

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, FEBRUARY 26, 2014

ONE HUNDRED FIFTY-SECOND DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, February 26, 2014, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Tom Claibourne, The Bethlehem Church of Christ, Winchester, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **Am. H. B. No. 416**-Representatives Burkley, Hill, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Coley, Sawyer.

YES - 10: NINA TURNER, PEGGY B. LEHNER, CLIFF HITE,  
TROY BALDERSON, BILL BEAGLE, BILL COLEY,  
RANDY GARDNER, THOMAS SAWYER, ERIC H.  
KEARNEY, GAYLE MANNING.

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 **Am. Sub. H. B. No. 107**-Representative Baker, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Sawyer, Tavares.

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

NO - 0.

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

The report of the committee was accepted.

Senator Schaffer submitted the following report:

The standing committee on Ways and Means, to which was referred **S. B. No. 243**-Senator Bacon, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Delete lines 629 through 666, and insert:

" (54)(a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year:

(i) An item of clothing, the price of which is one hundred dollars or less;

(ii) An item of school supplies, the price of which is twenty dollars or less;

(iii) An item of school instructional material, the price of which is twenty dollars or less;

(iv) A computer, the price of which, less any manufacturer's rebate, is one thousand dollars or less;

(v) An item of school computer supplies, the price of which, less any manufacturer's rebate, is seven hundred fifty dollars or less.

(b) As used in division (B)(54) of this section:

(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" does not include clothing accessories or equipment, protective equipment, or sports or recreational equipment.

(ii) "School supplies" means items commonly used by a student in a course of study.

(iii) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions. "Computer" includes any electronic book reader, laptop, desktop, handheld, tablet, or tower computer but does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(iv) "School computer supplies" means items commonly used by a student in a course of study in which a computer is used.

(v) "School instructional material" means written material commonly used by a student in a course of study as a reference and to learn the subject being taught."

In line 696, delete all after "(2)"

Delete lines 697 and 698

In line 699, delete " section 5739.02 of the Revised Code."

YES - 9:       TIMOTHY O. SCHAFFER, CHRIS WIDENER, BOB  
                  PETERSON, BILL BEAGLE, JOHN EKLUND, CLIFF  
                  HITE, LARRY OBHOF, CHARLETA B. TAVARES,  
                  CAPRI S. CAFARO.

NO - 1:       MICHAEL J. SKINDELL.

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:

**Douglas G. Cole**, from Uniontown, Stark County, Ohio, as Member of the State Board of Psychology for a term beginning November 22, 2013, ending at the close of business October 4, 2018, replacing Kathryn R. Schroder, Term expired.

**Tamara A. Daulton**, from Batavia, Clermont County, Ohio, as Member of the State Board of Orthotics, Prosthetics and Pedorthics for a term beginning December 7, 2013, ending at the close of business December 6, 2016, replacing Elsa J. Fritts, Term expired.

**Mindy Jane Ferris**, from Columbus, Franklin County, Ohio, as Member of the State Board of Pharmacy for a term beginning November 26, 2013, ending at the close of business June 30, 2017, replacing Brian M. Joyce, Term expired.

**Robert J. Friedman, III**, from Powell, Franklin County, Ohio, as Member of the Radiation Advisory Council for a term beginning November 26, 2013, ending at the close of business September 6, 2018, replacing Phillip Jenkins, Term expired.

**Aaron Galpert**, from Wadsworth, Medina County, Ohio, as Member of the Ohio Occupational Therapy, Physical Therapy and Athletics Trainers Board for a term beginning December 2, 2013, ending at the close of business August 27, 2016.

**Susan Hiatt**, from Mentor, Lake County, Ohio, as Member of the Radiation Advisory Council for a term beginning November 18, 2013, ending at the close of business September 6, 2018.

**Megan Elizabeth Marchal**, from Dublin, Delaware County, Ohio, as Member of the State Board of Pharmacy for a term beginning December 10, 2013, ending at the close of business June 30, 2017, replacing Troy A. Gahm, Term expired.

**Denise Elizabeth Rabold**, from Columbus, Franklin County, Ohio, as Member of the State Board of Psychology for a term beginning November 22, 2013, ending at the close of business October 4, 2018, replacing Dr. Suzanne S. LeSure, Term expired.

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

YES - 10: KEITH L. FABER, LARRY OBHOF, SCOTT OELSLAGER, DAVE BURKE, JIM HUGHES, LOU GENTILE, EDNA BROWN, CHARLETA B. TAVARES, JOSEPH SCHIAVONI, BILL COLEY.

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	Oelsluger
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**

**Am. H. C. R. No. 11**-Representative Stibelton.

Cosponsors: Representatives Gerberry, Grossman, Thompson, Duffey, Rogers, Slesnick, Beck, Adams, R., Brown, Hackett, Mallory, Buchy, Scherer, Antonio, Dovilla, Anielski, Milkovich, O'Brien, Fedor, Hayes, Brenner, Baker, Terhar, Barnes, Bishoff, Burkley, Amstutz, Ashford, Barborak, Blair, Blessing, Boose, Boyce, Butler, Carney, Celebrezze, Clyde, Conditt, Damschroder, Derickson, Driehaus, Gonzales, Hagan, C., Hall, Henne, Hill, Hood, Johnson, Kunze, Landis, McClain, McGregor, Patterson, Pelanda, Perales, Phillips, Pillich, Ramos, Reece, Retherford, Romanchuk,

Rosenberger, Schuring, Sears, Sprague, Stautberg, Strahorn, Wachtmann, Winburn, Young, Speaker Batchelder. Senators Schaffer, Gardner.

To designate July 2014 as Ohio Independent Business Month.

WHEREAS, The members of the 130th General Assembly of the State of Ohio are pleased to designate July 2014 as "Ohio Independent Business Month"; and

WHEREAS, According to 2009 data collected by the federal Small Business Administration, Ohio has over 880,000 small businesses; and

WHEREAS, Small businesses represent over 98% of all Ohio employers and employ 48% of the private sector workforce; and

WHEREAS, A 2011 private study that surveyed over 5,000 Ohio businesses and consumers found that 83% of those surveyed expressed support for Ohio small businesses, but felt that there was no easy way to find information on such businesses; and

WHEREAS, Increased public awareness of Ohio's small businesses is key to the well-being of the state's economy; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, in adopting this resolution, recognize July 2014 as Ohio Independent Business Month; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the Governor and to the news media of Ohio.

The question being, "Shall the resolution, **Am. H. C. R. No. 11**, 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 Beagle moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Sawyer, Schiavoni, Tavares, Uecker, Widener."

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

The motion was agreed to and the title so amended.

**H. C. R. No. 21**-Speaker Batchelder, Representative Johnson.

Cosponsors: Representatives Adams, J., Beck, Butler, Dovilla, Perales, Retherford, Rosenberger, Terhar, Young, Brenner, Buchy, Budish, Huffman, Kunze, Phillips, Pelanda, Landis, Pillich, Anielski, Barborak, Bishoff, Fedor, Milkovich, Adams, R., Amstutz, Antonio, Baker, Barnes, Blair, Blessing, Boose, Boyce, Brown, Burkley, Carney, Celebrezze, Conditt, Damschroder, Derickson, DeVitis, Driehaus, Duffey, Gerberry, Gonzales, Green, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Henne, Hill, Hood, Hottinger, Lynch, Maag, McClain, McGregor, O'Brien, Patterson, Ramos, Roegner, Rogers, Romanchuk, Ruhl, Scherer, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Sykes, Thompson, Wachtmann, Winburn, Speaker Batchelder. Senators Tavares, Brown, LaRose, Schaffer, Uecker.

To urge the President of the United States, the United States Secretary of Veterans Affairs, and the Congress of the United States to take prompt action to reduce the processing time for veterans' disability benefit claims.

WHEREAS, The men and women of the United States armed forces have bravely and selflessly served our country; and

WHEREAS, The United States Department of Veterans Affairs disability benefits program provides monetary support to veterans whose military service has caused or aggravated a disabling medical condition; and

WHEREAS, The number of veterans applying for disability benefits has increased in recent years because of the large number of new veterans and the expansion of eligibility for benefits for certain service-connected diseases; and

WHEREAS, The United States Government Accountability Office reports that between fiscal years 2009 and 2012, the average length of time for the Department of Veterans Affairs to complete a disability claim increased from 161 days to 260 days; that the number of backlogged claims, which have been awaiting a decision for more than 125 days, has more than tripled since September 2009; and that appeals processing at the Department's regional offices has slowed by 56 per cent over the last several years; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, urge the President of the United States, the United States Secretary of Veterans Affairs, and the Congress of the United States to take prompt action to reduce the processing time for veterans' disability benefit

claims; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the United States Secretary of Veterans Affairs, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the resolution, **H. C. R. No. 21**, 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 LaRose moved to amend the title as follows:

Add the names: "Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Hite, Hughes, Jones, Jordan, Lehner, Manning, Obhof, Oelslager, Peterson, Schiavoni, Seitz, Widener."

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

The motion was agreed to and the title so amended.

**H. C. R. No. 24**-Representatives Milkovich, Johnson.

Cosponsors: Representatives Beck, Becker, Boose, Brenner, Buchy, Fedor, Gonzales, Grossman, Hackett, Huffman, Mallory, Ramos, Retherford, Rogers, Scherer, Stautberg, Terhar, Landis, Pillich, Anielski, Barborak, Dovilla, Perales, Rosenberger, Young, Adams, J., Adams, R., Amstutz, Antonio, Ashford, Baker, Barnes, Bishoff, Blair, Blessing, Boyce, Brown, Budish, Burkley, Butler, Carney, Celebrezze, Cera, Clyde, Conditt, Damschroder, Derickson, DeVitis, Driehaus, Duffey, Foley, Gerberry, Green, Hagan, C., Hall, Hayes, Heard, Henne, Hill, Hood, Hottinger, Letson, Lundy, Lynch, Maag, McClain, McGregor, Patmon, Patterson, Pelanda, Phillips, Redfern, Reece, Romanchuk, Ruhl, Schuring, Sears, Slaby, Slesnick, Smith, Sprague, Stebelton, Stinziano, Strahorn, Sykes, Thompson, Wachtmann, Winburn, Speaker Batchelder. Senators Tavares, Brown, LaRose, Schaffer, Uecker.

To urge the federal government and in particular the Department of Defense to do everything possible to rescue United States prisoner of war Sergeant Bowe Bergdahl.

WHEREAS, The creed "Leave No Man Behind" has long been part of the spirit and culture of the United States Military; and

WHEREAS, In June 2009, United States Army Sergeant Bowe Bergdahl was captured in Paktika Province, eastern Afghanistan, by men loyal to the Haqqani Network, a militant group based in Pakistan; and

WHEREAS, The Haqqani network has ties to the Afghanistan Taliban, and Sergeant Bergdahl's plight has been a factor in negotiations between the United States and the Taliban; and

WHEREAS, It has been reported that the United States, through the use of drones and other technology, may know the approximate area where Sergeant Bergdahl is being kept; and

WHEREAS, It has been reported that ISI, Pakistan's military intelligence agency, likely knows Sergeant Bergdahl's location; now therefore be it

RESOLVED, That we, the 130th General Assembly of the State of Ohio, in adopting this resolution, urge the federal government and in particular the Department of Defense to do everything possible to rescue United States Army Sergeant Bowe Bergdahl; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense, each member of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the resolution, **H. C. R. No. 24**, 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 LaRose moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Jones, Jordan, Lehner, Manning, Obhof, Oelslager, Sawyer, Schiavoni, Smith, Widener."

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

The motion was agreed to and the title so amended.

On the motion of Senator Widener, the Senate recessed.

The Senate met pursuant to the recess.

**S. C. R. No. 25**-Senator Uecker.

Cosponsor: Senator Schaffer.

To urge, for Ohio state agencies and other government entities, the use of green building rating systems, codes, or standards that are consistent with state energy efficiency and environmental performance objectives and policies and that meet American National Standards Institute voluntary consensus standard procedures.

WHEREAS, The State of Ohio is dedicated both to economic growth and to the objectives of achieving energy efficiency and environmental performance in state agency and other government buildings; and

WHEREAS, The selection of building materials and products for new construction and renovation can significantly contribute to achieving these objectives; and

WHEREAS, Many building materials and products that are capable of contributing to the state's energy efficiency and environmental performance objectives are manufactured or harvested in Ohio, and their manufacture and harvest support Ohio jobs and contribute to the state's economic growth; and

WHEREAS, Energy efficient buildings further contribute to economic growth by reducing long-term operating and maintenance costs of state agency and other government buildings; and

WHEREAS, To ensure long-term energy conservation and realize cost savings, buildings must be designed and constructed to exceed the highest energy standards; and

WHEREAS, Private sector green building rating systems, codes, and other standards can be useful tools that, when implemented, can result in buildings that exceed the energy standards for energy efficiency and environmental performance; and

WHEREAS, The U.S. Green Building Council's (USGBC) LEED v4

green building system fails to conform to recognized voluntary standard development procedures, including but not limited to American National Standards Institute (ANSI) procedures, and fails to base environmental and health criteria on risk assessment methodology; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, urge Ohio state agencies and other government entities to use green building rating systems, codes, or standards that are consistent with state energy efficiency and environmental performance objectives and policies; and be it further

RESOLVED, That the only systems, codes, and standards used in state agency and other government buildings be those that have been developed in an open and transparent way with the input of Ohio building materials and products manufacturers and harvesters to ensure that the use of green building rating systems, codes, and other standards from the private sector are consistent with Ohio objectives and policies; and be it further

RESOLVED, That the State of Ohio use private sector green building rating systems, codes, and other standards to implement state energy efficiency and environmental performance objectives provided that they are voluntary consensus standards that are properly grounded in science and include the use of environmental and health criteria that are based on risk assessment methodology generally accepted by applicable scientific disciplines; and be it further

RESOLVED, That the use of green building rating systems, codes, and other standards that have been developed pursuant to ANSI procedures be presumptively deemed to be open, transparent, and voluntary consensus standards suitable for Ohio government use; and be it further

RESOLVED, That the LEED v4 green building rating system no longer be used by Ohio's state agencies and government entities until the USGBC conforms its system development to the ANSI voluntary consensus standard procedures as confirmed by ANSI or until the state, after an opportunity for public comment and participation, incorporates the LEED v4 system by reference, in whole or in part, into the administrative rules for state agency or government entity building standards; and be it further

RESOLVED, That the Office of Energy Services within the Ohio Facilities Construction Commission (OFCC) immediately review, while taking economic growth and long-term operating and maintenance costs into account, the availability and suitability of alternative private sector green building rating systems, codes, and other standards that advance state energy efficiency and environmental performance objectives; and be it further

RESOLVED, That the OFCC continue to incorporate energy efficiency and sustainable design features into approved school projects through the use of alternative green building rating systems, codes, and standards other than LEED v4; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the USGBC.

The question being, "Shall the resolution, **S. C. R. No. 25**, be adopted?"

Senator Gentile moved to amend as follows:

In line 29, delete "and"

Delete lines 30 through 34

In line 35, delete "methodology;"

In line 58, delete "pursuant to"

In line 59, delete "ANSI procedures"; delete "presumptively"

Delete lines 62 through 69

In line 71, delete "immediately"

In line 74, delete "alternative" and insert "all"

In line 79, delete "alternative"

In line 80, delete "other than LEED v4"

In line 5 of the title, delete "and that meet"

Delete line 6 of the title

In line 7 of the title, delete all before the period

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

Senator Obhof 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 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	Cafaro	Gentile	Kearney
Sawyer	Schiavoni	Skindell	Smith
Tavares			Turner-10.

The amendment was laid on the table.

The question recurred, "Shall the resolution, **S. C. R. No. 25**, be adopted?"

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	Cafaro	Gentile	Kearney
Sawyer	Schiavoni	Skindell	Smith
Tavares			Turner-10.

So the resolution was adopted.

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

Senator Uecker moved to amend the title as follows:

Add the names: "Coley, Hite."

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

The motion was agreed to and the title so amended.

### **BILLS FOR THIRD CONSIDERATION**

**Am. Sub. H. B. No. 44**-Representative McClain.

Cosponsors: Representatives Sears, Grossman, Adams, J., Derickson, Stebelton, Terhar, Retherford, O'Brien, Bishoff, Brown, Carney, Amstutz, Anielski, Antonio, Barnes, Beck, Damschroder, Fedor, Gerberry, Hackett, Letson, McGregor, Milkovich, Patmon, Pelanda, Ramos, Rogers, Speaker Batchelder. Senator Tavares.

To enact section 3701.048 of the Revised Code to require the Director of Health to develop protocols regarding the authority to administer, deliver, distribute, or dispense drugs during certain public health emergencies, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 44**, 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 Jones moved to amend the title as follows:

Add the names: "Beagle, Brown, Burke, Coley, Eklund, Hite, Hughes, Jones, LaRose, Obhof, Peterson, Seitz, Uecker."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 342**-Representatives Brenner, Driehaus.

Cosponsors: Representatives Bishoff, Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barborak, Beck, Blair, Blessing, Boyce, Brown, Buchy, Budish, Burkley, Carney, Celebrezze, Derickson, Dovilla, Duffey, Fedor, Green, Grossman, Hackett, Hall, Hayes, Henne, Kunze, Letson, Mallory, McGregor, Milkovich, O'Brien, Patterson, Pillich, Scherer, Sears, Sheehy, Slaby, Smith, Sprague, Stebelton, Stinziano, Strahorn, Wachtmann, Winburn, Speaker Batchelder.

To amend Section 263.325 of Am. Sub. H.B. 59 of the 130th General Assembly to permit an educational service center to be a partner or the lead applicant of an education consortium seeking a grant under the Straight A Program, to modify the goals of projects supported by the program, to make other changes regarding the operation of the program, 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 30, nays 2, 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	Tavares	Turner	Uecker
Widener			Faber-30.

Senators Skindell and Smith voted in the negative-2.

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	Oelslager
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 Lehner moved to amend the title as follows:

Add the names: "Balderson, Brown, Coley, Eklund, Hite, Hughes, Kearney, Lehner, Obhof, Oelslager, Peterson, Sawyer, Smith, Tavares, Turner, Uecker."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 416**-Representatives Burkley, Hill.

Cosponsors: Representatives Blessing, Brenner, Brown, Derickson, Dovilla, Hall, Hood, Landis, Kunze, Retherford, Roegner, Rosenberger, Stautberg, Thompson, Milkovich, Smith, Bishoff, Boyd, Patmon, Scherer, Sheehy, Stebelton, Speaker Batchelder. Senators Coley, Sawyer.

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, was considered the third time.

The question being, "Shall the section, Section 7, setting forth the emergency features of the bill, stand as a part of the bill?"

On the motion of Senator Balderson, **Sub. H. B. No. 416** was informally passed and retained its place on the calendar.

**Am. S. B. No. 243**-Senator Bacon.

To amend sections 5739.02 and 5739.05 of the Revised Code to provide a three-day sales tax "holiday" each August during which sales of back-to-school clothing, school supplies, personal computers, and personal computer accessories are exempt from sales and use taxes, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 243**, pass?"

Senator Bacon moved to amend as follows:

In line 690, delete " that"

In line 691, after " division" insert " (B)(54) of section 5739.02 of the Revised Code"

In line 4 of the title, after "supplies" insert "and instructional materials"; delete "personal"

In line 5 of the title, delete "personal"; delete "accessories" and insert "supplies"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Am. S. B. No. 243**, pass?"

Senator Tavares moved to amend as follows:

In line 630, delete " each year" and insert " 2014 and 2015"

In line 690, delete " that"

In line 691, after " division" insert " (B)(54) of section 5739.02 of the Revised Code"

In line 692, after the underlined period insert " On or before October 1, 2015, the commissioner shall prepare a report detailing the fiscal impact of that exemption and provide the report to the governor, the speaker of the house of representatives, and the president of the senate."

In line 3 of the title, delete "each" and insert "in"; after "August" insert "of 2014 and 2015"

In line 4 of the title, after "supplies" insert "and instructional materials"; delete "personal"

In line 5 of the title, delete "personal"; delete "accessories" and insert

"supplies"

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 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	Cafaro	Gentile	Kearney
Sawyer	Schiavoni	Skindell	Smith
Tavares			Turner-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. S. B. No. 243**, pass?"

Senator Tavares moved to amend as follows:

In line 7, delete "and" and insert a comma; after "5739.05" insert ", and 5739.21"

In line 690, delete " that"

In line 691, after " division" insert " (B)(54) of section 5739.02 of the Revised Code"

Between lines 741 and 742, insert:

"**Sec. 5739.21.** (A) One hundred per cent of all money deposited into the state treasury under sections 5739.01 to 5739.31 of the Revised Code that is not required to be distributed as provided in section 5739.102 of the Revised Code or division (B) of this section shall be credited to the general revenue fund.

(B)(1) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes received during that month from

billings and assessments, or associated with tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes. The amount to be returned to each county and transit authority shall be a fraction of the aggregate amount of money collected with respect to each area in which one or more of such taxes are concurrently in effect with the tax levied by section 5739.02 of the Revised Code. The numerator of the fraction is the rate of the tax levied by the county or transit authority and the denominator of the fraction is the aggregate rate of such taxes applicable to such area. The amount to be returned to each county or transit authority shall be reduced by the amount of any refunds of county or transit authority tax paid pursuant to section 5739.07 of the Revised Code during the same month, or transfers made pursuant to division (B)(2) of section 5703.052 of the Revised Code.

(2) On a periodic basis, using the best information available, the tax commissioner shall distribute any amount of a county or transit authority tax that cannot be distributed under division (B)(1) of this section. Through audit or other means, the commissioner shall attempt to obtain the information necessary to make the distribution as provided under that division and, on receipt of that information, shall make adjustments to distributions previously made under this division.

(3) Beginning July 1, 2008, eight and thirty-three one-hundredths of one per cent of the revenue collected from the tax due under division (A) of section 5739.029 of the Revised Code shall be distributed to the county where the sale of the motor vehicle is situated under section 5739.035 of the Revised Code. The amount to be so distributed to the county shall be apportioned on the basis of the rates of taxes the county levies pursuant to sections 5739.021 and 5739.026 of the Revised Code, as applicable, and shall be credited to the funds of the county as provided in divisions (A) and (B) of section 5739.211 of the Revised Code.

(C) The aggregate amount to be returned to any county or transit authority shall be reduced by one per cent, which shall be certified directly to the credit of the local sales tax administrative fund, which is hereby created in the state treasury. For the purpose of determining the amount to be returned to a county and transit authority in which the rate of tax imposed by the transit authority has been reduced under section 5739.028 of the Revised Code, the tax commissioner shall use the respective rates of tax imposed by the county or transit authority that results from the change in the rates authorized under that section.

(D) The director of budget and management shall transfer, from the same funds and in the same proportions specified in division (A) of this section, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer and to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to

the local sales tax administrative fund is for use by the tax commissioner in defraying costs incurred in administering such taxes levied by a county or transit authority.

(E) Within forty-five days after the end of each exemption period authorized under division (B)(54) of section 5739.02 of the Revised Code, the tax commissioner shall determine and certify to the director of budget and management the amount of tax revenue that would have been collected with respect to the exempted items and remitted to each county or transit authority levying a tax under section 5739.021, 5739.023, or 5739.026 of the Revised Code had the items not been exempt from taxation. The director shall transfer the total amount certified for all counties and transit authorities from the general revenue fund to the permissive tax distribution fund. The tax commissioner shall then, on or before the twentieth day after the transfer of such amount, provide for payment of the respective amount certified for each county or transit authority from the permissive tax distribution fund to the appropriate county treasurer or fiscal officer of the transit authority."

In line 742, delete "and" and insert a comma; after "5739.05" insert ", and 5739.21"

In line 1 of the title, delete "and" and insert a comma; after "5739.05" insert ", and 5739.21"

In line 4 of the title, after "supplies" insert "and instructional materials"; delete "personal"

In line 5 of the title, delete "personal"; delete "accessories" and insert "supplies"

In line 6 of the title, after "taxes" insert "and to require payments to counties and transit authorities equal to the amount of tax revenue forgone by such counties or transit authorities due to the sales tax holiday"

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 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.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. S. B. No. 243**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 2, as follows:

Those who voted in the affirmative were: Senators

Bacon  
Burke  
Gardner  
Jones  
Lehner  
Peterson  
Seitz  
Widener

Balderson  
Cafaro  
Gentile  
Jordan  
Manning  
Sawyer  
Tavares

Beagle  
Coley  
Hite  
Kearney  
Obhof  
Schaffer  
Turner

Brown  
Eklund  
Hughes  
LaRose  
Oelslager  
Schiavoni  
Uecker  
Faber-30.

Senators Skindell and Smith voted in the negative-2.

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Faber, Hite, Hughes, Jones, Lehner, Obhof, Oelslager, Schaffer."

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

The motion was agreed to and the title so amended.

On the motion of Senator Widener, **Sub. H. B. No. 416**, having been informally passed, was taken up for consideration.

The question being, "Shall the section, Section 7, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Lehner moved to amend as follows:

In line 24, delete " four" and insert " three"

Delete line 32 and insert " has made up at least four days or has invoked plans to make up at least four days as"

In line 151, after "**Section 8.**" insert "Notwithstanding anything to the contrary in the contingency plan it adopted for the 2013-2014 school year under division (A) of former section 3313.482 of the Revised Code or division (B) of the version of section 3317.01 of the Revised Code in effect prior to July 1, 2014, for the 2013-2014 school year, a school district, STEM school established

under Chapter 3326. of the Revised Code, or chartered nonpublic school may hold one additional day for in-service training programs for the district's or school's teachers and nonteaching employees during days the school is otherwise not scheduled to be open for instruction, to make up a day schools were closed for any of the reasons prescribed in division (B) of the version of section 3317.01 of the Revised Code in effect prior to July 1, 2014, as necessary in order to comply with the minimum school year requirements of the version of section 3313.48 of the Revised Code in effect prior to July 1, 2014. A school district or school that holds the additional day for in-service training programs in the manner prescribed by this section shall be deemed to have complied with the requirements of the versions of sections 3313.48, 3313.481, and 3317.01 of the Revised Code in effect prior to July 1, 2014, regarding the number of days schools must be open for instruction for the 2013-2014 school year.

The day made up in accordance with this section shall not count toward compliance with division (B)(2) of Section 733.10 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by this act.

**Section 9."**

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

The motion was agreed to.

The question being, "Shall the section, Section 7, setting forth the emergency features of the bill, stand as a part of the bill?"

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 section, Section 7, 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	Oelslager
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 Coley moved to amend the title as follows:

Add the names: "Brown, Eklund, Hite, Lehner, Obhof."

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 23, 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. 289**-Senator Patton.

To enact section 1345.82 of the Revised Code to regulate the sale of used tires and provide notice to consumers of the age and history of purchased used tires.

**S. B. No. 290**-Senator Patton.

Cosponsors: Senators Seitz, LaRose, Uecker.

To enact section 4125.031 of the Revised Code to permit a professional employer organization to file federal taxes in any manner permitted by federal law.

### 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. 209** -Senator Manning

Cosponsors: Senators Gentile, Turner, LaRose, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Coley, Faber, Gardner, Hite, Hughes, Jones, Jordan, Obhof, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Tavares, Uecker, Widener Representatives Damschroder, Ruhl, Celebrezze, Green, Milkovich, Adams, R., Amstutz, Anielski, Antonio, Ashford, Barborak, Barnes, Beck, Bishoff, Blair, Blessing, Boose, Boyce, Brenner, Buchy, Budish, Burkley, Carney, Cera, Clyde, Curtin, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Foley, Gerberry, Hackett, Hagan, C., Hagan, R., Hall, Heard, Henne, Hill, Hood, Hottinger, Huffman, Johnson, Landis, Letson, Lundy, Lynch, Mallory, McClain, O'Brien, Patterson, Perales, Phillips, Pillich, Ramos, Redfern, Retherford, Roegner, Rogers, Romanchuk, Rosenberger, Scherer, Sheehy, Slaby, Smith, Stinziano, Thompson, Williams, Winburn, Speaker Batchelder

To enact sections 5533.097 and 5533.609 of the Revised Code to designate a portion of State Route 58 within Lorain County as the "Sgt. Louis Torres Memorial Highway" and to designate a portion of Interstate Route 270 in Franklin County as the "Army Specialist Nicholas E. Zimmer Memorial Highway."

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

In line 5, delete "section" and insert "sections 5533.097 and"

Between lines 6 and 7, insert:

" **Sec. 5533.097.** In addition to any other name prescribed in the Revised Code or otherwise, that portion of the road known as interstate route number two hundred seventy, commencing at the intersection of that route and west broad street and running in a southeasterly direction to the intersection of that route and United States route number sixty-two, shall be known as the "Army Specialist Nicholas E. Zimmer Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name."

In line 1 of the title, delete "section" and insert "sections 5533.097 and"

In line 4 of the title, after "Highway" insert "" and to designate a portion of Interstate Route 270 in Franklin County as the "Army Specialist Nicholas E. Zimmer Memorial Highway"

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. 209** be brought up for consideration.

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.

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 refused to concur in the Senate amendments to:

**Am. Sub. H. B. No. 416**-Representatives Burkley, Hill - et al.

Attest:

Bradley J. Young,  
Clerk.

Senator Widener moved that the Senate insist on the Senate amendments to **Am. Sub. H. B. No. 416**, and ask for a Committee of Conference.

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

Mr. President:

I am directed to inform you that the House of Representatives accedes to the

request of the Senate for a Committee of Conference on matters of difference between the two Houses on:

**Am. Sub. H. B. No. 416**-Representatives Burkley, Hill - et al.

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Stebelton, Brenner, and Bishoff.

Attest:

Bradley J. Young,  
Clerk.

### **MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee for Am. Sub. H.B. 416:

Senator Peggy Lehner  
Senator Randy Gardner  
Senator Tom Sawyer

### **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. 216** -Senator Seitz

Cosponsors: Senators Burke, Eklund, Jordan, Uecker  
Representatives Adams, J., Brenner, Buchy, Maag, Stebelton

To amend sections 3501.22, 3503.16, 3505.18, 3505.181, 3505.182, 3505.183, 3509.06, and 3509.07 of the Revised Code to revise the law concerning provisional ballots, to permit an absent voter to cure a defective identification envelope, and to specify permitted procedures for a voting location that serves more than one precinct.

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. 216** be brought up for consideration.

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

The yeas and nays were taken and resulted - yeas 22, nays 9, 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	Cafaro	Gentile	Kearney
Schiavoni	Skindell	Smith	Tavares
			Turner-9.

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 9, 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	Cafaro	Gentile	Kearney
Schiavoni	Skindell	Smith	Tavares
			Turner-9.

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

On the motion of Senator Widener, the Senate adjourned until Thursday, February 27, 2014 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.