

OHIO

SENATE

JOURNAL

WEDNESDAY, NOVEMBER 20, 2013

ONE HUNDRED SEVENTEENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, November 20, 2013, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Brother Nick Renner, Immaculate Conception Church, Celina, 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 LaRose recognized the 80th anniversary of the Ohio State Highway Patrol.

Senator LaRose recognized the Revere High School Men's Soccer Team for winning the Division II Championship.

Senator Faber recognized Brother Nick Renner for receiving the 2013 Archbishop O'Hara Advocacy Award for Rural Ministry.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Beagle submitted the following report:

The standing committee on Workforce and Economic Development, to which was referred **H. C. R. No. 33**-Representative Romanchuk, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Tavares, Beagle.

YES - 9: JOSEPH SCHIAVONI, CHARLETA B. TAVARES,
TIMOTHY O. SCHAFFER, BILL BEAGLE, GAYLE
MANNING, TROY BALDERSON, RANDY GARDNER,
CHRIS WIDENER, PEGGY B. LEHNER.

NO - 0.

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

The report of the committee was accepted.

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to

which was referred **S. B. No. 216**-Senator Seitz, having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: DAVE BURKE, JOE UECKER, BILL SEITZ, CHRIS WIDENER, LARRY OBHOF, FRANK LAROSE, KEVIN BACON, BILL COLEY.

NO - 3: SHIRLEY A. SMITH, EDNA BROWN, MICHAEL J. SKINDELL.

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

The report of the committee was accepted.

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **S. B. No. 238**-Senator LaRose, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

YES - 8: DAVE BURKE, BILL COLEY, BILL SEITZ, CHRIS WIDENER, LARRY OBHOF, KEVIN BACON, FRANK LAROSE, JOE UECKER.

NO - 3: MICHAEL J. SKINDELL, EDNA BROWN, SHIRLEY A. SMITH.

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

The report of the committee was accepted.

Senator Faber submitted the following report:

Pursuant to Senate Rule No. 37 the standing committee on Rules, recommends that **S. B. No. 23**-Senators Beagle, Burke, et al., having been reported to the standing committee on Rules, be re-referred to the standing committee on Civil Justice.

YES - 10: KEITH L. FABER, EDNA BROWN, BILL COLEY, JIM HUGHES, ERIC H. KEARNEY, LARRY OBHOF, SCOTT OELSLAGER, TOM PATTON, JOSEPH SCHIAVONI, NINA TURNER.

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. C. R. No. 10**-Senator Burke, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Tavares.

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

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. B. No. 103**-Senator Skindell, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Manning.

YES - 9: GAYLE MANNING, TOM PATTON, TROY BALDERSON, RANDY GARDNER, CAPRI S. CAFARO, LOU GENTILE, NINA TURNER, BILL SEITZ, FRANK LAROSE.

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. B. No. 161**-Senator Hughes, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 11, delete "display a white"

In line 12, delete " light" and insert " comply with the headlamp color requirements contained in federal motor vehicle safety standard number 108, 49 C.F.R. 571.108"

In line 2 of the title, delete "display a"

In line 3 of the title, delete "white light" and insert "comply with the headlamp color requirements contained in Federal Motor Vehicle Safety Standard number 108"

YES - 9: GAYLE MANNING, TOM PATTON, TROY BALDERSON, RANDY GARDNER, LOU GENTILE, NINA TURNER, CAPRI S. CAFARO, BILL SEITZ, FRANK LAROSE.

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. 228**-Senator Widener, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Coley.

YES - 9: BILL COLEY, TOM PATTON, JIM HUGHES, SHANNON JONES, DAVE BURKE, FRANK LAROSE, SCOTT OELSLAGER, BOB PETERSON, RANDY GARDNER.

NO - 3: JOSEPH SCHIAVONI, CHARLETA B. TAVARES, THOMAS SAWYER.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 126-Representatives Kunze, Stinziano.

Cosponsors: Representatives Wachtmann, Celebrezze, Pillich, Amstutz, Anielski, Antonio, Baker, Barborak, Beck, Bishoff, Blessing, Brown, Buchy, Burkley, Butler, Carney, Dovilla, Duffey, Gonzales, Green, Grossman, Hackett, Hall, Hayes, Lynch, McClain, McGregor, Milkovich, O'Brien,

Pelanda, Rogers, Ruhl, Sears, Smith, Stebelton, Terhar, Winburn, Young, Speaker Batchelder.

To amend sections 1337.12, 1337.13, 1337.28, 2111.121, and 2133.04 of the Revised Code to allow a person who creates a durable power of attorney for health care to authorize the attorney in fact to obtain health information about the person, to make an individual who is designated as an alternate attorney in fact ineligible to witness the instrument that creates a durable power of attorney for health care, to permit the principal to nominate a guardian in a durable power of attorney for health care, to provide that a prior nomination of a guardian is revoked by a subsequent nomination of a guardian, and to establish a presumption that a valid living will declaration revokes all prior declarations, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 126**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Coley moved to amend the title as follows:

Add the names: "Coley, Eklund, Oelslager, Patton, Seitz."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 16-Senator Schiavoni.

Cosponsors: Senators Tavares, Kearney, Skindell, Smith, Brown, Gentile, Sawyer, Cafaro, Seitz, Beagle, Turner.

To amend section 2911.21 and to enact sections 2305.117 and 2305.118 of the Revised Code to provide that a person is not criminally or civilly liable for trespassing on certain abandoned land or similar places of public amusement if the person enters or remains on the land or place of public amusement to remediate it and knows or has reasonable cause to believe that the land or

place of public amusement is in one of those categories; to establish a court process to allow a person to request and receive permission to enter certain abandoned land or similar places of public amusement in order to remediate that land; to provide that a person is not civilly liable for trespassing on that land if the person has received an order from the court granting such permission; to provide the property owner with immunity from liability to a person who enters or remains on the land or place of public amusement in those circumstances subject to the statute governing liability to trespassers; and to provide that a person who enters or remains on the land or place of public amusement in those circumstances is not entitled to any reimbursement for any cost of the remediation unless agreed to by the property owner, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 16**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Uecker	Widener
			Faber-33.

So the bill passed.

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

Senator Schiavoni moved to amend the title as follows:

Add the names: "Bacon, Burke, Gardner, Hughes, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Peterson."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 216-Senator Seitz.

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, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 216**, pass?"

Senator Turner moved to amend as follows:

In line 695, strike through "If"

In line 704, delete " the individual is in"

Delete line 705

In line 706, delete " individual is registered and eligible to vote, the" and insert " The"

In line 712, after " (b)" insert " The name of the polling location in which the individual's correct precinct is located;

(c)"

In line 714, delete " (c)" and insert " (d)"

In line 718, delete " (d)" and insert " (e)"

In line 720, delete " (e)" and insert " (f)"

In line 1117, delete " , but in the correct polling location for the precinct
in"

In line 1118, delete " which the individual is registered and eligible to
vote."

Delete lines 1133 through 1138

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 23, 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
Patton	Peterson	Schaffer	Seitz
Uecker	Widener		Faber-23.

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, **Sub. S. B. No. 216**, pass?"

The yeas and nays were taken and resulted - yeas 23, 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
Patton	Peterson	Schaffer	Seitz
Uecker	Widener		Faber-23.

Those who voted in the negative were: Senators

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

So the bill passed.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Burke, Eklund, Jordan, Uecker."

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

The motion was agreed to and the title so amended.

S. B. No. 228-Senator Widener.

Cosponsors: Senators Patton, Uecker, Obhof, Schaffer, Seitz, Hughes, Oelslager, Coley.

To amend section 131.35 and to enact sections 127.163 and 124.164 of the Revised Code to limit the Controlling Board's authority to approve the expenditure of certain funds and to require state agencies to provide certain information to the Controlling Board regarding requested purchases from out-of-state suppliers, was considered the third time.

The question being, "Shall the bill, **S. B. No. 228**, pass?"

Senator Smith moved to indefinitely postpone **S. B. No. 228**.

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

The yeas and nays were taken and resulted - yeas 10, nays 23, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Gardner	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Schaffer	Seitz
Uecker	Widener		Faber-23.

The motion was not agreed to.

The question recurred, "Shall the bill, **S. B. No. 228**, pass?"

The yeas and nays were taken and resulted - yeas 23, 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
Patton	Peterson	Schaffer	Seitz
Uecker	Widener		Faber-23.

Those who voted in the negative were: Senators

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

So the bill passed.

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

Senator Widener moved to amend the title as follows:

Add the names: "Balderson, Burke, Hite, Jordan, LaRose, Peterson."

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

The motion was agreed to and the title so amended.

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

Cosponsors: Senators Schaffer, Seitz, Jordan, Eklund, Coley, Widener.

To amend sections 3509.01 and 3511.10 of the Revised Code to reduce the days for absent voting, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 238**, pass?"

Senator Gentile moved that **Am. S. B. No. 238** be re-referred to the standing committee on Rules.

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

The yeas and nays were taken and resulted - yeas 10, nays 23, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Eklund	Gardner	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Schaffer	Seitz
Uecker	Widener		Faber-23.

The motion was not agreed to.

The question recurred, "Shall the bill, **Am. S. B. No. 238**, pass?"

The yeas and nays were taken and resulted - yeas 23, 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
Patton	Peterson	Schaffer	Seitz
Uecker	Widener		Faber-23.

Those who voted in the negative were: Senators

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

So the bill passed.

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

Senator LaRose moved to amend the title as follows:

Add the names: "Burke, Lehner."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 244-Senators Jones, Gardner.

Cosponsors: Senators Brown, Lehner, Manning, Patton, Hughes, Uecker, Beagle, Hite, Widener, Bacon, Obhof, LaRose.

To amend section 5747.70 of the Revised Code to increase the maximum income tax deduction for college savings contributions to \$10,000 annually for each beneficiary, to create the Joint Committee on Ohio College Affordability, and to declare an emergency.

OFFERING OF RESOLUTIONS

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

S. R. No. 223-Senator Turner.

Honoring Pernorse Hodo on his One Hundredth Birthday.

S. R. No. 224-Senator Hughes.

Honoring Nick Sparling as the 2013 Division I State Champion in boys golf.

S. R. No. 225-Senator Faber.

Honoring the Versailles High School girls volleyball team as the 2013 Division III State Champion.

S. R. No. 226-Senator Coley.

Honoring the Stephen T. Badin High School girls soccer team on winning the 2013 Division III State Championship.

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

So the resolutions were adopted.

On the motion of Senator Widener, the Senate recessed until 5:05 p.m.

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. Sub. S. B. No. 109 -Senator Obhof

Cosponsors: Senators Eklund, Faber, Hite, LaRose, Peterson Representatives Brown, Burkley, Hayes, McClain, Stebelton, Speaker Batchelder

To amend sections 2101.44, 3501.01, 3501.05, 3501.051, 3501.06, 3501.11, 3501.13, 3501.17, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3503.02, 3503.26, 3505.07, 3505.08, 3505.16, 3505.17, 3505.18, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.06, 3513.131, 3513.18, 3513.19, 3513.21, 3515.04, 3517.106, 3517.11, 3599.07, 3599.17, 3599.19, and 3599.31, to enact sections 3501.021 and 3506.021, and to repeal section 3506.16 of the Revised Code to revise the law regarding election administration, ballots, and candidates.

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

In line 20, delete "3505.28,"

Delete lines 2140 through 2182

In line 3750, delete "3505.28,"

In line 7 of the title, delete "3505.28,"

Attest:

Bradley J. Young,
Clerk.

Senator Widener moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Sub. S. B. No. 109** be brought up for consideration.

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

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

Those who voted in the affirmative were: Senators

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

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
Manning	Obhof	Oelslager	Patton
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 adoption of the following joint resolution:

Am. S. J. R. No. 5 -Senator Faber

Cosponsors: Senators Burke, LaRose, Coley, Schaffer, Hite, Beagle, Patton, Eklund, Hughes, Manning, Balderson, Seitz, Oelslager, Uecker, Peterson, Obhof, Jones, Bacon, Gardner, Lehner, Widener Representatives Adams, R., Anielski, Blair, Blessing, Boose, Brown, Buchy, Burkley, Conditt, Derickson, Dovilla, Duffey, Grossman, Hackett, Hagan, C., Hall, Hayes, Hill, Hottinger, Huffman, Johnson, Kunze, Maag, McClain, McGregor, Retherford, Roegner, Romanchuk, Rosenberger, Ruhl, Scherer, Schuring, Sears, Smith, Stautberg, Stebelton, Terhar, Wachtmann, Speaker Batchelder

Urging the Congress of the United States to propose a balanced budget amendment to the United States Constitution and applying to the Congress, pursuant to Article V of the United States Constitution, to call a convention for proposing a balanced budget amendment.

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

In line 17, delete "be it further" and insert:

"It is the intention of the General Assembly that matters shall not be considered at the convention that do not pertain to an amendment requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all

estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further"

Attest: Bradley J. Young,
Clerk.

Senator Widener moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **S. J. R. No. 5** be brought up for consideration.

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

The yeas and nays were taken and resulted - yeas 29, nays 3, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Manning
Obhof	Oelslager	Patton	Peterson
Sawyer	Schaffer	Schiavoni	Seitz
Smith	Turner	Uecker	Widener
			Faber-29.

Senators Gentile, Skindell, and Tavares voted in the negative-3.

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 28, nays 4, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Manning
Obhof	Oelslager	Patton	Peterson
Schaffer	Schiavoni	Seitz	Smith
Turner	Uecker	Widener	Faber-28.

Senators Gentile, Sawyer, Skindell, and Tavares voted in the negative-4.

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

On the motion of Senator Widener, the Senate adjourned until Thursday, November 21, 2013 at 10:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.