

JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

OHIO

SENATE

JOURNAL

TUESDAY, JUNE 16, 2015

SIXTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Tuesday, June 16, 2015, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Thomas Wise, Valleyview Church in Dayton, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

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

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

Sub. H. B. No. 18 -Representatives Gonzales, Ginter, et al.

To amend sections 5301.072 and 5311.191 and to enact sections 4781.401 and 5321.131 of the Revised Code to prohibit manufactured homes park operators, condominium associations, neighborhood associations, and landlords from restricting the display of blue star banners, gold star banners, other service flags, and the POW/MIA flag, and to prohibit manufactured homes park operators and landlords from restricting the display of the United States flag.

To the Committee on State and Local Government.

H. B. No. 95 -Representative DeVitis, et al.

To amend sections 1753.07, 1753.09, 3901.21, 3963.01, 3963.02, and 3963.03 of the Revised Code to prohibit a health insurer from establishing a fee schedule for dental providers for services that are not covered by any contract or participating provider agreement between the health insurer and the dental provider.

To the Committee on Insurance.

Am. Sub. H. B. No. 103 -Representatives Pelanda, Kunze, et al.

To enact sections 5.2298, 125.66, and 125.67 of the Revised Code to designate the second week of March as Ohio Women's Week for Policy and Entrepreneurship, to create the Ohio Women's Policy and Entrepreneurship Committee, and to require the state, in collaboration with the private sector, to conduct a two-day competition and forum each even-numbered year during the designated week.

To the Committee on Government Oversight and Reform.

S. B. No. 177 -Senator Jordan.

To amend section 3798.04 and to enact sections 4731.74 and 4731.78 of the Revised Code to prohibit a physician from submitting patient medical records to an electronic database maintained by another party without patient authorization and from asking a patient about firearm ownership or possession.

To the Committee on Health and Human Services.

S. B. No. 178 -Senators Schiavoni, Gentile, et al.

To amend sections 2903.11 and 2929.14 and to enact section 2941.1424 of the Revised Code to impose a mandatory prison term of one, two, three, four, or five years on an offender who is convicted of or pleads guilty to a felony that includes, as an essential element, purposely causing or attempting to cause the death of or physical harm to another, if the indictment, count in the indictment, or information charging the offense specifies that the offense resulted in serious physical harm to a person who was less than 13 years of age.

To the Committee on Criminal Justice.

S. B. No. 179 -Senator Hite.

To enact section 5534.70 of the Revised Code to designate the "Lt. Col. Ralph D. Cole Memorial Bridge" within the municipal corporation of Findlay.

To the Committee on Transportation, Commerce and Labor.

S. B. No. 180 -Senator Uecker, et al.

To amend sections 4112.01, 4112.02, 4112.05, 4112.08, and 4112.14 of the Revised Code to prohibit an employer from discharging or otherwise discriminating against a person who exercises a constitutional or statutory right within the person's private real property or motor vehicle.

To the Committee on Civil Justice.

S. B. No. 181 -Senators Obhof, Schiavoni, et al.

To amend sections 1701.56, 1701.64, 1705.081, 1705.161, 1705.281, 1705.30, and 1705.48 and to enact sections 1701.641, 1705.031, 1705.291,

and 1705.292 of the Revised Code to prescribe the fiduciary duties of corporate and limited liability company officers, to specify that officers are not required for limited liability companies, to permit a written waiver or elimination of the fiduciary duties of limited liability company members, managers, or officers, to clarify when a limited liability company manager's or officer's duties can be the same as a member's duties, to declare the policy of the Limited Liability Company Law generally to give maximum effect to freedom of contract, and to make other changes regarding corporations and limited liability companies.

To the Committee on Civil Justice.

S. B. No. 182 -Senators Balderson, Peterson, et al.

To enact sections 5534.21 and 5534.22 of the Revised Code to designate a portion of United States route twenty-three within Pickaway County as the "Army Specialist Gerald R. Jenkins Memorial Highway" and a portion of United States route sixty-two within Pickaway County as the "Army PFC Kevin C. Ott Memorial Highway."

To the Committee on Transportation, Commerce and Labor.

S. B. No. 183 -Senators LaRose, Thomas.

To amend sections 9.07, 109.78, 2921.51, 2925.01, 3743.06, 3743.19, 4749.01, 4749.02, 4749.021, 4749.031, 4749.05, 4749.06, 4749.07, 4749.08, 4749.09, 4749.10, 4749.11, 4749.13, 4749.99, and 5502.011; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 4749.031 (4749.035); to enact new sections 4749.03, 4749.031, 4749.04, and 4749.12 and sections 4749.032, 4749.033, 4749.034, 4749.041, 4749.061, 4749.062, 4749.063, and 4749.151; and to repeal sections 4749.03, 4749.04, and 4749.12 of the Revised Code to amend the requirements related to the licensing and registration of private investigators and security officers.

To the Committee on Transportation, Commerce and Labor.

YES - 14: EDNA BROWN, DAVE BURKE, WILLIAM P. COLEY, II, KEITH FABER, LOU GENTILE, CLIFF HITE, JIM HUGHES, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, THOMAS F. 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 committees as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Hottinger submitted the following report:

The standing committee on Insurance, to which was referred **Sub. S. B. No. 115**-Senators Bacon, Beagle, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

Co-Sponsor: Hottinger.

YES - 11: SHANNON JONES, GAYLE MANNING, KEVIN BACON, JAY HOTTINGER, BILL BEAGLE, JIM HUGHES, EDNA BROWN, SANDRA WILLIAMS, CECIL THOMAS, CHARLETA B. TAVARES, TROY BALDERSON

NO - 0.

Senator Seitz submitted the following report:

The standing committee on Public Utilities, to which was referred **Am. H. C. R. No. 9**-Representatives Baker, Boose, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors:, Eklund, Hite, Uecker, Williams.

YES - 11: WILLIAM SEITZ, KEVIN BACON, JOHN EKLUND, CLIFF HITE, THOMAS F. PATTON, JOE UECKER, SANDRA WILLIAMS, LOU GENTILE, TOM SAWYER, BOB PETERSON, TROY BALDERSON

NO - 0.

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

The reports of the committees were accepted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 4-Representatives Sprague, Rezabek.

Cosponsors: Representatives Gonzales, Huffman, Antonio, Barnes, Bishoff, Brown, Butler, Ginter, Johnson, T., LaTourette, Lepore-Hagan, Ramos, Sears,

Schuring, Sykes, Amstutz, Anielski, Antani, Baker, Blessing, Boose, Brenner, Buchy, Burkley, Celebrezze, Cera, Conditt, Craig, Curtin, Derickson, Dever, Dovilla, Driehaus, Duffey, Fedor, Gerberry, Green, Grossman, Hackett, Hall, Hayes, Henne, Howse, Johnson, G., Koehler, Kraus, Kunze, Landis, Leland, Manning, McClain, O'Brien, M., O'Brien, S., Patmon, Patterson, Pelanda, Perales, Phillips, Rogers, Ruhl, Scherer, Sheehy, Slaby, Smith, K., Smith, R., Stinziano, Strahorn, Sweeney, Terhar, Thompson, Vitale, Zeltwanger, Speaker Rosenberger. Senators Hottinger, Jones, Tavares, Brown, Hite, Beagle.

To amend sections 2925.61, 3719.13, 3719.27, 4723.488, 4729.01, 4729.16, 4729.29, 4729.291, 4729.51, 4729.60, 4730.431, 4731.94, and 5119.371 and to enact sections 3707.56, 4729.292, 4729.44, 4731.941, 4731.942, and 5119.372 of the Revised Code to modify the laws governing the authority to dispense or furnish naloxone for opioid overdoses, to establish standards for certain opioid treatment programs, and to declare an emergency, was considered the third time.

Senator Jones moved to amend as follows:

In line 106, strike through the first comma

In line 454, delete "4731.942" and insert "4731.941"

In line 621, delete "such" and insert "a"

In line 993, after "under" insert "this"; delete "4731.942 of"

In line 994, delete "the Revised Code"

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

The motion to amend was agreed to.

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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hottinger
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schiavoni
Seitz	Skindell	Tavares	Thomas
Uecker	Widener	Williams	Yuko
			Faber-33

So the section, Section 3, 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	Hottinger
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schiavoni
Seitz	Skindell	Tavares	Thomas
Uecker	Widener	Williams	Yuko
			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 Jones moved to amend the title as follows:

Add the names: "Senators Bacon, Balderson, Burke, Cafaro, Coley, Eklund, Gardner, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Skindell, Thomas, Uecker, Widener, Williams, Yuko."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 54-Senator Jones.

Cosponsors: Senators Eklund, Patton, Manning, Lehner, Tavares, Brown, Skindell, Thomas, Hottinger, Uecker, LaRose.

To amend sections 5502.01 and 5502.13 and to enact section 2927.28 of the Revised Code to ban the sale of liquid nicotine containers that are not in child-resistant packaging, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 54**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hottinger
Hughes	Jones	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schiavoni	Seitz
Skindell	Tavares	Thomas	Uecker
Widener	Williams	Yuko	Faber-32

Senator Jordan voted in the negative-1.

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: "Senators Bacon, Balderson, Beagle, Burke, Cafaro, Hite, Obhof, Peterson, Sawyer, Schiavoni, Widener, Yuko."

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

The motion was agreed to and the title so amended.

S. B. No. 119-Senators Hite, Obhof.

Cosponsors: Senators Oelslager, LaRose, Burke, Schiavoni, Faber, Manning.

To amend section 4501.21 and to enact section 4503.86 of the Revised Code to create the "Lincoln Highway" license plate, was considered the third time.

The question being, "Shall the bill, **S. B. No. 119**, 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	Hottinger
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schiavoni
Seitz	Skindell	Tavares	Thomas
Uecker	Widener	Williams	Yuko
			Faber-33

So the bill passed.

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

Senator Hite moved to amend the title as follows:

Add the names: "Senators Bacon, Balderson, Beagle, Brown, Cafaro, Coley, Eklund, Gardner, Gentile, Hughes, Jones, Lehner, Patton, Seitz, Skindell, Tavares, Thomas, Uecker, Widener, Williams, Yuko."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

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

S. B. No. 184 - Senator Balderson.

Cosponsors: Senators Eklund, Hite, Jones, Manning, Patton.

To amend sections 2950.04, 2950.041, 2950.05, and 2950.99 of the Revised Code to clarify the sex offender registration requirements.

S. B. No. 185 - Senator Seitz.

Cosponsors: Senators Balderson, Patton.

To amend sections 727.01, 1710.01, 1710.02, 1710.021, 1710.03, 1710.04, 1710.05, 1710.06, 1710.061, 1710.07, 1710.11, 1710.12, 1710.13, 4582.06, and 4582.31; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 1710.061 (1710.40); and to enact sections 1710.20, 1710.21, 1710.22, 1710.23, 1710.24, 1710.241, 1710.25, 1710.26, 1710.27, 1710.28, 1710.29, 1710.30, 1710.31, 1710.32, 1710.33, 1710.331, and 1710.34 of the Revised Code to revise the law governing special improvement districts created for the purpose of developing and implementing plans for special energy improvement projects.

S. B. No. 186 - Senators LaRose, Seitz.

Cosponsors: Senators Beagle, Eklund.

To amend sections 9.03, 3315.07, 3517.153, 3517.154, 3517.155, 3517.156, 3517.993, and 3599.40 of the Revised Code to authorize the Ohio Elections Commission to hear complaints regarding violations of the laws prohibiting use of public funds for political campaign purposes, impose civil penalties for violations of those laws, and establish additional enforcement measures for violations of those laws.

OFFERING OF RESOLUTIONS

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

S. R. No. 134 - Senator Hughes.

Honoring the Hilliard Darby High School boys volleyball team on winning the 2015 Division I State Championship.

S. R. No. 135 - Senator Peterson.

Honoring Caleb Wilt on winning a 2015 Division II State Track and Field Championship.

S. R. No. 136 - Senator Coley.

Honoring Miami University collegiate skating team on winning the 2015 U.S. National Championship.

S. R. No. 137 - Senator Hite.

Honoring the St. Paul Lutheran School seventh- and eighth-grade girls basketball team on winning the 2015 All-Ohio Lutheran Basketball Tournament Championship.

S. R. No. 138 - Senator Thomas.

Honoring the Withrow University High School girls track and field team on winning 2015 Division I State Co-Championship.

S. R. No. 139 - Senators Yuko, Patton.

Honoring Andy Isabella as a 2015 Division I State Track and Field Champion.

S. R. No. 140 - Senator Hughes.

Honoring the Upper Arlington High School girls lacrosse team as the 2015 Division I State Champion.

S. R. No. 141 - Senators Sawyer, LaRose.

Honoring Akron Children's Hospital on its One Hundred Twenty-fifth Anniversary.

S. R. No. 142 - Senators LaRose, Sawyer.

Honoring Summit County on its One Hundred Seventy-fifth Anniversary.

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

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 101.35 of the Ohio Revised Code, the President of the Senate appoints Senator Jay Hottinger as a temporary replacement for Senator Frank LaRose on the Joint Committee on Agency Rule Review (JCARR) for the purpose of the committee's meetings on June 22 and July 13.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3333.41(A)(2) of the Ohio Revised Code, the President of the Senate appoints the following member to serve on the Midwestern Higher Education Compact:

Senator Randy Gardner

MESSAGE FROM THE PRESIDENT

Pursuant to Section 755.40 of Sub. H.B. 53, the President of the Senate appoints the following members to the Joint Legislative Task Force on Department of Transportation Issues:

Senator Gayle Manning
Senator Kevin Bacon

Senator Capri Cafaro

On the motion of Senator Widener, the Senate adjourned until Wednesday, June 17, 2015 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.