

**OHIO**

**SENATE**

**JOURNAL**

**WEDNESDAY, FEBRUARY 19, 2014**

ONE HUNDRED FORTY-NINTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, February 19, 2014, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Chaplain Tom McCullough, The Capitol Commission, Granville, 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 Widener recognized Steven Brockshus, Eastern Region Vice President for the National Future Farmers of America Organization and Maddy Buschur, Ohio Future Farmers of America President.

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

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

**Am. Sub. H. B. No. 49**-Representatives Dovilla, Retherford, et al.

To amend sections 173.501, 173.521, 173.542, 2317.54, 4715.36, 5101.60, 5101.61, 5101.611, 5101.62 to 5101.64, 5101.66 to 5101.71, 5101.99, 5123.61, and 5126.31; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5101.61 (5101.63), 5101.611 (5101.64), 5101.62 (5101.65), 5101.63 (5101.651), 5101.64 (5101.66), 5101.65 (5101.68), 5101.66 (5101.681), 5101.67 (5101.682), 5101.68 (5101.69), 5101.69 (5101.70), 5101.70 (5101.71), 5101.71 (5101.61), and 5101.72 (5101.611); and to enact new section 5101.62 and sections 5101.631, 5101.632, 5101.701, 5101.702, 5101.74, and 5101.741 of the Revised Code to revise the laws governing the provision of adult protective services.

To the Committee on Civil Justice.

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

To enact section 5.2292 of the Revised Code to designate October 16 as "Dravet Syndrome Awareness Day."

To the Committee on Medicaid, Health and Human Services.

**Am. Sub. H. B. No. 309**-Representatives Pelanda, Antonio, et al.

To amend sections 2151.34, 2301.14, 2303.201, 2311.14, 2335.09, 2335.11, 2903.213, 2903.214, 2919.26, 2919.272, and 3113.31 of the Revised Code to prohibit the taxation of interpreter's fees as court costs if the party to be taxed is indigent and require payment of the fees by the county or municipal corporation in which the court is located, to eliminate the requirement that a court evaluate the qualifications of an interpreter for a mentally retarded or developmentally disabled person before appointing the interpreter, to provide that no fee, cost, deposit, or money may be charged to a person who seeks a protection order for the modification, enforcement, dismissal, or withdrawal of a domestic violence, anti-stalking, sexually oriented offense, or other type of protection order or consent agreement or for the service of a witness subpoena, and to remove certain exemptions from the collection of additional filing fees for civil actions.

To the Committee on Criminal Justice.

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

To amend sections 2305.234, 3701.071, 3702.71, 3702.74, 3702.76, 3702.85, 3702.87, 3702.91, 4715.42, 4723.271, and 4731.295 and to enact sections 5.2290, 3701.072, and 4723.26 of the Revised Code to require the Department of Health to maintain information on its web site regarding free clinics, to designate December as "Free Clinic Appreciation Month," to modify the state's loan repayment programs for physicians and dentists who participate by providing care at free clinics, to create a volunteer's certificate for retired nurses, and to extend for a specified period qualified immunity from civil liability for certain volunteer health care services provided to individuals eligible for or receiving Medicaid.

To the Committee on Finance.

**S. C. R. No. 33**-Senator Hite.

Honoring the Smith-Lever Act of 1914 on its Centennial.

To the Committee on Agriculture.

**S. C. R. No. 34**-Senator Gentile, et al.

To urge the U.S. Environmental Protection Agency to recognize the primacy of states to rely on state utility and environmental regulators in developing guidelines for reductions of carbon dioxide emissions from existing power plants and to take other specified actions regarding greenhouse gas emissions.

To the Committee on Energy and Natural Resources.

**S. B. No. 276**-Senators Jones, Tavares.

To amend sections 3701.63 and 3701.64 and to enact sections 3701.66 and 3701.67 of the Revised Code to require the Department of Health to establish the Safe Sleep Education Program, hospitals and freestanding birthing centers to implement an infant safe sleep screening policy, and certain persons and entities to adopt an internal infant safe sleep policy.

To the Committee on Medicaid, Health and Human Services.

**S. B. No. 277**-Senators Jones, Tavares.

To enact section 3701.66 of the Revised Code to create the Commission on Infant Mortality.

To the Committee on State Government Oversight and Reform.

**S. B. No. 278**-Senators Jones, Tavares.

To amend section 313.121 of the Revised Code to require the completion of a sudden unexplained infant death investigation reporting form (SUIDI reporting form) developed by the United States Centers for Disease Control and Prevention, or an alternative reporting form developed by the Director of Health, whenever a child one year of age or younger dies suddenly when in apparent good health and to require that the appropriate child fatality review board receive a copy of each completed form.

To the Committee on Medicaid, Health and Human Services.

**S. B. No. 279**-Senators Jones, Tavares.

To require the Director of Health to establish and operate a prenatal group health care pilot program that is based on the centering pregnancy model of care and to make an appropriation.

To the Committee on Finance.

**S. B. No. 280**-Senators Jones, Tavares.

To enact sections 3701.68, 5162.135, and 5167.15 of the Revised Code to require that case management services for postpartum care be included in the Medicaid managed care system, to require the Director of Health to award grants for community-based services that are not covered by Medicaid and are intended to reduce infant mortality rates among at-risk populations, and to make an appropriation.

To the Committee on Finance.

**S. B. No. 281**-Senators Cafaro, Schiavoni, et al.

To enact section 5.2288 of the Revised Code to designate the month of May as "Bartter Syndrome Awareness Month."

To the Committee on Medicaid, Health and Human Services.

**S. B. No. 282**-Senator Jordan, et al.

To amend sections 709.023, 718.01, 718.02, 718.04, and 718.14 and to repeal section 718.011 of the Revised Code to prohibit municipal corporations from levying an income tax on nonresidents' compensation for personal services or net profits from a sole proprietorship.

To the Committee on Ways and Means.

**S. B. No. 283**-Senator Bacon, et al.

To amend section 3303.41 of the Revised Code to increase the length of the term of the chairperson of the Governor's Council on People with Disabilities and to require the Opportunities for Ohioans with Disabilities Agency to provide meeting space, equipment, and furniture to the Council.

To the Committee on State Government Oversight and Reform.

YES - 9: KRIS JORDAN, SCOTT OELSLAGER, KEVIN BACON,  
CHRIS WIDENER, MICHAEL J. SKINDELL, JOSEPH  
SCHIAVONI, LOU GENTILE, RANDY GARDNER,  
LARRY OBHOF.

NO - 0.

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

The report of the committee was accepted.

Said bills and resolutions were considered a second time and referred to committee as recommended.

### REPORTS OF STANDING AND SELECT COMMITTEES

Senator Coley submitted the following report:

The standing committee on Civil Justice, to which was referred **S. B. No. 43**-Senators Burke, Tavares, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Coley.

YES - 10: BILL SEITZ, SCOTT OELSLAGER, JOHN EKLUND,  
KEVIN BACON, BILL COLEY, ERIC H. KEARNEY,  
MICHAEL J. SKINDELL, LARRY OBHOF, EDNA  
BROWN, JOE UECKER.

NO - 0.

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

The report of the committee was accepted.

Senator Hughes submitted the following report:

The standing committee on Insurance and Financial Institutions, to which was referred **H. C. R. No. 40**-Representatives Schuring, Ramos, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 12: GAYLE MANNING, SHANNON JONES, LARRY  
OBHOF, BILL BEAGLE, NINA TURNER, LOU  
GENTILE, ERIC H. KEARNEY, DAVE BURKE, JIM

HUGHES, CLIFF HITE, KEVIN BACON, BOB PETERSON.

NO - 0.

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

The report of the committee was accepted.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **Sub. H. B. No. 170**-Representatives Johnson, Stinziano, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Tavares.

YES - 9: KRIS JORDAN, RANDY GARDNER, PEGGY B. LEHNER, SHANNON JONES, CAPRI S. CAFARO, EDNA BROWN, DAVE BURKE, SCOTT OELSLAGER, CHARLETA B. TAVARES.

NO - 0.

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

The report of the committee was accepted.

Senator Jones submitted the following report:

The standing committee on Medicaid, Health and Human Services, to which was referred **S. B. No. 275**-Senator Hite, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Gardner, Jones, Cafaro, Brown, Tavares.

YES - 9: KRIS JORDAN, RANDY GARDNER, PEGGY B. LEHNER, DAVE BURKE, SHANNON JONES, CAPRI S. CAFARO, EDNA BROWN, CHARLETA B. TAVARES, SCOTT OELSLAGER.

NO - 0.

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

The report of the committee was accepted.

Senator Manning submitted the following report:

The standing committee on Transportation, to which was referred **S. C. R. No. 27**-Senator Seitz, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 8: GAYLE MANNING, RANDY GARDNER, TROY BALDERSON, FRANK LAROSE, BILL SEITZ, CAPRI S. CAFARO, LOU GENTILE, NINA TURNER.

NO - 0.

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

The report of the committee was accepted.

Senator Oelslager submitted the following report:

The standing committee on Finance, to which was referred **S. B. No. 231**-Senators Gardner, Hite, having had the same under consideration, reports it back and recommends its passage.

YES - 11: BILL COLEY, FRANK LAROSE, DAVE BURKE, BOB PETERSON, RANDY GARDNER, THOMAS SAWYER, MICHAEL J. SKINDELL, SCOTT OELSLAGER, JIM HUGHES, SHANNON JONES, CHARLETA B. TAVARES.

NO - 0.

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

The report of the committee was accepted.

Senator Faber submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

**Garrett E. Dowd**, from Silver Lake, Summit County, Ohio, as Member of the University of Akron Board of Trustees for a term beginning November 25, 2013, ending at the close of business July 1, 2015, replacing Alan Bowdler, Term expired.

**Erin Hoeflinger**, from Springboro, Warren County, Ohio, as Member of the The Ohio State University Board of Trustees for a term beginning November 27, 2013, ending at the close of business May 13, 2022, replacing John Fisher, Term expired.



**Darryl D. Mehaffie**, from Greenville, Darke County, Ohio, as Member of the Ohio Arts Council for a term beginning November 26, 2013, ending at the close of business July 1, 2018, replacing Karen A. Bell, Term expired.

**Donald L. Plotts**, from Mount Gilead, Morrow County, Ohio, as Member of the Marion Technical College Board of Trustees for a term beginning December 4, 2013, ending at the close of business April 29, 2014.

**Stephen P. Wilson**, from Maineville, Warren County, Ohio, as Member of the Miami University Board of Trustees for a term beginning October 11, 2013, ending at the close of business February 28, 2014.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 9: CHRIS WIDENER, LARRY OBHOF, SCOTT OELSLAGER, BILL COLEY, JIM HUGHES, LOU GENTILE, EDNA BROWN, CHARLETA B. TAVARES, JOSEPH SCHIAVONI.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

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

So the Senate advised and consented to said appointments.

#### **RESOLUTIONS REPORTED BY COMMITTEE**

**H. C. R. No. 40**-Representatives Schuring, Ramos.

Cosponsors: Representatives Hottinger, Brown, Antonio, Bishoff, Adams, R., Amstutz, Anielski, Baker, Barborak, Barnes, Beck, Blair, Blessing, Brenner, Buchy, Budish, Burkley, Butler, Carney, Cera, Damschroder, Fedor, Foley, Gerberry, Green, Grossman, Hackett, Hagan, C., Hall, Hayes, Henne, Hill, Letson, Lundy, McClain, Milkovich, O'Brien, Perales, Phillips, Pillich, Ramos, Retherford, Rogers, Romanchuk, Rosenberger, Ruhl, Scherer, Sears,

Smith, Sprague, Strahorn, Sykes, Terhar, Winburn, Young, Speaker Batchelder.

To acknowledge the Governmental Accounting Standards Board standards 67 and 68 and to pledge the General Assembly's continued support of Ohio's public employers and retirement systems in their mission to provide secure and sustainable retirement, disability, and survivor benefits to Ohio's public employees.

WHEREAS, Ohio has a long history, predating the enactment of the Social Security Act, of providing retirement, disability, and survivor benefits to state and local public employees through its state retirement systems; and

WHEREAS, Ohio's state retirement systems, the Public Employees Retirement System, the Ohio Police and Fire Pension Fund, the State Teachers Retirement System, the School Employees Retirement System, and the State Highway Patrol Retirement System, have combined assets of over one hundred sixty-five billion dollars and provide retirement, disability, and survivor benefits to nearly two million members, retirees, and beneficiaries; and

WHEREAS, Ohio's state retirement systems were established for the public employees of Ohio and each system's board was vested with the authority to conduct the business functions required of their respective systems; and

WHEREAS, Ohio's state retirement systems are uniquely structured, in that the management of pension liability lies with the retirement systems; and

WHEREAS, The Ohio General Assembly is concerned with maintaining secure, responsible retirement systems for Ohio's public employees; and

WHEREAS, Ohio's state retirement systems are well-funded and well-managed, and Ohio's public employers, in partnership with the General Assembly, have always made their required statutory contributions; and

WHEREAS, Ohio's state retirement systems are responsible, in partnership with the Ohio General Assembly and with the oversight of the Ohio Retirement Study Council, for developing and maintaining secure and sustainable funding plans for defined benefit pension plans that are consistent with sound actuarial funding principles; and

WHEREAS, The Governmental Accounting Standards Board (GASB) standards 67 and 68 are intended to enhance the decision-usefulness of pension-related information in financial reports, improve transparency and accountability, and standardize valuation practices to enhance comparability for similar types of pension plans; and

WHEREAS, GASB standards 67 and 68 require that Ohio's public employers recognize a share of liability for Ohio's public retirement systems, even though the liability lies with the retirement systems; and

WHEREAS, GASB standards 67 and 68 have placed additional burdens

on public employers; and

WHEREAS, GASB standards 67 and 68 are accounting standards, not funding standards, and do not affect the actual liability or required contributions of Ohio's public retirement systems or Ohio's public employers; and

WHEREAS, The Ohio General Assembly supports the continued strength and sustainability of Ohio's state retirement systems; and

WHEREAS, The Ohio General Assembly supports increased transparency and accountability for Ohio's state retirement systems; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, in adopting this resolution, pledge our continued support for Ohio's public retirement systems and support their efforts to comply with GASB standards 67 and 68; and be it further

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, urge public employers to avail themselves of every opportunity to educate their officers fully in order to comply with GASB standards 67 and 68, and encourage the general public to understand the differences between accounting and funding standards as they pertain to Ohio's public retirement systems; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the Chairman of the Government Accounting Standards Board, to each member of that Board, and to the news media of Ohio.

The question being, "Shall the resolution, **H. C. R. No. 40**, 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
Lehner	Manning	Obhof	Oelslager
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?"

Senator Hughes moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Burke, Gardner, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson,

Schiavoni, Seitz, Tavares, Turner, 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. 170**-Representatives Johnson, Stinziano.

Cosponsors: Representatives Amstutz, Antonio, Gonzales, Grossman, Letson, Lynch, Maag, Milkovich, Phillips, Reece, Rogers, Sprague, Stebelton, Ramos, Barnes, Bishoff, Brown, Schuring, Sears, Smith, Adams, R., Anielski, Ashford, Baker, Beck, Blair, Blessing, Boose, Boyd, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Curtin, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Fedor, Gerberry, Green, Hackett, Hagan, C., Hall, Hayes, Heard, Henne, Hill, Huffman, Landis, Lundy, Mallory, McClain, Patterson, Perales, Redfern, Rosenberger, Ruhl, Sheehy, Slaby, Strahorn, Terhar, Thompson, Winburn, Young, Speaker Batchelder. Senator Tavares.

To amend sections 4723.482 and 4762.03 and to enact sections 2925.61, 4723.488, 4729.511, 4730.431, and 4731.94 of the Revised Code to provide for increased access to naloxone, to ensure English proficiency in licensed practitioners of Oriental medicine and acupuncture, to permit certain nurses seeking prescriptive authority to complete a portion of their study through Internet-based study and to declare an emergency, was considered the third time.

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 1, 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
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Smith	Tavares	Turner
Uecker	Widener		Faber-31.

Senator Skindell voted in the negative-1.

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

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: "Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Faber, Gardner, Hite, Hughes, Jones, LaRose, Lehner, Manning, Obhof, Oelsluger, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Turner, 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. 43**-Senators Burke, Tavares.

Cosponsors: Senators Balderson, Kearney, Seitz, Sawyer, Coley.

To amend sections 2101.16, 2151.011, 2151.23, 2923.125, 2923.1213, 2923.13, 2945.37, 2945.38, 2945.39, 2945.40, 2945.401, 2967.22, 5119.311, 5120.17, 5122.01, 5122.03, 5122.05, 5122.10, 5122.11, 5122.13, 5122.141, 5122.15, 5122.19, 5122.21, 5122.27, 5122.30, 5122.31, 5122.311, 5122.34, 5122.43, 5139.54, 5305.22, 5907.06, and 5907.09 and to enact section 5122.111 of the Revised Code to make changes to the laws governing the civil commitment of and treatment provided to mentally ill persons, was considered the third time.

The question being, "Shall the bill, **S. B. No. 43**, pass?"

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

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: "Bacon, Beagle, Brown, Gardner, Hite, Jones, Lehner, Manning, Oelslager, Peterson, Schaffer, Smith."

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

The motion was agreed to and the title so amended.

**S. B. No. 231**-Senators Gardner, Hite.

To amend section 5705.10 of the Revised Code with respect to the distribution of proceeds from the sale of school district real property, was considered the third time.

The question being, "Shall the bill, **S. B. No. 231**, pass?"

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

So the bill passed.

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

Senator Gardner moved to amend the title as follows:

Add the names: "LaRose, Lehner, Schaffer, Tavares."

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

The motion was agreed to and the title so amended.

**S. B. No. 275**-Senator Hite.

Cosponsors: Senators Gardner, Jones, Cafaro, Brown, Tavares.

To enact section 5.2292 of the Revised Code to designate March 9 as "Meningitis Awareness Day", was considered the third time.

The question being, "Shall the bill, **S. B. No. 275**, pass?"

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

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: "Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hughes, Jordan, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Turner, Uecker, 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 16, 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 bill was introduced and considered the first time:

**S. B. No. 284**-Senator Coley.

To amend Section 733.10 of Am. Sub. H.B. 59 of the 130th General Assembly to provide additional calamity day relief for schools and to declare an emergency.

### **OFFERING OF RESOLUTIONS**

Senator Faber offered the following resolution:

**S. R. No. 271**-Senator Faber.

Authorizing Ohio YMCA Youth in Government to use the Ohio Senate Chambers on April 3-5, 2014.

WHEREAS, The members of the Senate of the 130th General Assembly of Ohio have learned that Ohio YMCA Youth in Government has requested permission to use the Ohio Senate Chambers for its model legislative event, April 3-5, 2014; and

WHEREAS, Sponsored by the Ohio-West Virginia Youth Leadership Association, Ohio YMCA Youth in Government has provided students with the opportunity to better appreciate and understand government and its components since the endeavor was founded in 1952, and the knowledge gained through this event will certainly be of value to participants in the years to come; and

WHEREAS, By utilizing the facilities that accommodate those involved in the state legislative process, Ohio YMCA Youth in Government will offer students an accurate depiction of state government and the manner in which legislation is created and processed; and

WHEREAS, Through participation in Ohio YMCA Youth in Government, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 130th General Assembly of Ohio, in adopting this Resolution, permit Ohio YMCA Youth in Government to use the Ohio Senate Chambers, contingent upon the availability of those facilities, and salute the participants as some of Ohio's finest young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to Ohio YMCA Youth in Government.

The question being, "Shall the resolution, **S. R. No. 271**, 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
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.



So the resolution was adopted.

Senator Faber offered the following resolution:

**S. R. No. 272**-Senator Faber.

Authorizing the Youth Leadership Association to use the Ohio Senate Chambers on April 10-12, 2014.

WHEREAS, The members of the Senate of the 130th General Assembly of Ohio have learned that the Youth Leadership Association has requested permission to use the Ohio Senate Chambers for its model legislative event, April 10-12, 2014; and

WHEREAS, Since its inception, the Youth Leadership Association has provided students with the opportunity to better appreciate and understand government and its components, and the knowledge gained through this event will certainly be of value to participants in the years to come; and

WHEREAS, By utilizing the facilities that accommodate those involved in the state legislative process, the Youth Leadership Association will offer students an accurate depiction of state government and the manner in which legislation is created and processed; and

WHEREAS, Through participation in the Youth Leadership Association, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 130th General Assembly of Ohio, in adopting this Resolution, permit the Youth Leadership Association to use the Ohio Senate Chambers, contingent upon the availability of those facilities, and salute the participants as some of Ohio's finest young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the Youth Leadership Association.

The question being, "Shall the resolution, **S. R. No. 272**, 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
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni

Seitz  
Turner

Skindell  
Uecker

Smith  
Widener

Tavares  
Faber-32.

So the resolution was adopted.

Senator Faber offered the following resolution:

**S. R. No. 273-Senator Faber.**

Permitting the use of the Ohio Senate Chambers by the Western Ohio National Forensic League District on March 15, 2014.

WHEREAS, The members of the Senate of the 130th General Assembly of Ohio are pleased to grant permission for the Ohio Senate Chambers to be used by the Western Ohio National Forensic League District for its Student Congress competition on March 15, 2014; and

WHEREAS, As part of its annual Student Congress competition, the Western Ohio National Forensic League District will use the Ohio Senate Chambers on March 15, 2014, for a mock legislative debate. This activity will provide a unique opportunity for participants to experience firsthand rules and procedures similar to those of the state legislature and will help them to better understand the democratic process that is the cornerstone of our nation; and

WHEREAS, The knowledge that participants will gain through their involvement with the Western Ohio National Forensic League District's Student Congress competition will not only enrich their total educational experience but will also prepare them to take a more active role in fulfilling their responsibilities as citizens of this great state and nation; and

WHEREAS, The Senate Chambers are an appropriate location for the Western Ohio National Forensic League District's Student Congress activities. Following a true legislative format and held within the setting in which the lawmaking process normally takes place, the mock debates will provide the group's members with an excellent opportunity to engage in a simulation of government in action; therefore be it

RESOLVED, That we, the members of the Senate of the 130th General Assembly of Ohio, in adopting this Resolution, authorize the use of the Ohio Senate Chambers on March 15, 2014, by the Western Ohio National Forensic League District for its Student Congress competition, contingent upon the availability of those facilities, and commend all those involved with this event on their civic responsibility; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the Western Ohio National Forensic League District.

The question being, "Shall the resolution, **S. R. No. 273**, 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
Lehner	Manning	Obhof	Oelslager
Peterson	Sawyer	Schaffer	Schiavoni
Seitz	Skindell	Smith	Tavares
Turner	Uecker	Widener	Faber-32.

So the resolution was adopted.

Pursuant to Senate Rule No. 54, the following resolution was offered:

**S. R. No. 274**-Senator Obhof.

Honoring the City of Wadsworth on its Bicentennial.

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

So the resolution was adopted.

On the motion of Senator Widener, the Senate recessed.

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 concurred in the passage of the following bill:

**Am. S. B. No. 194** -Senator Seitz

Cosponsors: Senators Eklund, Uecker, Manning, Bacon, Brown, Burke, Coley, Gardner, Hite, Hughes, Jones, Kearney, Lehner, Oelslager, Patton, Peterson, Sawyer, Tavares Representatives Damschroder, Ruhl, Amstutz, Antonio, Beck, Blessing, Brenner, Brown, Budish, Derickson, DeVitis, Duffey, Green, Letson, Maag, Mallory, McClain, Milkovich, Patterson, Ramos, Retherford, Rogers, Sears, Sheehy, Strahorn, Terhar, Wachtmann, Young

To amend sections 4503.181 and 4511.68 of the Revised Code to allow certain motor-driven cycles and motor scooters to be parked on a sidewalk so long as the vehicles do not impede the normal flow of pedestrian traffic, and to revise the purposes for which a historical vehicle may be operated.

With the following additional amendment, in which the concurrence of the Senate is requested.

In line 5, delete "section" and insert "sections 4503.181 and"

Between lines 6 and 7, insert:

**"Sec. 4503.181.** (A) As used in this section, "historical motor vehicle" means any motor vehicle that is more than twenty-five years old and that is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses ~~, but in no event is~~ . A historical motor vehicle shall not be used for general transportation , but may be operated on the public roads and highways to and from a location where maintenance is performed on the vehicle.

(B) In lieu of the annual license tax levied in sections 4503.02 and 4503.04 of the Revised Code, a license fee of ten dollars is levied on the operation of ~~an~~ a historical motor vehicle.

(C) A person who owns ~~an~~ a historical motor vehicle and applies for license plates under this section shall execute an affidavit that the vehicle for which plates are requested is owned and operated solely for the purposes enumerated in division (A) of this section, and also setting forth in the affidavit that the vehicle has been inspected and found safe to operate on the public roads and highways in the state. A person who owns ~~an~~ a historical motor vehicle and desires to display model year license plates on the vehicle as permitted by this section shall execute at the time of registration an affidavit setting forth that the model year license plates the person desires to display on the person's historical motor vehicle are legible and serviceable license plates that originally were issued by this state. No registration issued pursuant to this section need specify the weight of the vehicle.

(D) A vehicle registered under this section may display historical vehicle license plates issued by the registrar of motor vehicles or model year license plates procured by the applicant. Historical vehicle license plates shall not bear a date, but shall bear the inscription "Historical Vehicle--Ohio" and the registration number, which shall be shown thereon. Model year license plates shall be legible and serviceable license plates issued by this state and inscribed with the date of the year corresponding to the model year when the vehicle was manufactured. Notwithstanding section 4503.21 of the Revised Code, only one model year license plate is required to be displayed on the rear of the historical motor vehicle at all times. The registration certificate and the historical vehicle license plates issued by the registrar shall be kept in the vehicle at all times the

vehicle is operated on the public roads and highways in this state.

Notwithstanding section 4503.21 of the Revised Code, the owner of ~~an~~ a historical motor vehicle that was manufactured for military purposes and that is registered under this section may display the assigned registration number of the vehicle by painting the number on the front and rear of the vehicle. The number shall be painted, in accordance with the size and style specifications established for numerals and letters shown on license plates in section 4503.22 of the Revised Code, in a color that contrasts clearly with the color of the vehicle, and shall be legible and visible at all times. Upon application for registration under this section and payment of the license fee prescribed in division (B) of this section, the owner of such ~~an~~ a historical motor vehicle shall be issued historical vehicle license plates. The registration certificate and at least one such license plate shall be kept in the vehicle at all times the vehicle is operated on the public roads and highways in this state. If ownership of such a vehicle is transferred, the transferor shall surrender the historical vehicle license plates or transfer them to another historical motor vehicle the transferor owns, and remove or obliterate the registration numbers painted on the vehicle.

(E) Historical vehicle and model year license plates are valid without renewal as long as the vehicle for which they were issued or procured is in existence. Historical vehicle plates are issued for the owner's use only for such vehicle unless later transferred to another historical motor vehicle owned by that person. In order to effect such a transfer, the owner of the historical motor vehicle that originally displayed the historical vehicle plates shall comply with division (C) of this section. In the event of a transfer of title, the transferor shall surrender historical vehicle license plates or transfer them to another historical motor vehicle owned by the transferor, but model year license plates may be retained by the transferor. The registrar may revoke license plates issued under this section, for cause shown and after hearing, for failure of the applicant to comply with this section. Upon revocation, historical vehicle license plates shall be surrendered; model year license plates may be retained, but no longer are valid for display on the vehicle.

(F) The owner of ~~an~~ a historical motor vehicle bearing historical vehicle license plates may replace them with model year license plates by surrendering the historical vehicle license plates and motor vehicle certificate of registration to the registrar. The owner, at the time of registration, shall execute an affidavit setting forth that the model year plates are legible and serviceable license plates that originally were issued by this state. Such an owner is required to pay the license fee prescribed by division (B) of this section, but the owner is not required to have the historical motor vehicle reinspected under division (C) of this section.

A person who owns ~~an~~ a historical motor vehicle bearing model year license plates may replace them with historical vehicle license plates by surrendering the motor vehicle certificate of registration and applying for issuance of historical vehicle license plates. Such a person is required to pay the

license fee prescribed by division (B) of this section, but the person is not required to have the historical motor vehicle reinspected under division (C) of this section."

In line 60, delete "section" and insert "sections 4503.181 and"

In line 61, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections 4503.181 and"

In line 4 of the title, after "traffic" insert ", and to revise the purposes for which a historical vehicle may be operated"

Attest:

Bradley J. Young,  
Clerk.

Senator Widener moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **S. B. No. 194** be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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

So the Senate concurred in the amendments of the House of Representatives.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Sub. S. B. No. 205** -Senator Coley

Cosponsors: Senators Seitz, Burke, Eklund, Jordan, Uecker Representatives

Becker, Huffman, Maag, Stebelton, Terhar, Wachtmann, Speaker Batchelder

To amend sections 3501.05, 3505.24, 3509.03, 3509.04, 3509.06, 3509.07, 3511.02, 3511.04, 3511.05, and 3511.10 of the Revised Code to revise the law concerning the mailing of absent voter's ballots and applications for those ballots and to clarify that an elector generally is responsible to complete the elector's absent voter's ballot documents.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest: Bradley J. Young,  
Clerk.

Senator Widener moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **S. B. No. 205** be brought up for consideration.

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 8, as follows:

Those who voted in the affirmative were: Senators

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

Senators Brown, Cafaro, Gentile, Schiavoni, Skindell, Smith, Tavares, and Turner voted in the negative-8.

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 22, 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	Seitz	Uecker
Widener			Faber-22.

Those who voted in the negative were: Senators

Brown  
Sawyer  
Tavares

Cafaro  
Schiavoni

Gentile  
Skindell

Kearney  
Smith  
Turner-10.

So the Senate concurred in the amendments of the House of Representatives.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Am. S. B. No. 238** -Senator LaRose

Cosponsors: Senators Schaffer, Seitz, Jordan, Eklund, Coley, Widener, Burke, Lehner Representatives Adams, J., Beck, Becker, Blessing, Boose, Brenner, Buchy, Damschroder, Green, Hayes, Henne, Hood, Huffman, Maag, McClain, Retherford, Roegner, Scherer, Sears, Terhar, Thompson, Wachtmann, Young, Speaker Batchelder

To amend sections 3509.01 and 3511.10 of the Revised Code to reduce the days for absent voting.

With the following additional amendment, in which the concurrence of the Senate is requested.

After line 105, insert:

**"Section 3.** Sections 1 and 2 of this act take effect June 1, 2014."

Attest:

Bradley J. Young,  
Clerk.

Senator Widener moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **S. B. No. 238** be brought up for consideration.

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 8, as follows:

Those who voted in the affirmative were: Senators

Bacon  
Coley  
Hughes

Balderson  
Eklund  
Jones

Beagle  
Gardner  
Jordan

Burke  
Hite  
LaRose



Manning  
Schaffer

Obhof  
Seitz

Oelslager  
Uecker

Peterson  
Widener  
Faber-21.

Senators Brown, Cafaro, Gentile, Schiavoni, Skindell, Smith, Tavares, and Turner voted in the negative-8.

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 22, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon  
Coley  
Hughes  
Lehner  
Peterson  
Widener

Balderson  
Eklund  
Jones  
Manning  
Schaffer

Beagle  
Gardner  
Jordan  
Obhof  
Seitz

Burke  
Hite  
LaRose  
Oelslager  
Uecker  
Faber-22.

Those who voted in the negative were: Senators

Brown  
Sawyer  
Tavares

Cafaro  
Schiavoni

Gentile  
Skindell

Kearney  
Smith  
Turner-10.

So the Senate concurred in the amendments of the House of Representatives.

### **MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Joint Resolution No. 7, the President of the Senate appoints the following senators to serve on the Committee to Wait Upon the Governor:

Senator Widener  
Senator Patton  
Senator Obhof  
Senator Manning  
Senator Schiavoni  
Senator Tavares  
Senator Cafaro  
Senator Smith

On the motion of Senator Widener, the Senate recessed until Thursday, February 20, 2014, 9:30 a.m.

The Senate met pursuant to the recess.

### CLERKS NOTATION

Pursuant to Article II, Section 10 of the Constitution of the State of Ohio we file the following protest and request that it be entered upon the journal.

We the undersigned State Senators protest the Ohio Senate's decision to pass Amended Senate Bill 238. Voting is a fundamental right of all Ohio citizens and is one that ought to be protected and encouraged by the General Assembly on every occasion. The continual attacks on access to the ballot embraced by this chamber are clearly crystalized by this bill. The sole purpose of Am. S.B. 238 is to reduce opportunities for voting by eliminating the period known as "Golden Week" during which individuals can register and vote during the same trip to their board of elections or early voting location. It represents a fundamental failure of this body to embrace and enhance opportunities for all citizens to cast a ballot.

There are many ways in which government can promote participation in elections and which this chamber should consider. Unfortunately, through this bill we have rejected one of the best tools for increasing participation and turnout. In exchange for this unwarranted restriction voters have not received any benefit. The core question any senator should ask his or herself before voting on an election bill is whether or not the bill on balance improves or restricts the voting experience for voters. In the case of this legislation the answer is a resounding no.

This bill is particularly egregious in light of its impact on minority voters. There is abundant data indicating that African-American voters rely heavily on early in-person voting, and that any cutbacks will fall disproportionately on them. Virtually every available study confirms this:

- For example, two studies by Northeast Ohio Voter Advocates, including one looking at five counties (Cuyahoga, Franklin, Hamilton, Summit and Montgomery), determined that African-American voters disproportionately utilize early in-person voting;
- A report published online by the Lawyers' Committee for Civil Rights Under Law, examining early voting in Cuyahoga County during the 2008 general election, and a more recent analysis by the American Civil Liberties Union examining the 2012 election, found that in both elections:
  - o Black voters accounted for over 75% of all early in-person votes;
  - o Black voters were almost 20 times more likely to use early in-person voting than were white voters.

All of the available data strongly suggest that any reduction in in-person voting opportunities in Ohio will disproportionately affect African-American voters.

Ohio's elections are not perfect. There are many reforms that should be pursued to modernize and improve our elections. The focus of all these reforms must be improving access and participation for the voter. Am. S.B. 238 is a large step backwards away from these goals.

For the aforementioned reasons, we protest the Senate's decision to concur in Amended S.B. 238.

/s/ **NINA TURNER**

Nina Turner  
25th District

/s/ **JOE SCHIAVONI**

Joe Schiavoni  
Minority Leader

/s/ **CHARLETA B. TAVARES**

Charleta B. Tavares  
Assistant Minority Leader

/s/ **EDNA BROWN**

Edna Brown  
Minority Whip

/s/ **LOU GENTILE**

Lou Gentile  
Assistant Minority Whip

/s/ **ERIC KEARNEY**

Eric H. Kearney  
9th District

/s/ **MICHAEL J. SKINDELL**

Michael J. Skindell  
23rd District

On the motion of Senator Brown, the Senate adjourned until Thursday, February 20, 2014 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.