Ohio Senate Journal

Wednesday, February 11, 2015
The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brad Jury, Providence Baptist Church in Westerville, 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:

Members of the Columbus delegation, led by Senator Hughes and Senate President Faber recognized The Ohio State University football team on winning the 2014-2015 National Championship.

Senator Widener recognized the Kenton Ridge High School Competitive Cheerleading Team for their 2015 National Title.

Senator Brown requested a moment of silence in honor of Toledo Mayor D. Michael Collins, who passed away on February 6, 2015.

REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION

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

S. B. No. 27 - Senator Patton, et al.

To amend sections 742.38, 4123.57, and 4123.68 of the Revised Code to provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.

To the Committee on Insurance.

S. B. No. 28 - Senator Patton, et al.

To require the Director of Health to survey coroners and laboratories concerning the collection, retention, and processing of blood and tissue
specimens for postmortem genetic testing, to recommend legislative and fiscal policies after analyzing survey results, and to establish an advisory council to assist the Director with those responsibilities.

To the Committee on Health and Human Services.

S. B. No. 29 - Senator Patton, et al.

To enact section 5902.10 of the Revised Code to require the Director of Veterans Services, upon application by a person who is a veteran or active duty member of any branch of the armed forces of the United States, to issue to the person a military transportation card that entitles the person to travel on any type of public transportation without charge.

To the Committee on State and Local Government.

S. B. No. 30 - Senator Tavares, et al.

To enact section 5101.345 of the Revised Code to create the Ohio Family Stability Commission and to repeal section 5101.345 of the Revised Code four years after the effective date of that section.

To the Committee on Health and Human Services.

S. B. No. 31 - Senator Tavares, et al.

To amend section 1739.05 and to enact sections 1751.76, 3923.71, and 3923.74 of the Revised Code to prohibit health insurers from denying payment for a service during or after the performance of the service if the insurer provided prior written authorization for the service.

To the Committee on Insurance.

S. B. No. 32 - Senator Tavares, et al.

To enact sections 1739.23, 1751.691, 3923.235, and 5111.026 of the Revised Code regarding insurance and Medicaid coverage of telemedicine services.

To the Committee on Medicaid.
S. B. No. 33 -Senator Tavares.

To enact section 4743.08 of the Revised Code to require certain health care professionals to complete instruction in cultural competency.

To the Committee on Health and Human Services.

S. B. No. 34 -Senator Tavares, et al.

To amend section 3313.534 of the Revised Code with respect to school district policies for violent, disruptive, or inappropriate behavior.

To the Committee on Education.

S. B. No. 35 -Senator Tavares.

To enact section 5534.90 of the Revised Code to designate the entrance ramp from West Broad Street onto Interstate Highway 70 in Franklin County as the "G. Thomas Turner, Sr. I-70 East Entrance Ramp."

To the Committee on Transportation, Commerce and Labor.

S. B. No. 36 -Senator Tavares.

To enact section 5534.50 of the Revised Code to designate a portion of U.S. Route 33 within Columbus as the "John W. Bowen Memorial Roadway."

To the Committee on Transportation, Commerce and Labor.


To amend sections 4775.01, 4775.02, 4775.03, 4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, and 4775.11 of the Revised Code to extend the jurisdiction of the Motor Vehicle Repair Board to persons who perform motor vehicle mechanical repairs, to require motor vehicle repair facilities to register with the Board, and to make other changes to the Motor Vehicle Repair and Window Tint Operator Law, and to further enact new section 4775.03 and repeal section 4775.03 of the Revised Code on January 1, 2016, to dissolve the existing Motor Vehicle Repair Board and replace it with a new board of the same name.
To the Committee on Transportation, Commerce and Labor.

S. B. No. 38 -Senator Seitz, et al.


To the Committee on Government Oversight and Reform.

S. B. No. 39 -Senator Beagle, et al.

To amend section 4511.46 of the Revised Code to increase the penalties for failing to yield the right-of-way to a pedestrian who is crossing a roadway within a crosswalk when the crosswalk is located within a school zone.

To the Committee on Criminal Justice.

S. B. No. 40 -Senator Beagle, et al.

To amend sections 5725.98, 5726.98, 5729.98, and 5747.98 and to enact sections 122.155, 122.156, 122.157, 122.158, 122.159, 5725.191, 5726.58, 5727.242, 5727.43, 5727.812, 5729.081, and 5747.052 of the Revised Code to authorize tax credits for contributions of money to economic and infrastructure development projects undertaken by local governments and nonprofit corporations.

To the Committee on Ways and Means.

S. B. No. 41 -Senators Beagle, Tavares, et al.

To amend section 5725.33 of the Revised Code to modify the qualifications for the New Markets Tax Credit and the schedule for receiving the credit.

To the Committee on Ways and Means.

S. B. No. 42 -Senator Beagle, et al.

To amend sections 3109.051, 3109.11, 3109.12, and 5122.04 and to enact section 5122.041 of the Revised Code regarding minors and outpatient mental
health treatment.

To the Committee on Health and Human Services.

YES - 13:  EDNA BROWN, DAVE BURKE, KEITH FABER, LOU GENTILE, CLIFF HITE, JIM HUGHES, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, TOM PATTON, JOSEPH SCHIAVONI, CHARLETA B. TAVARES, CHRIS WIDENER

NO - 0.

The question being, "Shall the report of the committee be accepted?"
The report of the committee was accepted.
Said bills were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Oelslager submitted the following report:

The standing committee on Finance, to which was referred Am. S. B. No. 2-Senator Peterson, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Co-Sponsors: Tavares, Sawyer, Beagle.

YES - 12:  TOM PATTON, JIM HUGHES, FRANK LAROSE, DAVE BURKE, BILL BEAGLE, SCOTT OELSLAGER, BOB PETERSON, RANDY GARDNER, MICHAEL SKINDELL, TOM SAWYER, CHARLETA B. TAVARES, LOU GENTILE

NO - 0.
In line 9, delete "....B. ..." and insert "S.B. 2"

The question being, “Shall the report of the committee be accepted?”
The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION
Am. S. B. No. 2-Senator Peterson.
Cosponsors: Senators Beagle, Sawyer, Tavares.

To amend section 5701.11 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since March 22, 2013, into Ohio law, and to declare an emergency, was considered the third time.

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

The question being, “Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?”

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators
Bacon  Bacon
Burke  Balderson  Beagle  Beagle
Gentile  Cafaro  Eklund  Eklund
Jones  Hite  Hottinger  Hottinger
Manning  Jordan  LaRose  Lehner
Peterson  Ohhof  Oelslager  Patton
Skindell  Sawyer  Schiavoni  Schiavoni
Williams  Tavares  Thomas  Thomas

So the section, Section 3, setting forth the emergency features of the bill stood as a part of the bill.

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators
Bacon  Bacon
Burke  Balderson  Beagle  Beagle
Gentile  Cafaro  Eklund  Eklund
Jones  Hite  Hottinger  Hottinger
Manning  Jordan  LaRose  Lehner
Peterson  Ohhof  Oelslager  Patton
Skindell  Sawyer  Schiavoni  Schiavoni
Williams  Tavares  Thomas  Thomas

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

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

Senator Peterson moved to amend the title as follows:

Add the names: "Senators Balderson, Burke, Eklund, Faber, Gardner, Hite, Hottinger, Hughes, Jones, Lehner, Ohhof, Oelslager, Patton, Schiavoni, Seitz, Widener."

The question being, “Shall the motion be agreed to?”

The motion was agreed to and the title so amended.
MOTIONS

Senator Obhof moved that Senators absent the week of Sunday, February 8, 2015, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered for the first time:

S. B. No. 43 - Senator Hughes.
Cosponsors: Senators Bacon, Eklund, Patton, Tavares.
To establish the Columbus State Logistics Program and to make an appropriation.

S. B. No. 44 - Senator Schiavoni.
Cosponsors: Senators Manning, Jones, Brown, Yuko, Tavares, Gentile.
To amend sections 4511.093, 4511.81, and 4513.263 of the Revised Code to allow the enforcement of child car seat, booster seat, and seat belt requirements as a primary offense and to repeal 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 in certain criminal proceedings.

S. B. No. 45 - Senators Skindell, Eklund.
Cosponsors: Senators Tavares, Schiavoni, Seitz, Thomas.
To amend sections 1710.01, 1710.02, and 1710.06 of the Revised Code to authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.

S. B. No. 46 - Senator Skindell.
Cosponsor: Senator Tavares.
To amend section 1505.07 of the Revised Code to ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

S. B. No. 47 - Senator Skindell.
Cosponsor: Senator Tavares.
To amend sections 1509.01, 1509.02, 1509.03, 1509.05, 1509.06, 1509.08, 1509.21, 1509.22, 1509.222, 1509.223, 1509.224, and 1509.99, to enact section 1509.051, and to repeal section 1509.226 of the Revised Code to prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the
Oil and Gas Law.

**S. B. No. 48** - Senator Skindell.
Cosponsors: Senators Tavares, Thomas.

To enact section 4511.531 of the Revised Code to require bicycle operators and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.

**S. B. No. 49** - Senator Skindell.
Cosponsors: Senators Eklund, Bacon, Williams, Schiavoni, Tavares, Beagle, Thomas, Brown.

To enact section 5534.51 of the Revised Code to designate a portion of State Route 2 in Cuyahoga County as the "Governor Richard F. Celeste Shoreway."

**S. B. No. 50** - Senator Skindell.
Cosponsor: Senator Schiavoni.

To amend sections 3101.08, 3101.10, 3101.11, and 3101.12 of the Revised Code to allow any person or entity that registers with the secretary of state to solemnize marriages.

**S. B. No. 51** - Senator Skindell.
Cosponsors: Senators Tavares, Schiavoni, Thomas.

To enact section 5.2298 of the Revised Code to designate the month of May as "Multiple Chemical Sensitivity Awareness Month."

**S. B. No. 52** - Senator Beagle.
Cosponsors: Senators LaRose, Eklund, Coley, Manning, Seitz, Patton.

To amend sections 5735.05, 5735.14, 5735.23, 5735.25, 5735.26, 5735.29, 5735.291, and 5735.30 and to enact section 5735.054 of the Revised Code to subject the receipt of motor fuel used to operate aircraft to the motor fuel excise taxes rather than the sales and use taxes and to require a percentage of motor fuel excise tax revenue to be used for airport improvements.

**S. B. No. 53** - Senator Hughes.
Cosponsors: Senators Bacon, LaRose, Patton, Schiavoni.

To amend section 2903.21 of the Revised Code to increase the penalty for aggravated menacing when the victim of the offense is a law enforcement officer.

**OFFERING OF RESOLUTIONS**

Pursuant to Senate Rule No. 54, the following resolutions were offered:
S. R. No. 18 - Senator Faber.

Honoring the Minster High School football team as the 2014 Division VI State Champion.

S. R. No. 19 - Senator Faber.

Honoring the Coldwater High School football team as the 2014 Division V State Champion.

S. R. No. 20 - Senator Faber.

Honoring the Marion Local High School football team as the 2014 Division VII State Champion.

S. R. No. 21 - Senators Skindell, Patton.

Honoring the St. Edward High School football team on winning the 2014 Division I State Championship.

S. R. No. 22 - Senator Brown.

In memory of D. Michael Collins.

S. R. No. 23 - Senator Peterson.

Honoring Sarah Everhart as the 2015 Ohio Fairs’ Queen.

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

So the resolution was adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3109.15 of the Ohio Revised Code, the President of the Senate appoints the following members to serve on the Ohio Children’s Trust Fund Board:

Senator Kevin Bacon
Senator Lou Gentile

On the motion of Senator Widener, the Senate recessed until 2:40 p.m. The Senate met pursuant to the recess.

Message from the House of Representatives
Mr. President:

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

**H. J. R. No. 1** - Speaker Rosenberger

Authorizing a joint session of the Ohio General Assembly to meet at the Roberts Centre in Wilmington, Ohio, for the purpose of receiving a message from the Governor and calling for a committee to wait upon the Governor in anticipation of his State of the State Address.

Attest: Bradley J. Young, Clerk.

The question being, “Shall the joint resolution, H. J. R. No. 1, be adopted?”

The yeas and nays were taken and resulted – yeas 26, nays 3, as follows:

Those who voted in the affirmative were: Senators

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Senators Cafaro, Skindell, Tavares voted in the negative-3.

So the joint resolution was adopted.

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

Senator Widener moved to amend the title as follows:

Add the names: "Senators Bacon, Balderson, Beagle, Eklund, Faber, Gardner, Hite, Hottinger, Hughes, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, 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, the Senate adjourned until Thursday, February 12, 2015 at 9:30 a.m.
Attest: VINCENT L. KEERAN,
Clerk.