on official duties when a public official is suspended. Therefore, this act shall go into immediate effect."

In line 1 of the title, after "sections" insert "3.16,"

In line 13 of the title, delete "and"

In line 15 of the title, after "architects" insert "to provide for the appointment of an interim replacement official upon suspension of a public official, and to declare an emergency"

Attest:

Bradley J. Young,
Clerk.

Senator Obhof moved that pursuant to Senate Rule No. 44 the amendments of the House of Representatives to **S. B. No. 68** be brought up for consideration.

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

The motion was agreed to.

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 section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

On the motion of Senator Widener, the Senate recessed.

The Senate met pursuant to the recess.

The question recurred, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 22, nays 10, 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			Faber-22.

Those who voted in the negative were: Senators

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

So the section, Section 5, setting forth the emergency features of the bill stood as a part of the bill.

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

The yeas and nays were taken and resulted - yeas 22, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Gardner	Hite
Hughes	Jones	Jordan	LaRose

Lehner
Patton
Uecker

Manning
Peterson

Obhof
Schaffer

Oelslager
Seitz
Faber-22.

Those who voted in the negative were: Senators

Brown
Sawyer
Tavares

Cafaro
Schiavoni

Gentile
Skindell

Kearney
Smith
Turner-10.

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

On the motion of Senator Widener, the Senate adjourned until Thursday, December 5, 2013 at 10:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.