

**OHIO**

**SENATE**

**JOURNAL**

**TUESDAY, JANUARY 14, 2014**

ONE HUNDRED THIRTY-FOURTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, January 14, 2014, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Elder Michael D. Reeves, Sr., Corinthian Missionary Baptist Church, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**MESSAGE FROM THE PRESIDENT**

January 8, 2014

Senator Keith Faber  
Senate President  
Ohio Senate  
The Ohio Statehouse, Room 201  
Columbus, Ohio 43215

Dear President Faber:

I hereby resign my position as Assistant Minority Whip as of Tuesday, January 14, 2014.

I am proud of all of the accomplishments the Senate Minority Caucus has achieved during my tenure as Assistant Minority Whip.

As we begin a new legislative year, I look forward to working with my colleagues in both Senate Caucuses to serve the interests of all the citizens of our great State.

Sincerely,  
/s/ **EDNA BROWN**

Edna Brown  
State Senator  
Ohio Senate District 11

**MESSAGE FROM THE PRESIDENT**

January 14, 2014

Senator Edna Brown  
Ohio Senate  
Ohio Statehouse, Room 051

Columbus, Ohio 43215

Dear Senator Brown,

I hereby acknowledge receipt of your letter of resignation as Assistant Minority Whip effective January 14, 2014. Thank you for your service.

Sincerely,

/s/ **KEITH FABER**

Senator Keith Faber  
President

Senator Brown nominated Senator Lou Gentile of the Thirtieth District for the office of Assistant Minority Whip.

Senator Schiavoni seconded the nomination.

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

The question being, "Shall Senator Lou Gentile be elected Assistant Minority Whip?"

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

Those who voted in the affirmative were: Senators

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

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

#### **MESSAGE FROM THE PRESIDENT**

January 7, 2014

The Hon. Keith Faber  
President, Ohio Senate  
One Capitol Square, Room 201  
Columbus, OH 43215

Dear President Faber:

I hereby resign my position as Senate Minority Whip as of Tuesday, January 14, 2014. I am deeply proud of all of the accomplishments of the Senate Democratic Caucus during my tenure in leadership, and look forward to continuing our work of building a stronger, more prosperous state for all Ohioans.

Thank you for your attention to this matter, and please do not hesitate to contact me with any questions.

All the best,  
/s/ **NINA TURNER**

Nina Turner  
State Senator  
25th District

### MESSAGE FROM THE PRESIDENT

January 14, 2014

Senator Nina Turner  
Ohio Senate  
Ohio Statehouse, Room 223  
Columbus, Ohio 43215

Dear Senator Turner,

I hereby acknowledge receipt of your letter of resignation as Senate Minority Whip effective January 14, 2014. Thank you for your service.

Sincerely,  
/s/ **KEITH FABER**

Senator Keith Faber  
President

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

Senator Smith seconded the nomination.

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

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

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

Those who voted in the affirmative were: Senators

Bacon

Balderson

Beagle

Burke

Coley	Eklund	Gardner	Gentile
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Peterson	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Tavares	Turner	Uecker
Widener			Faber-30.

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

#### **MESSAGE FROM THE PRESIDENT**

January 7, 2014

Senator Keith Faber  
Senate President  
Ohio Senate  
The Ohio State House, Room 201  
Columbus, Ohio 43215

Dear President Faber,

I hereby resign my position as Senate Assistant Minority Leader effective Tuesday, January 14, 2014. Nevertheless, I look forward to continue serving as Senator of the 33rd District and in my new capacity as Senate Minority Leader for the great State of Ohio.

Sincerely,  
/s/ **JOE SCHIAVONI**

Senator Joe Schiavoni

#### **MESSAGE FROM THE PRESIDENT**

January 14, 2014

Senator Joe Schiavoni  
Ohio Senate  
Ohio Statehouse, Room 303  
Columbus, Ohio 43215

Dear Senator Schiavoni,

I hereby acknowledge receipt of your letter of resignation as Senate Assistant

Minority Leader effective January 14, 2014. Thank you for your service.

Sincerely,  
/s/ **KEITH FABER**  
Senator Keith Faber  
President

Senator Turner nominated Senator Charleta B. Tavares of the Fifteenth District for the office of Assistant Minority Leader.

Senator Skindell seconded the nomination.

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

The question being, "Shall Senator Charleta B. Tavares be elected Assistant Minority Leader?"

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

Those who voted in the affirmative were: Senators

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

Senator Charleta B. Tavares having received a majority of the votes cast was declared the elected Assistant Minority Leader.

**MESSAGE FROM THE PRESIDENT**

January 7, 2014

Senator Keith Faber  
Senate President  
Ohio Senate  
The Ohio State House, Room 201  
Columbus, Ohio 43215

Dear President Faber,

I hereby resign my position as Senate Minority Leader as of Tuesday, January 14, 2014. I am proud of all of the accomplishments the Senate Democratic Caucus has achieved during my tenure as Senate Minority Leader.

Sincerely,  
/s/ **ERIC H. KEARNEY**

Eric H. Kearney  
State Senator  
9th District

**MESSAGE FROM THE PRESIDENT**

January 14, 2014

Senator Eric H. Kearney  
Ohio Senate  
Ohio Statehouse, Room 057  
Columbus, Ohio 43215

Dear Senator Kearney,

I hereby acknowledge receipt of your letter of resignation as Senate Minority Leader effective January 14, 2014. Thank you for your service.

Sincerely,  
/s/ **KEITH FABER**

Senator Keith Faber  
President

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

Senator Tavares seconded the nomination.

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

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

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

Those who voted in the affirmative were: Senators

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

Senator Joseph Schiavoni having received a majority of the votes cast was declared the elected Majority Whip.

The duly elected officers of the Democratic party appeared at the bar of the Senate and were administered the oath of office by the Honorable Judge Joseph J. Vukovich, Ohio Seventh District Court of Appeals.

### REPORTS OF STANDING AND SELECT COMMITTEES

Senator Oelslager submitted the following report:

The standing committee on Finance, to which was referred **S. J. R. No. 6**-Senators Bacon, Manning, having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Coley, Oelslager, Hughes, Jones, LaRose, Gardner, Sawyer, Skindell, Smith, Tavares, Peterson.

YES - 12: BILL COLEY, SCOTT OELSLAGER, JIM HUGHES, SHANNON JONES, FRANK LAROSE, DAVE BURKE, RANDY GARDNER, THOMAS SAWYER, MICHAEL J. SKINDELL, SHIRLEY A. SMITH, CHARLETA B. TAVARES, BOB PETERSON.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

### RESOLUTIONS REPORTED BY COMMITTEE

**S. J. R. No. 6**-Senators Bacon, Manning.

Cosponsors: Senators Coley, Oelslager, Hughes, Jones, LaRose, Gardner, Sawyer, Skindell, Smith, Tavares, Peterson.

Proposing to enact Section 2s of Article VIII of the Constitution of the State of Ohio to permit the issuance of additional general obligation bonds to fund public infrastructure capital improvements.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring therein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the special election to be held on May 6, 2014, a proposal to enact Section 2s of Article VIII of the Constitution of the State of Ohio to read as follows:

#### ARTICLE VIII

**Section 2s. (A) In addition to the authorizations otherwise contained in**



Article VIII of the Ohio Constitution, the General Assembly may provide by law, in accordance with and subject to the limitations of this section, for the issuance of bonds and other obligations of the state for the purpose of financing or assisting in the financing of the cost of public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities as designated by law. As used in this section, public infrastructure capital improvements shall be limited to roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related to or incidental thereto, and shall include, without limitation, the cost of acquisition, construction, reconstruction, expansion, improvement, planning, and equipping.

It is hereby determined that such public infrastructure capital improvements are necessary to preserve and expand the public capital infrastructure of such municipal corporations, counties, townships, and other governmental entities, ensure the public health, safety, and welfare, create and preserve jobs, enhance employment opportunities, and improve the economic welfare of the people of this state.

(B) Not more than one billion eight hundred seventy-five million dollars principal amount of state general obligations may be issued under this section for public infrastructure capital improvements. Not more than one hundred seventy-five million dollars principal amount of those obligations may be issued in each of the first five fiscal years of issuance and not more than two hundred million dollars principal amount of those obligations may be issued in each of the next five fiscal years of issuance, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued within those fiscal year limits. No obligations may be issued pursuant to this section until all of the state infrastructure obligations authorized under Section 2p of Article VIII, Ohio Constitution have been issued.

(C) Each issue of obligations issued under this section shall mature in not more than thirty years from the date of issuance, or, if issued to retire or refund other obligations, within that number of years from the date the debt being retired or refunded was originally issued. If state general obligations are issued as notes in anticipation of the issuance of bonds, provision shall be made by law for the establishment and maintenance, during the period in which the notes are outstanding, of a special fund or funds into which shall be paid, from the sources authorized for the payment of such bonds, the amount that would have been sufficient, if bonds maturing during the permitted period of years had been issued without such prior issuance of notes, to pay the principal that would have been payable on such bonds during such period. Such fund or funds shall be used solely for the payment of principal of such notes or bonds in anticipation of which such notes have been issued. Obligations issued under this section to retire or refund obligations previously issued under this section or Section 2k, 2m, or 2p shall not be counted against the fiscal year or total issuance limitations

provided in this section or Section 2k, 2m, or 2p, as applicable.

(D) The obligations issued under this section are general obligations of the state. The full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of the principal of and premium and interest and other accreted amounts on outstanding obligations as they become due (hereinafter called debt service), and bond retirement fund provisions shall be made for payment of that debt service. Provision shall be made by law for the sufficiency and appropriation, for purposes of paying debt service, of excises, taxes, and revenues so pledged or committed to debt service, and for covenants to continue the levy, collection, and application of sufficient excises, taxes, and revenues to the extent needed for that purpose. Notwithstanding Section 22 of Article II, Ohio Constitution, no further act of appropriation shall be necessary for that purpose. The obligations and the provision for the payment of debt service, and repayment by governmental entities of any loans made under this section, are not subject to Sections 5, 6, and 11 of Article XII, Ohio Constitution. Moneys referred to in Section 5a of Article XII, Ohio Constitution may not be pledged to the payment of that debt service.

(E) The state may participate in any public infrastructure capital improvement under this section with municipal corporations, counties, townships, or other governmental entities as designated by law, or any one or more of them. Such participation may be by grants, loans, or contributions to them for any such capital improvements. The entire proceeds of the infrastructure obligations shall be used for public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities, except to the extent that the General Assembly provides by law that the state may reasonably be compensated from such moneys for planning, financial management, or administrative services performed in relation to the issuance of infrastructure obligations.

(F) Obligations issued under authority of this section, the transfer thereof, and the interest, interest equivalent, and other income and accreted amounts therefrom, including any profit made on the sale, exchange, or other disposition thereof, shall at all times be free from taxation within the state.

(G) This section shall otherwise be implemented in the manner and to the extent provided by law by the General Assembly, including provision for the procedure for incurring and issuing obligations, separately or in combination with other obligations, and refunding, retiring, and evidencing obligations, and provision for the use to the extent practicable of Ohio products, materials, services, and labor in the making of any project financed, in whole or in part, under this section.

(H) The powers and authority granted or confirmed by and under, and the determinations in, this section are independent of, in addition to, and not in derogation of or a limitation on, powers, authority, determinations, or confirmations under laws or under other provisions of the Ohio Constitution and do not impair any previously adopted provisions of the Ohio Constitution or any

law previously enacted by the General Assembly or by a local public agency.  
EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal, Section 2s of Article VIII of the Constitution of the State of Ohio shall take effect immediately.

The question being, "Shall the resolution, **S. J. R. No. 6**, be adopted?"

Senator Tavares moved to amend as follows:

In line 35, delete " one billion eight hundred seventy-five" and insert " two billion two hundred fifty"

In line 38, delete " one hundred seventy-five" and insert " two hundred"

In line 41, after " hundred" insert " fifty"

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

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

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 10, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

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

The amendment was laid on the table.

The question recurred, "Shall the resolution, **S. J. R. No. 6**, be adopted?"

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	Coley	Eklund	Gardner
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner

Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

So the resolution was adopted.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Balderson, Beagle, Brown, Eklund, Faber, Hite, Lehner, Schaffer, Seitz, Turner, Uecker."

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

The motion was agreed to and the title so amended.

### **BILLS FOR THIRD CONSIDERATION**

**S. B. No. 219**-Senators Obhof, Seitz.

Cosponsors: Senators Eklund, Jones, Coley.

To amend sections 2701.03, 2701.031, 2743.03, 2743.04, 2743.09, 2743.121, 2743.20, 2743.52, 2743.53, 2743.531, 2743.55, 2743.60, 2743.601, 2743.61, 2743.62, 2743.63, 2743.64, 2743.65, 2743.66, 2743.67, 2743.68, 2743.69, and 2743.71, to enact section 2743.041, and to repeal section 2743.54 of the Revised Code to abolish the office of the Court of Claims commissioner, to transfer the powers of a judge of the Court of Claims to the court; to specify certain powers of a Court of Claims magistrate, to modify the Attorney General's annual report on the crime victims compensation program, to conform existing law to the existing filing period for filing a claim for reparations by an adult, to eliminate the procedure for filing an affidavit of disqualification for a judge of a municipal or county court and instead include the disqualification of a judge of a municipal or county court and a judge of the court of claims within the procedure for filing an affidavit of disqualification for a probate judge, a judge of a court of appeals, and a judge of the court of common pleas, and to change the basis of the per diem compensation of a retired judge who serves on the Court of Claims from the annual compensation of a judge of a court of appeals to the annual compensation of a judge of a court of common pleas, was considered the third time.

The question being, "Shall the bill, **S. B. No. 219**, pass?"

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
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Burke	Coley	Eklund	Gardner
Gentile	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

So the bill passed.

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

Senator Obhof moved to amend the title as follows:

Add the name: "Oelslager."

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, January 12, 2014, 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 the first time:

**S. B. No. 263**-Senators Peterson, Beagle.

Cosponsors: Senators Jones, Obhof, Bacon, Patton, Schaffer, Hughes, Gardner, Burke.

To amend section 5703.05 and to enact section 5703.77 of the Revised Code to require the Tax Commissioner to notify taxpayers of tax or fee overpayments, to authorize the Commissioner to either apply an overpayment to future tax liabilities or issue a refund, and to make an appropriation.

**S. B. No. 264**-Senator Schaffer.

To enact section 3323.21 of the Revised Code to require the Department of Education to solicit from school districts and educational service centers regular studies of the time spent by occupational and physical therapists on certain activities and to use the studies to determine appropriate workloads.

**S. B. No. 265**-Senator Cafaro.

To enact section 5533.781 of the Revised Code to designate a portion of United States Route 20, between Ashtabula and North Kingsville, as the "World War I Veterans Highway."

**OFFERING OF RESOLUTIONS**

Senator Obhof offered the following resolution:

**S. J. R. No. 7**-Senator Obhof.

Cosponsors: Senators Faber, Oelslager, Widener, Patton.

Authorizing a joint session of the Ohio General Assembly to meet at the Medina Performing Arts Center in Medina, 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.

The question being, "Shall the resolution, **S. J. R. No. 7**, be adopted?"

The yeas and nays were taken and resulted - yeas 24, nays 7, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Eklund	Gardner
Hite	Hughes	Jones	Jordan
LaRose	Lehner	Manning	Obhof
Oelslager	Peterson	Schaffer	Seitz
Smith	Uecker	Widener	Faber-24.

Senators Gentile, Kearney, Sawyer, Schiavoni, Skindell, Tavares, and Turner voted in the negative-7.

So the resolution was adopted.

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

Senator Obhof moved to amend the title as follows:

Add the names: "Jones, Lehner, Manning."

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

The motion was agreed to and the title so amended.

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

**S. R. No. 248**-Senator Patton.

Honoring the Rocky River High School girls soccer team as the 2013 Division II State Champion.

**S. R. No. 249**-Senator Balderson.

Honoring Lloyd N. Barnes for exceptional service to our country.

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 refused to concur in the Senate amendments to:

**Sub. H. B. No. 9**-Representative Stautberg - et al.

Attest:

Bradley J. Young,  
Clerk.

Senator Widener moved that the Senate insist on the Senate amendments to **Sub. H. B. No. 9**, and ask for a Committee of Conference.

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

The motion was agreed to.

### **MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rules No. 19 and 20, the President of the Senate makes the following changes and appointments:

Appoint Senator Eric H. Kearney to the following Standing Committees, replacing Senator Joe Schiavoni:

- Civil Justice
- Commerce and Labor
- Criminal Justice, as Ranking Minority Member
- Education
- Energy and Natural Resources
- Finance Subcommittee on General Government, as Ranking Minority Member
- Workforce and Economic Development

Appoint Senator Joe Schiavoni as Ranking Minority Member on the Standing Committee on Reference, replacing Senator Eric H. Kearney.

Appoint Senator Lou Gentile to the Standing Committee on Reference,

replacing Senator Eric H. Kearney.

Appoint Senator Eric H. Kearney to the Standing Committee on Insurance and Financial Institutions, replacing Senator Michael Skindell. Appoint Senator Lou Gentile as Ranking Minority Member on the Standing Committee on Energy and Natural Resources.

**MESSAGE FROM THE PRESIDENT**

The President of the Senate appoints Senator Joe Schiavoni to the following (replacing Senator Eric Kearney):

- to the Ohio Tuition Trust Authority, pursuant to Section 3334.03(B) of the Ohio Revised Code;
- to the Public Benefits Advisory Board as a non-voting member, pursuant to Section 4928.58 of the Ohio Revised Code; and
- to the Local Government Innovation Council, pursuant to Section 189.03(A)(4) of the Ohio Revised Code.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Section 105.41 (A)(1) of the Ohio Revised Code, the President of the Senate appoints the following senator to serve on the Capitol Square Review and Advisory Board:

Senator Eric H. Kearney, replacing Senator Michael J. Skindell

On the motion of Senator Widener, the Senate adjourned until Wednesday, January 15, 2014 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.