

OHIO

SENATE

JOURNAL

MONDAY, JANUARY 7, 2013

FIRST DAY
Senate Chamber, Columbus, Ohio
Monday, January 7, 2013, 1:30 p.m.

This being the day fixed by law for the meeting of the General Assembly in regular session, the Senators and Senators-elect of the One Hundred Thirtieth General Assembly of the State of Ohio, met in the Senate Chamber and were called to order by Senator Tom Niehaus, President of the One Hundred Twenty-Ninth General Assembly.

Prayer was offered by Pastor Douglas Meyer, St. John's Lutheran Church, Celina, Ohio.

The Colors were presented by the Ohio National Guard Ceremonial Color Guard.

The Pledge of Allegiance was led by the children, grandchildren, nieces and nephews of the Senators and Senators-Elect.

The National Anthem was sung by members of the Alliance Chorus of Greater Central Ohio.

The President directed the Clerk to call the Senatorial Districts in their numerical order when the following named persons presented their certificates of election as Senators from their respective districts to the One Hundred Thirtieth General Assembly, and the following named persons who were previously elected in 2010:

First District - Composed of: Auglaize (part), Defiance, Fulton (part), Hancock, Hardin, Henry, Logan (part) Paulding, Putnam, Van Wert, Williams - Cliff Hite.

Second District - Composed of: Erie, Fulton (part), Lucas (part), Ottawa, Wood - Randy Gardner.

Third District - Composed of: Franklin (part) - Kevin Bacon.

Fourth District - Composed of: Butler (part) - Bill Coley.

Fifth District - Composed of: Darke (part), Miami, Montgomery (part), Preble - Bill Beagle.

Sixth District - Composed of: Montgomery (part) - Peggy Lehner.

Seventh District - Composed of: Butler (part), Hamilton (part), Warren - Shannon Jones.

Eighth District - Composed of: Hamilton (part) - Bill Seitz.

Ninth District - Composed of: Hamilton (part) - Eric Kearney.

Tenth District - Composed of: Clark, Greene, Madison – Chris Widener.

Eleventh District - Composed of: Lucas (part) - Edna Brown.

Twelfth District - Composed of: Allen, Auglaize (part), Champaign, Darke (part), Logan (part), Mercer, Shelby – Keith Faber.

Thirteenth District - Composed of: Huron, Lorain, - Gayle L. Manning.

Fourteenth District - Composed of: Adams, Brown, Clermont, Lawrence (part), Scioto - Joe Uecker.

Fifteenth District - Composed of: Franklin (part) - Charleta B. Tavares.

Sixteenth District - Composed of: Franklin (part) – Jim Hughes.

Seventeenth District - Composed of: Clinton, Fayette, Gallia, Highland, Jackson, Lawrence (part), Pickaway (part), Pike, Ross, Vinton (part) - Bob Peterson.

Eighteenth District - Composed of: Geauga (part), Lake (part), Portage - John Eklund.

Nineteenth District - Composed of: Delaware, Franklin (Part), Knox - Kris Jordan.

Twentieth District - Composed of: Athens (part), Fairfield, Guernsey, Hocking, Morgan, Muskingum, Pickaway (part) – Troy Balderson.

Twenty-First District - Composed of: Cuyahoga (part) - Shirley Smith.

Twenty-Second District - Composed of: Ashland, Holmes (part), Medina, Richland – Larry Obhof.

Twenty-Third District - Composed of: Cuyahoga (part) - Michael J. Skindell.

Twenty-Fourth District - Composed of: Cuyahoga (part) – Thomas Patton.

Twenty-Fifth District - Composed of: Cuyahoga (part), Lake (part) - Nina Turner.

Twenty-Sixth District - Composed of: Crawford, Marion, Morrow, Sandusky, Seneca, Union, Wyandot – David Burke.

Twenty-Seventh District - Composed of: Stark (part), Summit (part), Wayne - Frank LaRose.

Twenty-Eighth District - Composed of: Summit (part) – Tom Sawyer.

Twenty-Ninth District - Composed of: Stark (part) - Scott Oelslager.

Thirtieth District - Composed of: Athens (part), Belmont, Carroll, Harrison, Jefferson, Meigs, Monroe, Noble, Vinton (part), Washington – Lou Gentile.

Thirty-First District - Composed of: Coshocton, Holmes (part), Licking, Perry, Tuscarawas - Tim Schaffer.

Thirty-Second District - Composed of: Ashtabula, Geauga (part), Trumbull

– Capri Cafaro.

Thirty-Third District - Composed of: Columbiana, Mahoning - Joseph Schiavoni.

The members affiliated with the Republican party appeared at the bar of the Senate and were administered the oath of office by the Honorable Sharon L. Kennedy, Justice, Ohio Supreme Court.

The members affiliated with the Democrat party appeared at the bar of the Senate and were administered the oath of office by the Honorable Jeffery P. Hopkins, Judge, United States Bankruptcy Court, Southern Ohio District.

Senator Faber moved that the oaths of office of absent members-elect be accepted and spread upon the pages of the journal.

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

The motion was agreed to.

I, PEGGY LEHNER, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio and will faithfully discharge and perform all of the duties incumbent upon me as a member of the Ohio Senate, according to the best of my ability and understanding and do this as I shall answer unto God.

/s/ **PEGGY LEHNER**

Peggy Lehner

6th Senatorial District

SWORN to before me and subscribed in my presence this 2nd day of January, 2013.

/s/ **DONALD PATTERSON**

Donald Patterson

Mayor

City of Kettering

The President announced that a quorum of the Senate was present and that the Senate was ready to transact business.

The President announced that the next order of business should be the election of the following officers: President, President Pro Tempore, Majority Floor Leader, Majority Whip, Minority Leader, Assistant Minority Leader, Minority Whip, and Assistant Minority Whip.

The election of the President being the first order, the Chair appointed Senator Schaffer to preside during the election of the President.

Senator Hughes nominated Senator Keith L. Faber of the Twelfth District for the office of President.

Senator LaRose seconded the nomination.

On the motion of Senator Burke, the nominations were closed.

The question being, "Shall Senator Keith L. Faber be elected President?"

The yeas and nays were taken and resulted - yeas 31, 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
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker		Widener-31.

Senator Keith L. Faber having received a majority of the votes cast was declared the elected President.

Senator Faber appeared at the bar of the Senate and was administered the oath of office by the Honorable Sharon L. Kennedy, Justice, Ohio Supreme Court.

Senator Faber took the chair.

Senator Hite nominated Senator Chris Widener of the Tenth District for the office of President Pro Tempore.

Senator Oelslager seconded the nomination.

On the motion of Senator Burke, the nominations were closed.

The question being, "Shall Senator Chris Widener be elected President Pro Tempore?"

The yeas and nays were taken and resulted - yeas 31, 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
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker		Faber-31.

Senator Chris Widener having received a majority of the votes cast was declared the elected President Pro Tempore.

Senator Eklund nominated Senator Tom Patton of the Twenty-Fourth District for the office of Majority Floor Leader.

Senator Manning seconded the nomination.

On the motion of Senator Hughes, the nominations were closed.

The question being, "Shall Senator Tom Patton be elected Majority Floor Leader?"

The yeas and nays were taken and resulted - yeas 31, 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
Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

Senator Tom Patton having received a majority of the votes cast was declared the elected Majority Floor Leader.

Senator Seitz nominated Senator Larry Obhof of the Twenty-Second District for the office of Majority Whip.

Senator Balderson seconded the nomination.

On the motion of Senator Burke, the nominations were closed.

The question being, "Shall Senator Larry Obhof be elected Majority Whip?"

The yeas and nays were taken and resulted - yeas 31, 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
Manning	Oelslager	Patton	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

Senator Larry Obhof having received a majority of the votes cast was declared the elected Majority Whip.

The duly elected officers of the Republican party appeared at the bar of the Senate and were administered the oath of office by the Honorable Sharon L. Kennedy, Justice, Ohio Supreme Court.

Senator Schiavoni nominated Senator Eric H. Kearney of the Ninth District for the office of Minority Leader.

Senator Cafaro seconded the nomination.

On the motion of Senator Sawyer, the nominations were closed.

The question being, "Shall Senator Eric H. Kearney be elected Minority Leader?"

The yeas and nays were taken and resulted - yeas 31, 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	LaRose	Manning
Obhof	Oelslager	Patton	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

Senator Eric H. Kearney having received a majority of the votes cast was declared the elected Minority Leader.

Senator Gentile nominated Senator Joseph Schiavoni of the Thirty-Third District for the office of Assistant Minority Leader.

Senator Brown seconded the nomination.

On the motion of Senator Sawyer, the nominations were closed.

The question being, "Shall Senator Joseph Schiavoni be elected Assistant Minority Leader?"

The yeas and nays were taken and resulted - yeas 31, 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	LaRose	Manning
Obhof	Oelslager	Patton	Peterson

Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

Senator Joseph Schiavoni having received a majority of the votes cast was declared the elected Assistant Minority Leader.

Senator Tavares nominated Senator Nina Turner of the Twenty-Fifth District for the office of Minority Whip.

Senator Schiavoni seconded the nomination.

On the motion of Senator Sawyer, the nominations were closed.

The question being, "Shall Senator Nina Turner be elected Minority Whip?"

The yeas and nays were taken and resulted - yeas 31, 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
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Uecker	Widener		Faber-31.

Senator Nina Turner having received a majority of the votes cast was declared the elected Minority Whip.

Senator Skindell nominated Senator Edna Brown of the Eleventh District for the office of Assistant Minority Whip.

Senator Turner seconded the nomination.

On the motion of Senator Smith, the nominations were closed.

The question being, "Shall Senator Edna Brown be elected Assistant Minority Whip?"

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

Those who voted in the affirmative were: Senators

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

Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

Senator Edna Brown having received a majority of the votes cast was declared the elected Assistant Minority Whip.

The duly elected officers of the Democrat party appeared at the bar of the Senate and were administered the oath of office by the Honorable Jeffery P. Hopkins, Judge, United States Bankruptcy Court, Southern Ohio District.

Senator Faber nominated Vincent L. Keeran for the office of Clerk.

Senator Kearney seconded the nomination.

On the motion of Senator Burke, the nominations were closed.

The question being, "Shall Vincent L. Keeran be elected Clerk?"

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
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

Vincent L. Keeran having received a majority of the votes cast was declared the elected Clerk.

Mr. Keeran appeared at the bar of the Senate and was administered the oath of office by the Honorable Keith Faber, President of the Ohio Senate.

Senator Faber took the chair and addressed the Senate.

It is customary for the President of the Senate to exercise what we call the president's prerogative to make a few remarks. So I appreciate your indulgence for just a few moments as we commence the next chapter of this great institution.

The Scripture tells us that in everything we should give thanks, and so I

want to begin today with a word of gratitude. First, I want thank God for all he has blessed us with and his best gift that is the reason we just celebrated over the Holidays. Next I want to thank those who made this occasion possible. To Reverend Doug Meyer of St. John's Lutheran Church in Celina, thank you for delivering the invocation today. Your presence has made this occasion extra special and I ask for your continued prayer on our behalf in the days ahead. To Justice Sharon Kennedy and Judge Jeffrey Hopkins, thank you for administering the oath of office to those of us who are beginning new terms. And my thanks, as well, to the Joint National Guard Ceremonial Honor Guard for delivering the colors and more importantly for their service to our nation. To the children and grandchildren of Senate members for leading us in the pledge of allegiance; and to the Alliance Chorus, who will hear from in just a moment as we conclude. I also want to recognize the Senate and Statehouse employees who worked tirelessly behind the scenes to organize every part of this day, from the invitations and logistics of this event to getting senators moved into their offices and accommodating their guests. The work of our staff often goes unrecognized, but never unappreciated. I have the great honor of representing the leading agricultural district in the State and I wanted to pay special tribute to them throughout luncheon in the Atrium today. Many of the organizations that represent Ohio's agriculture industry, led by the Ohio Farm Bureau, volunteered to provide the meal we all enjoyed. I appreciate not only their assistance with this event today but also their service to our state's number-one industry, agriculture. My greatest thanks today belongs to our family and friends, who are there alongside me not just for this occasion today but every day. To Andrea, Adam and Brooke, I offer my sincere thanks and all of my love and affection. Like all of the families here, you have and will have too many days and nights with dad in Columbus and not home. Without your love and support I would not be here.

We are honored today to be joined in the chamber by several past presidents of the Senate: Doug White and, of course – my friend and colleague Tom Niehaus whose birthday it is today! Please join me in honoring them for their service to this body and our great state. To other distinguished guests and to the family and friends of each member, welcome to the Ohio Senate today. Your love, support and patience have made this accomplishment possible, and we will rely on each of those qualities even more in the days ahead. Finally, I want to express with greatest humility my gratitude to each of you as members for the honor of leading one of the finest and most respected legislative bodies in the world. We have incredible talent, intellect, creativity, compassion and courage sitting among the 33 of us here today. It should be used for the common good of this state and its people.

I am sure that like me, you have been asked, why are you in public service? Why are you willing to spend the long hours, incur the personal costs of being away from your family and the financial costs associated with the job? Knowing most of you as I do, having served with some of you for more than a decade, I know that most of you are here for the same reason I am. For your children and grandchildren! You believe in Ohio. As has often been said of

those of us in Public Service, we are only temporary place-holders of the offices we represent and we serve at the will of those who sent us here. The seat each of us holds at this moment represents the hopes and expectation of the not just those who elected you to represent them but every man, woman and child who lives in your respective district. Scripture, again, says that to whom much is given, much will be required. The challenge of representing the millions of people in this great state has been bestowed on 33 of us sitting in this room. That is a profound thought, and we must never take that trust for granted. To each of you elected to serve with me, I give you my promise to speak with honesty; to lead with integrity; to serve by example; to communicate with clarity to respect this institution, its members and its constituents at all times and above all else, to learn by listening. As many of you know, Lincoln, who visited and some say even danced in this chamber, appealed in his first inaugural address to “the better angels of our nature.” I echo that call for civility today. I believe we should seek to compromise on policy but never to compromise on principle, and you will always have my profound respect for acting on conviction – knowing that at times we might disagree.

We continued today a tradition of each member walking into the chamber on the opposite side of the aisle where they sit. We continued today a tradition of each member walking into the chamber on the opposite side of the aisle where they sit. The practice of shaking a colleague’s hand and then crossing the aisle to take our seats is symbolic. It is a gesture of goodwill and a commitment to collaboration on the work we face ahead. The challenge of each of us as members and especially those of us entrusted to lead our respective caucuses is to make sure that act of bipartisanship becomes not just a symbol but also a daily practice. This is not a moment for political rhetoric or policy pronouncements. It is a challenge to rise above the division and discord that defines so much of politics today and to set a new standard. Both Republicans and Democrats agree that our primary charge is pure and simple. Our Job is to provide the leadership our great state needs to help make and keep Ohio a great place to live, work and raise our families. Both sides of the Isle have the shared purpose to find ways to grow Ohio’s economy and allow the private sector to create jobs. I recognize that shared goals do not automatically translate to shared methodology and ways to implement our ideas. While we may fairly differ on that how, I don’t believe we differ in this chamber as to the what.

As Lincoln said, shades of opinion may be sincerely entertained by honest and truthful people. So then, I say humbly and respectfully to my colleges and friends from the other side of the isle. Today we are extending you the olive branch of cooperation. We look forward to working with you to do good things for Ohio. But remember, as Lincoln also said, “Only he who has the heart to help also has the right to criticize.” No one here today would underestimate the work that lies ahead of us, to balance our state budget; to educate our children, to build up our economy; to create jobs; and to make Ohio the greatest place in the nation to live, work and raise a family. This is

no small task. We should not forget the fact that the people who sent us here can send us home. To whom much is given, much will be required. As I tell school groups who come here to visit, take a look around this chamber. Quickly you will recognize the history and grandeur that makes this chamber special as one of the "People's Houses. You can't help but to wonder about those who have went before us in this chamber and about who in this room may be a future member of the Senate.

I want to conclude today with the words of another American President, who once sat in this very chamber as a member of the Ohio Senate. James Garfield ended his inaugural address by saying, "And now fellow-citizens, I am about to assume the great trust which you have committed to my hands. I appeal to you for that earnest and thoughtful support which makes this Government in fact, as it is in law, a government of the people. Upon our efforts to promote the welfare of this great people and their Government I reverently invoke the support and blessing of Almighty God." After now traveling all across Ohio and having spent time in most of your districts, I am further convinced Ohio, is a just and wonderful state that has truly been blessed by God. We have advantages other states can only dream of and together we can and will work to assure Ohio's best years are ahead of us. That is our shared challenge and I know we are up to it! Thank you and may God bless you and Ohio and may God bless this work of this 130th General Assembly.

MOTIONS

Senator Obhof moved that Senators absent the week of Sunday, January 6, 2013, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

OFFERING OF RESOLUTIONS

Senator Widener offered the following resolution:

S. R. No. 1-Senator Widener.

Relative to the salaries of the officials and employees of the Senate.

BE IT RESOLVED, That the employees of the Senate be assigned titles as determined by the Chief of Staff; and be it further

RESOLVED, That employees be compensated as determined by the Chief of Staff; and be it further

RESOLVED, That pay increases shall be made only upon the

determination of the Chief of Staff; and be it further

RESOLVED, That all such employees, property, premises, and expenditures of the Senate shall be under the direct supervision of the Chief of Staff and the Clerk, and these officials are hereby authorized to make such changes and such assignments of duties of said employees as will result in the highest efficiency and best serve the interests of the State. The Chief of Staff and the Clerk are also authorized to discharge and replace said appointees and are authorized to appoint any additional staff as may be necessary to facilitate the work of the Senate; and be it further

RESOLVED, That all of the foregoing salaries be paid from the appropriate funds of the Senate.

The question being, "Shall the resolution, **S. R. No. 1**, be adopted?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the resolution was adopted.

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

The title was agreed to.

Senator Widener offered the following resolution:

S. R. No. 2-Senator Widener.

Cosponsor: Senator Kearney.

Relative to mileage reimbursement.

RESOLVED, That the Clerk of the Senate is hereby authorized to pay the following named persons mileage reimbursement for mileage as provided by section 101.27 of the Revised Code.

NAME	COUNTY	MILEAGE ROUND TRIP
Troy Balderson	Muskingum	114
Bill Beagle	Miami	146
Edna Brown	Lucas	307
David Burke	Union	76
Capri S. Cafaro	Trumbull	354
William P. Coley, II	Butler	179

John Eklund	Geauga	320
Keith Faber	Mercer	212
Randy Gardner	Wood	244
Lou Gentile	Jefferson	312
Cliff Hite	Hancock	210
Shannon Jones	Warren	166
Kris Jordan	Delaware	59
Eric H. Kearney	Hamilton	207
Frank LaRose	Summit	244
Peggy Lehner	Montgomery	170
Gayle Manning	Lorain	250
Larry Obhof	Medina	228
Scott Oelslager	Stark	262
Thomas F. Patton	Cuyahoga	253
Bob Peterson	Fayette	102
Tom Sawyer	Summit	256
Tim Schaffer	Fairfield	64
Joe Schiavoni	Mahoning	354
Bill Seitz	Hamilton	232
Michael Skindell	Cuyahoga	274
Shirley Smith	Cuyahoga	302
Nina Turner	Cuyahoga	286
Joe Uecker	Clermont	196
Chris Widener	Clark	105

The question being, "Shall the resolution, **S. R. No. 2**, be adopted?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the resolution was adopted.

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

The title was agreed to.

Message from the House of Representatives

Mr. President:

I am directed to inform the Senate that the House of Representatives is now in session and ready for the transaction of business.

Attest:

Bradley J. Young,
Clerk.

On the motion of Senator Widener, the Senate adjourned until Thursday, January 10, 2013 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.