

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, DECEMBER 9, 2014

TWO HUNDRED FORTY-SEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, December 9, 2014, 1:30 p.m.**

The Senate met pursuant to adjournment.

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

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 County Commissioner Christopher Day on his visit to the Senate.

Senator Hite recognized County Commissioner Doug Spencer on his visit to the Senate.

Senator Burke recognized County Commissioner Tom Whiston on his visit to the Senate.

#### **REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Bacon submitted the following report:

The standing committee on Commerce and Labor, to which was referred **Am. H. B. No. 318**-Representatives Roegner, O'Brien, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Kearney, Eklund, Brown.

YES - 10: ERIC H. KEARNEY, JOHN EKLUND, SHANNON JONES, SCOTT OELSLAGER, BILL SEITZ, JOE UECKER, EDNA BROWN, NINA TURNER, KEVIN BACON, KRIS JORDAN.

NO - 0.

Senator Bacon submitted the following report:

The standing committee on Commerce and Labor, to which was referred **H. B. No. 326**-Representatives Roegner, Reece, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 13, after "4723.," insert " 4729."

In line 33, delete the underlined semicolon

Delete lines 34 through 49

In line 50, delete " the national commission for certifying agencies"

Delete line 2 of the title and insert "add pharmacists to the professional license exception to the Orthotist, Prosthetist, and Pedorthist Licensing Law."

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

NO - 1: EDNA BROWN.

Senator Bacon submitted the following report:

The standing committee on Commerce and Labor, to which was referred **Am. H. B. No. 430**-Representatives Kunze, Stinziano, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 10: JOHN EKLUND, ERIC H. KEARNEY, KEVIN BACON, SHANNON JONES, SCOTT OELSLAGER, BILL SEITZ, JOE UECKER, EDNA BROWN, NINA TURNER, KRIS JORDAN.

NO - 0.

Senator Bacon submitted the following report:

The standing committee on Commerce and Labor, to which was referred **S. B. No. 386**-Senator Burke, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: BILL SEITZ, JOE UECKER, ERIC H. KEARNEY, EDNA BROWN, JOHN EKLUND, SCOTT OELSLAGER, KRIS JORDAN.

NO - 2: NINA TURNER, SHANNON JONES.

Senator Coley submitted the following report:

The standing committee on Civil Justice, to which was referred **Am. H. B. No. 234**-Representatives Grossman, Becker, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Uecker, Coley.

YES - 8: JOE UECKER, BILL SEITZ, SCOTT OELSLAGER,  
JOHN EKLUND, KEVIN BACON, BILL COLEY,  
LARRY OBHOF, ERIC H. KEARNEY.

NO - 2: MICHAEL J. SKINDELL, EDNA BROWN.

Senator Coley submitted the following report:

The standing committee on Civil Justice, to which was referred **S. B. No. 250**-Senators Jones, LaRose, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Coley, Kearney.

YES - 9: JOE UECKER, BILL SEITZ, SCOTT OELSLAGER,  
KEVIN BACON, BILL COLEY, ERIC H. KEARNEY,  
LARRY OBHOF, EDNA BROWN, JOHN EKLUND.

NO - 1: MICHAEL J. SKINDELL.

Senator Hughes submitted the following report:

The standing committee on Insurance and Financial Institutions, to which was referred **Am. H. B. No. 511**-Representative Sears, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: SHANNON JONES, BOB PETERSON, KEVIN BACON,  
JIM HUGHES, DAVE BURKE, LARRY OBHOF, CLIFF  
HITE.

NO - 4: NINA TURNER, EDNA BROWN, LOU GENTILE, ERIC  
H. KEARNEY.

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

The reports of the committees were accepted.

## REPORTS OF CONFERENCE COMMITTEES

Senator Coley submitted the following report:

The committee of Conference to which the matters of difference between the two houses were referred on Sub. H.B. 9, Representative Stautberg, having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 17, after "5301.09" insert "of the Revised Code"; delete "and sections 2735.07,"

In line 18, delete everything before "to"

Delete lines 439 through 507

After line 544, insert:

**"Section 3.** (A) There is hereby created a Study Committee on Receivership Laws to study matters related to receiverships and payment of public utility services. The Study Committee shall consist of six members to be appointed in the following manner. The Speaker of the House of Representatives shall appoint three members of the House of Representatives, not more than two of whom shall be members of the same political party. The President of the Senate shall appoint three members of the Senate, not more than two of whom shall be members of same political party. The initial appointments shall be made not later than March 1, 2015. The President of the Senate shall appoint the chairperson of the Committee. Vacancies shall be filled in the manner provided for the original appointments.

(B) The Study Committee appointed under division (A) of this section shall study and consider, but not limited to, both of the following:

(1) The jurisdiction of the Public Utilities Commission and the courts with respect to receiverships;

(2) The definitions and provisions of the federal Bankruptcy Code that may be used in the Ohio Revised Code.

(C) The Study Committee shall expire at the end of the 131st General Assembly."

In line 2 of the title, delete "and to enact"

In line 3 of the title, delete everything before "of"

In line 6 of the title, after the comma delete the balance of the line

Delete lines 7 through 12 of the title

In line 13 of the title, delete "electric service, and"

In line 15 of the title, after "estate" insert ", and to establish a Study Committee on Receivership Laws to study matters related to receiverships and payment of public utility services"

Managers on the Part of the House of Representatives

Managers on the Part of the Senate

/S/ PETER STAUTBERG  
PETER STAUTBERG

/S/ WILLIAM P. COLEY, II  
WILLIAM P. COLEY, II

/S/ JIM BUTLER  
JIM BUTLER

/S/ LARRY OBHOF  
LARRY OBHOF

/S/ MICHAEL STINZIANO  
MICHAEL STINZIANO

/S/ MICHAEL J. SKINDELL  
MICHAEL J. SKINDELL

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

The report of the Committee of Conference was laid over under the rule.

**RESOLUTIONS REPORTED BY COMMITTEE**

**Sub. S. J. R. No. 8-Senator Faber.**

Cosponsors: Senators Widener, Patton, Obhof, Oelslager, Peterson.

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly districts.

The question being, "Shall the resolution, **Sub. S. J. R. No. 8**, be adopted?"

On the motion of Senator Widener, **Sub. S. J. R. No. 8** was informally passed and retained its place on the calendar.

**H. C. R. No. 54-Representative Perales.**

Cosponsors: Representatives Henne, Romanchuk, Roegner, Derickson, Stebelton, Grossman, Johnson, Landis, Pillich, Barborak, Bishoff, Dovilla, Fedor, Milkovich, Retherford, Rosenberger, Anielski, Adams, R., Amstutz, Baker, Beck, Blair, Blessing, Boyce, Brenner, Brown, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Clyde, Conditt, Damschroder, DeVitis, Driehaus, Gerberry, Green, Hackett, Hagan, C., Hall, Hayes, Heard, Hood, Hottinger, Huffman, Letson, Lundy, Lynch, Maag, Mallory, McClain, McGregor, O'Brien, Patterson, Phillips, Redfern, Rogers, Ruhl, Sears, Sheehy, Slaby, Slesnick, Smith, Sprague, Stautberg, Stinziano, Strahorn, Terhar, Thompson, Young, Speaker Batchelder. Senators Coley, LaRose.

To urge the Congress of the United States to continue the full funding and production of the F-35 Joint Strike Fighter's technology.

WHEREAS, Ohio has a strong history of supporting our military; and

WHEREAS, Our military at Wright-Patterson Air Force Base is leading the way by conducting a significant portion of the testing of the F-35 Joint Strike Fighter's technology; and

WHEREAS, The members of our military need the latest high-quality technology supporting them as they protect our nation and ensure peace overseas and at home; and

WHEREAS, The F-35 provides fifth generation technology that is unmatched by any other weapons system in the world and should replace the current aging fleet of United States military aircraft that not longer meets global emerging challenges; and

WHEREAS, Our military families deserve the peace of mind that we are supplying our military with the most advanced multi-role fighter ever built to protect their family members; and

WHEREAS, Fifty-six Ohio manufacturers contribute to the production of parts of the F-35 and more than 4,300 skilled, experienced Ohioans have jobs producing this technology directly and indirectly; and

WHEREAS, The F-35 program has more than \$442 million in economic impact in this state; and

WHEREAS, Congress is currently considering its commitment to full funding and production of the F-35; and

WHEREAS, The United States has been investing in the production of the F-35 for more than a decade and will lose the benefits of this investment if full funding and planned production is not continued; now therefore be it

RESOLVED, That the General Assembly of the State of Ohio urges the Congress of the United States to continue the full funding and production of the F-35 in order to ensure that Ohio and our nation will benefit from the advanced technology that thousands of Ohioans have labored to produce; 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 of the United States Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, the members of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the resolution, **H. C. R. No. 54**, be adopted?"

The yeas and nays were taken and resulted - yeas 28, nays 2, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Brown	Burke
Cafaro	Coley	Eklund	Gardner
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Obhof	Oelslager	Patton	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Turner	Uecker	Widener	Faber-28.

Senators Skindell and Tavares voted in the negative-2.

So the resolution was adopted.

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

Senator Widener moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Cafaro, Eklund, Faber, Gardner, Hite, Hughes, Jones, Kearney, Lehner, Obhof, Oelslager, Patton, Schaffer, Seitz, 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. 234**-Representatives Grossman, Becker.

Cosponsors: Representatives Boose, Lynch, Brenner, Hood, Beck, Hackett, Retherford, Stebelton, Thompson, Maag, Hagan, C., Burkley, Buchy, Barborak, Blessing, Cera, Hall, Hayes, Johnson, Perales, Speaker Batchelder. Senators Uecker, Coley.

To amend sections 109.69, 109.731, 311.41, 311.42, 2923.11, 2923.124, 2923.125, 2923.126, 2923.128, 2923.1213, 2923.13, 2923.17, 2929.14, and 2941.144, to enact sections 311.43 and 1533.04, and to repeal sections 2923.1210 and 2923.22 of the Revised Code to revise the law governing firearms, was considered the third time.

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

Senator Obhof moved to amend as follows:

Between lines 1965 and 1966, insert:

" (C) For the purposes of this section, "under operation of law or legal process" shall not itself include mere completion, termination, or expiration of a sentence imposed as a result of a criminal conviction."

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 234**, pass?"

Senator Tavares moved to amend as follows:

In line 11, delete "and" and insert a comma; after "1533.04" insert ", and 2923.191"

Between lines 2025 and 2026, insert:

" **Sec. 2923.191.** (A)(1) No person shall store or leave a firearm in a manner or location in the person's residence if the person knows or reasonably should know that a minor is able to gain access to the firearm.

(2)(a) This section does not apply to a person who stores or leaves a firearm in the person's residence if the firearm is kept in safe storage or equipped with a tamper-resistant mechanical lock or other safety device that is properly engaged so as to render the weapon inoperable by any person other than the owner of the firearm or any other lawfully authorized user of the firearm.

(b) This section does not apply to a person who stores or leaves a firearm in the person's residence if a minor gains access to the firearm as a result of any other person's unlawful entry into the person's residence.

(B)(1) Whoever violates this section is guilty of criminally negligent storage of a firearm if a minor gains access to the firearm as a result of the violation without the lawful permission of the minor's parent, guardian, or custodian.

(2) Except as otherwise provided in division (B)(3) of this section, a violation of this section is a misdemeanor of the third degree.

(3) If the minor who gains access to the firearm as a result of the violation and without the lawful permission of the minor's parent, guardian, or custodian uses the firearm to cause personal injury or death, other than in self-defense, a violation of this section is a felony of the first degree.

(C) Nothing in this section prohibits a person who is in the person's residence from carrying a firearm on the person's person or placing a firearm in a location that is under the person's immediate control."

In line 4 of the title, delete "and" and insert a comma; after "1533.04" insert ", and 2923.191"

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

Senator Obhof moved that the amendment be laid on the table.

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 234**, pass?"

The yeas and nays were taken and resulted - yeas 24, nays 6, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Burke	Cafaro
Coley	Eklund	Gardner	Gentile
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Obhof
Oelslager	Patton	Peterson	Schaffer
Seitz	Uecker	Widener	Faber-24.

Senators Brown, Sawyer, Schiavoni, Skindell, Tavares, and Turner voted in the negative-6.

So the bill passed.

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

Senator Coley moved to amend the title as follows:

Add the names: "Balderson, Burke, Eklund, Faber, Hite, Jones, Jordan, Lehner, Obhof, Patton, Peterson, Schaffer, Seitz, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 318**-Representatives Roegner, O'Brien.

Cosponsors: Representatives Lynch, Becker, Thompson, Wachtmann, Hood, Ruhl, Young, Duffey, DeVitis, Landis, Adams, R., Amstutz, Anielski, Antonio, Barborak, Barnes, Beck, Blessing, Brenner, Brown, Buchy, Burkley, Celebrezze, Derickson, Green, Grossman, Hall, Heard, Huffman, Letson, Lundy, McClain, Milkovich, Romanchuk, Schuring, Sears, Sheehy, Slesnick, Smith, Sprague, Stebelton, Sykes, Winburn, Speaker Batchelder. Senators Kearney, Eklund, Brown.

To amend sections 1345.52, 4503.312, 4517.01, 4517.03, and 4517.22 and to enact section 4517.221 of the Revised Code to alter the statutory procedures governing motor vehicle shows, to permit the display of new motor vehicles for charitable purposes, and to clarify the law governing the retail sale of utility and certain other trailers, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 318**, pass?"

Senator Bacon moved to amend as follows:

In line 637, delete " (J)" and insert " (K)"

In line 640, delete " (J)" and insert " (K)"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 318**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Brown	Burke
Cafaro	Coley	Eklund	Gardner
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Obhof	Oelslager	Patton	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Tavares	Turner	Uecker
Widener			Faber-30.

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Coley, Faber, Gardner, Hite, Hughes, Lehner, Obhof, Patton, Peterson, Sawyer, Seitz, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**Am. H. B. No. 404**-Representatives DeVitis, Slaby.

Cosponsors: Representatives Thompson, Mallory, Blessing, Hagan, C., Milkovich, Rogers, Slesnick, Sheehy, Anielski, Antonio, Beck, Buchy, Grossman, Hackett, Huffman, Johnson, Retherford, Ruhl, Stebelton, Wachtmann, Speaker Batchelder.

To enact section 5.22107 of the Revised Code to designate the Portage Lakes area in Summit County the Purple Martin Capital of Ohio, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 404**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

Skindell  
Widener

Tavares

Turner

Uecker  
Faber-30.

So the bill passed.

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

Senator LaRose moved to amend the title as follows:

Add the names: "Bacon, Brown, Burke, Coley, LaRose, Obhof, Sawyer, Skindell."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 430**-Representatives Kunze, Stinziano.

Cosponsors: Representatives Hackett, Bishoff, Sears, Brown, Henne, Ruhl, Sprague, Speaker Batchelder.

To amend sections 3905.01, 3905.06, and 3905.40 and to enact section 3905.063 of the Revised Code to regulate self-service storage facilities, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 430**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Brown	Burke
Cafaro	Coley	Eklund	Gardner
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Obhof	Oelslager	Patton	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Tavares	Turner	Uecker
Widener			Faber-30.

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Bacon, Hughes, Patton, Sawyer."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 511**-Representative Sears.

Cosponsors: Representatives Boose, Grossman, Henne, Romanchuk, Smith, Wachtmann, Young, Amstutz, Beck, Blessing, Burkley, Conditt, Green, Hackett, Hill, Scherer, Thompson, Speaker Batchelder.

To amend sections 1739.061, 1751.14, 1751.69, 3923.022, 3923.24, 3923.241, 3923.281, 3923.57, 3923.58, 3923.601, 3923.65, 3923.83, 3923.85, 3924.01, 4123.01, 4123.026, and 4123.46, and to enact sections 505.377, 737.082, and 737.222 of the Revised Code to clarify the status of volunteer firefighters for purposes of the Patient Protection and Affordable Care Act, to make changes regarding coverage for a dependent child under a parent's health insurance plan and the hours of work needed to qualify for coverage under a small employer health benefit plan, to make changes to the chemotherapy parity law, to make peace officers, firefighters, and emergency medical workers 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, and to increase the duration of the health insurance considered to be short-term under certain insurance laws, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 511**, pass?"

The yeas and nays were taken and resulted - yeas 24, nays 6, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Burke	Cafaro
Coley	Eklund	Gardner	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Obhof	Oelslager	Patton
Peterson	Schaffer	Schiavoni	Seitz
Skindell	Uecker	Widener	Faber-24.

Senators Brown, Gentile, Kearney, Sawyer, Tavares, and Turner voted in the negative-6.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Bacon, Balderson, Burke, Eklund, Hite, Hughes, Jones, LaRose, Patton, Schaffer, Seitz."

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

The motion was agreed to and the title so amended.

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

Cosponsors: Senators Beagle, Burke, Lehner, Coley, Kearney.

To amend sections 3107.055, 3107.062, 3107.063, 3107.064, 3107.07, 3107.16, 5103.17, 5747.37, and 5747.98 and to enact sections 3107.067, 3107.068, 3107.069, 3107.0611, 3107.0612, 3107.0613, and 3107.0614 of the Revised Code to require that certain pre-birth adoption notifications be sent to each putative father; to reduce the time within which a putative father must register with the putative father registry; to reduce the period of time to appeal an adoption decree; to permit certain entities to advertise regarding the adoption of children; to define for purposes of an adoption "living expenses" of a birth mother and to specify how they must be paid; and to increase the adoption income tax credit, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 250**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

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

Senator Skindell voted in the negative-1.

So the bill passed.

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

Senator LaRose moved to amend the title as follows:

Add the names: "Bacon, Balderson, Eklund, Faber, Gardner, Hite, Hughes, Jordan, Obhof, Peterson, Sawyer, Schaffer, 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. 386**-Senator Burke.

Cosponsors: Senators Seitz, Patton, Schiavoni.

To amend sections 1705.48, 3737.51, 3737.71, 3737.99, 3743.04, 3743.17, 3743.44, 3743.45, 3743.60, 3743.61, 3743.63, 3743.65, 3743.75, 3743.99, 5703.052, 5703.053, 5703.19, 5703.70, and 5703.77 and to enact sections 3737.04 to 3737.12, 3743.46, 3743.47, and 3743.591 of the Revised Code to enable individuals to purchase and use consumer grade fireworks, to extend to December 15, 2018, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2016, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and

to impose a fee on the retail sale of consumer grade fireworks in this state, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 386**, pass?"

Senator Bacon 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. 386**, pass?"

Senator Burke moved to amend as follows:

Between lines 1080 and 1081, insert:

" (G)(1) The state fire marshal may adopt rules in accordance with Chapter 119. of the Revised Code regulating the time, manner, and location of 1.4g fireworks discharged, ignited, or exploded under this section. The rules may include provisions requiring that all fireworks be used only in accordance with manufacturer's instructions and provisions for all of the following:

(a) The use of aerial fireworks;

(b) Separation distances between the location of fireworks discharges, ignitions, or explosions and adjacent structures, roadways, railroads, airports, publicly owned or controlled places, and places where hazardous materials are manufactured, used, or stored;

(c) Fireworks usage at common areas of multi-tenant properties;

(d) The suspension of fireworks discharges, ignitions, or explosions during times of drought or similar conditions;

(e) The proximity of fireworks discharges, ignitions, or explosions to persons under eighteen years of age;

(f) Any other matters similar to those listed in division (G)(1) of this section.

(2) Nothing in this division shall be construed to limit the authority of a county, township, or municipal corporation under division (E) of this section to restrict the dates and times or ban the discharge, ignition, or explosion of fireworks purchased under this section."

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 386**, pass?"

The yeas and nays were taken and resulted - yeas 22, nays 7, as follows:

Those who voted in the affirmative were: Senators

Balderson	Brown	Burke	Cafaro
Coley	Eklund	Gentile	Hite
Hughes	Jordan	Kearney	LaRose
Obhof	Oelslager	Patton	Peterson
Schaffer	Schiavoni	Seitz	Uecker
Widener			Faber-22.

Senators Gardner, Jones, Lehner, Sawyer, Skindell, Tavares, and Turner voted in the negative-7.

So the bill passed.

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

Senator Burke moved to amend the title as follows:

Add the names: "Coley, Faber, Jordan, LaRose."

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

The motion was agreed to and the title so amended.

#### **OFFERING OF RESOLUTIONS**

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

**S. R. No. 431**-Senator Faber.

Honoring Senator Tim Schaffer for his loyal service to the Ohio Senate.

**S. R. No. 432**-Senator Faber.

Honoring Senator Eric H. Kearney for his loyal service to the Ohio Senate.

**S. R. No. 433**-Senator Faber.

Honoring Senator Nina Turner for outstanding service to the Ohio Senate.

**S. R. No. 434**-Senator Faber.

Honoring Senator Shirley A. Smith for outstanding service to the Ohio Senate.

**S. R. No. 435**-Senator Faber.

Honoring the Lima Rotary Club on its One Hundredth Anniversary.

**S. R. No. 436**-Senator Patton.

Honoring Donald L. Ceboll as a French Knight of the Legion of Honor.

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 adopted the following joint resolution in which the concurrence of the Senate is requested:

**Sub. H. J. R. No. 12** -Representatives Huffman, Sykes  
Cosponsors: Representatives Amstutz, Anielski, Ashford, Baker, Brown, Burkley, Clyde, Duffey, Grossman, Hackett, Hagan, C., Hayes, Kunze, Letson, McClain, McGregor, Patmon, Scherer, Schuring, Stebelton, Wachtmann, Speaker Batchelder

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly districts.

Attest: Bradley J. Young,  
Clerk.

The question being, "Shall the resolution, **Sub. H. J. R. No. 12**, be adopted?"

On the motion of Senator Widener, **Sub. H. J. R. No. 12**, was referred to the Committee on Reference.

**Message from the House of Representatives**

Mr. President:

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

**Sub. H. B. No. 319** -Representative Grossman  
Cosponsors: Representatives Amstutz, Anielski, Boose, Buchy, Burkley, Dovilla, Hackett, Hayes, McGregor, Pelanda, Wachtmann, Young, Speaker Batchelder

To enact sections 4929.16, 4929.161, 4929.162, 4929.163, 4929.164, 4929.165, 4929.166, and 4929.167 of the Revised Code to permit natural gas companies to apply for an infrastructure development rider to recover costs of certain economic development projects.

**Am. H. B. No. 454** -Representative Gonzales

Cosponsors: Representatives Hill, Pillich, Stebelton, Smith, Brenner, Blessing, Burkley, Conditt, Duffey, Hayes, Lynch, Patmon, Terhar, Speaker Batchelder

To amend section 2923.122 of the Revised Code to expand and clarify the authority of a concealed handgun licensee to possess a handgun in a school safety zone.

**Am. H. B. No. 480** -Representative Pelanda

Cosponsors: Representatives Hackett, Butler, Celebrezze, Barborak, Brown, Buchy, Carney, Clyde, Perales, Phillips, Stinziano

To amend sections 4511.093, 4511.81, and 4513.263 of the Revised Code to restrict to cases of negligent vehicular homicide a provision of law that declares that the failure of an operator of a motor vehicle to secure a child in a car seat, in a booster seat, or with a seat belt is inadmissible as evidence in certain criminal actions and to allow the enforcement of child car seat, booster seat, and seat belt requirements as a primary offense if the child is less than eight years of age.

**Am. H. B. No. 508** -Representative Butler

Cosponsors: Representatives Smith, Becker, Terhar, Derickson, Hood, Stebelton, Johnson, Blessing, Wachtmann, Adams, R., Amstutz, Barborak, Boose, Buchy, Burkley, Conditt, Huffman, Lynch, Maag, Perales, Ruhl, Scherer, Schuring, Sprague, Young, Speaker Batchelder

To amend sections 2903.02, 2929.02, 2929.14, 2941.148, 2967.13, 2971.03, 2971.07, and 5120.61 of the Revised Code to expand the offense of murder to also prohibit causing the death of another as a proximate result of providing the person with a controlled substance or controlled substance analog when the death is caused by the use of that controlled substance or controlled substance analog and to provide special life sentences for a violation of the prohibition.

**Am. Sub. H. B. No. 536** -Representatives Smith, Antonio

Cosponsors: Representatives Letson, Pillich, Stebelton, Fedor, Brown, Sprague, Anielski, Bishoff, Blessing, Burkley, Duffey, Green, Grossman, Rogers, Rosenberger, Sears, Terhar, Wachtmann, Speaker Batchelder

To amend sections 5104.015, 5104.017, and 5104.018 and to enact section 5104.014 of the Revised Code to require children enrolled in licensed child care facilities to be immunized against specified diseases, subject to certain exceptions.

**H. B. No. 595** -Representatives Brenner, Ruhl

Cosponsors: Representatives Anielski, Rogers, Sheehy, Sprague, Stebelton, Speaker Batchelder

To amend sections 2151.07, 2301.02, and 2301.03 of the Revised Code to create a domestic relations division of the Delaware County Court of Common Pleas and to create a judgeship for that division.

**Am. Sub. H. B. No. 661** -Representative Stebelton

Cosponsors: Representatives Amstutz, Boose, Brown, Hackett, Hill, Letson, Maag, McClain, Ruhl, Scherer, Sears, Smith, Terhar, Speaker Batchelder

To amend sections 101.27, 141.011, 141.04, 325.03, 325.04, 325.06, 325.08, 325.09, 325.10, 325.11, 325.14, 325.15, 325.18, 505.24, 507.09, and 3501.12 and to enact sections 195.01, 195.02, 195.03, 195.04, 195.05, and 195.06 of the Revised Code and to amend Section 307.10 of Am. Sub. H.B. 59 of the 130th General Assembly to reinstate the cost of living adjustment for members of the General Assembly and statewide elected executive officers; to increase the compensation of justices and judges of the courts, county elected officials, township trustees and fiscal officers, and board of elections members and to reinstate the annual cost of living adjustment to their compensation; to reduce the number of population classifications used to determine the compensation of county elected officials; to create the Ohio Public Officials Compensation Advisory Commission; and to make appropriations.

Attest:

Bradley J. Young,  
Clerk.

Said bills were considered the first time.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following concurrent resolution:

**Am. S. C. R. No. 22** -Senator Beagle

Cosponsors: Senators Bacon, Eklund, Hite, Jones, Coley, Lehner, Manning, Patton, Sawyer, Tavares Representatives Lundy, Brown, Anielski, Baker, Blessing, Boose, Brenner, Burkley, Carney, Dovilla, Grossman, Hackett, Henne, Johnson, Landis, Letson, Milkovich, Patterson, Phillips, Redfern, Rogers, Sheehy, Sprague, Stinziano, Speaker Batchelder

To urge Ohio members of the Congress of the United States to seek a solution to ensure public access to e-book materials through public libraries.

Attest: Bradley J. Young,  
Clerk.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

**Am. H. B. No. 45** -Representative Johnson - et al.

**Sub. H. B. No. 449**-Representative Gonzales - et al.

**S. B. No. 227** -Senator Beagle - et al.

**Am. Sub. S. B. No. 258** -Senator Balderson - et al.

Attest: Bradley J. Young,  
Clerk.

The President signed said bills.

**Message from the House of Representatives**

Mr. President:

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

**Sub. H. B. No. 36**-Representative Johnson - et al.

**Am. H. B. No. 270** -Representative Rogers - et al.

**Sub. H. B. No. 320**-Representative Young - et al.

**Sub. H. B. No. 449**-Representative Gonzales - et al.

**Sub. H. B. No. 468**-Representatives Sears, McGregor - et al.

Attest: Bradley J. Young,  
Clerk.

On the motion of Senator Widener, the Senate adjourned until Wednesday, December 10, 2014 at 1:30 p.m.

Attest: VINCENT L. KEERAN,  
Clerk.