

**OHIO**

**SENATE**

**JOURNAL**

**THURSDAY, DECEMBER 4, 2014**

TWO HUNDRED FORTY-SIXTH DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, December 4, 2014, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

Prayer was offered by 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.

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

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

**H. C. R. No. 57**-Representatives Sears, Antonio, et al.

To encourage the federal Centers for Medicare and Medicaid Services to revise survey measures included in the Hospital Consumer Assessment of Healthcare Providers and Systems that relate to patient pain management.

To the Committee on Medicaid, Health and Human Services.

**Am. Sub. H. B. No. 238**-Representative Butler, et al.

To enact sections 9.49, 9.491, 9.492, 9.493, 9.494, 9.495, 9.496, and 9.497 of the Revised Code to provide transparency in contracts between the state and private attorneys.

To the Committee on State Government Oversight and Reform.

**Sub. H. B. No. 343**-Representative Stebelton, et al.

To amend sections 3301.0711, 3301.0712, 3302.02, 3302.03, 3302.035, 3313.534, 3313.612, 3313.672, 3313.814, 3314.06, 3314.38, 3317.034, 3317.23, 3317.24, 3319.227, 3319.261, 3321.13, 3345.86, 3365.04, 3365.05, and 3365.07 of the Revised Code, and to amend Sections 263.20 and 263.320 of Am. Sub. H.B. 59 of the 130th General Assembly, as subsequently amended, and Section 9 of Am. Sub. H.B. 487 of the 130th General Assembly with respect to state assessments and academic performance reporting, and to make other changes regarding primary and secondary education programs.

To the Committee on Education.

**Am. Sub. H. B. No. 378**-Representatives Smith, Sprague, et al.

To amend sections 4729.291, 4729.541, and 4729.99 and to enact section 4731.056 of the Revised Code to establish requirements regarding controlled substances containing buprenorphine used for the purpose of treating drug dependence or addiction.

To the Committee on Medicaid, Health and Human Services.

**Am. H. B. No. 460**-Representatives Brenner, Driehaus, et al.

To enact sections 3302.15, 3302.16, and 3302.17 of the Revised Code to authorize school districts and community schools to initiate a community learning process to assist and guide school restructuring.

To the Committee on Education.

**H. B. No. 529**-Representatives Retherford, Conditt, et al.

To amend section 2925.02 of the Revised Code to include within the offense of "corrupting another with drugs" a prohibition against knowingly furnishing or administering to a pregnant woman, or inducing or causing a pregnant woman to use, a controlled substance.

To the Committee on Criminal Justice.

YES - 10: KRIS JORDAN, SCOTT OELSLAGER, TOM PATTON,  
LARRY OBHOF, MICHAEL J. SKINDELL, KEVIN  
BACON, RANDY GARDNER, LOU GENTILE, JOSEPH  
SCHIAVONI, CHRIS WIDENER.

NO - 0.

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

The report of the committee was accepted.

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

On the motion of Senator Widener, the Senate recessed until 2:20 p.m.

The Senate met pursuant to the recess.

### REPORTS OF STANDING AND SELECT COMMITTEES

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **Am. H. B. No. 449**-Representative Gonzales, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: LaRose, Coley, Brown, Turner.

YES - 10: KEVIN BACON, LARRY OBHOF, BILL SEITZ, FRANK LAROSE, BILL COLEY, JOE UECKER, NINA TURNER, EDNA BROWN, DAVE BURKE, CHRIS WIDENER.

NO - 0.

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **S. B. No. 274**-Senator Hughes, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 11: KEVIN BACON, FRANK LAROSE, LARRY OBHOF, CHRIS WIDENER, BILL SEITZ, DAVE BURKE, MICHAEL J. SKINDELL, JOE UECKER, NINA TURNER, EDNA BROWN, BILL COLEY.

NO - 0.

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **H. B. No. 468**-Representatives Sears, McGregor, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Bacon, Uecker.

YES - 11: KEVIN BACON, FRANK LAROSE, LARRY OBHOF,

CHRIS WIDENER, BILL SEITZ, DAVE BURKE, JOE UECKER, NINA TURNER, MICHAEL J. SKINDELL, EDNA BROWN, BILL COLEY.

NO - 0.

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **S. J. R. No. 8**-Senator Faber, et al., having had the same under consideration, reports back a substitute resolution and recommends its adoption.

YES - 7: KEVIN BACON, LARRY OBHOF, CHRIS WIDENER, BILL SEITZ, DAVE BURKE, JOE UECKER, BILL COLEY.

NO - 4: FRANK LAROSE, NINA TURNER, EDNA BROWN, MICHAEL J. SKINDELL.

Senator Burke submitted the following report:

The standing committee on State Government Oversight and Reform, to which was referred **S. J. R. No. 9**-Senator Faber, et al., having had the same under consideration, reports back a substitute resolution and recommends its adoption.

YES - 11: KEVIN BACON, BILL SEITZ, BILL COLEY, LARRY OBHOF, FRANK LAROSE, DAVE BURKE, NINA TURNER, MICHAEL J. SKINDELL, EDNA BROWN, JOE UECKER, CHRIS WIDENER.

NO - 0.

Senator Coley submitted the following report:

The standing committee on Civil Justice, to which was re-referred **Am. Sub. H. B. No. 247**-Representative Stebelton, et al., having had the same under consideration, re-reports back a substitute bill and recommends its passage.

YES - 6: BILL SEITZ, JOE UECKER, BILL COLEY, LARRY OBHOF, JOHN EKLUND, KEVIN BACON.

NO - 4: SCOTT OELSLAGER, MICHAEL J. SKINDELL, ERIC H. KEARNEY, EDNA BROWN.

Senator Coley submitted the following report:

The standing committee on Civil Justice, to which was referred **Am. H. B. No. 379**-Representatives Blessing, Landis, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Coley.

YES - 9: JOE UECKER, BILL SEITZ, SCOTT OELSLAGER, JOHN EKLUND, BILL COLEY, LARRY OBHOF, ERIC H. KEARNEY, KEVIN BACON, EDNA BROWN.

NO - 1: MICHAEL J. SKINDELL.

Senator Eklund submitted the following report:

The standing committee on Criminal Justice, to which was referred **S. B. No. 361**-Senator Seitz, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 14, delete " An" and insert " A criminal offense for which no degree of mental culpability is specified that is enacted in an"; delete " enacted"; delete " section" and insert " division"

In line 16, delete " This" and insert " Division (A) of this"

In line 40, after " offense" insert " that is related to knowledge or intent or to which mens rea could fairly be applied"

In lines 44 and 46, after " (C)" insert " (1)"

YES - 10: BILL SEITZ, JOHN EKLUND, FRANK LAROSE, JIM HUGHES, PEGGY B. LEHNER, LARRY OBHOF, TIMOTHY O. SCHAFFER, ERIC H. KEARNEY, EDNA BROWN, MICHAEL J. SKINDELL.

NO - 0.

Senator LaRose submitted the following report:

The standing committee on Public Safety, Local Government, and Veterans Affairs, to which was referred **Am. Sub. H. B. No. 10**-Representative

Hagan, C., et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: LaRose, Schaffer.

YES - 10: THOMAS SAWYER, EDNA BROWN, MICHAEL J. SKINDELL, FRANK LAROSE, TOM PATTON, TIMOTHY O. SCHAFFER, KRIS JORDAN, JOE UECKER, KEVIN BACON, JIM HUGHES.

NO - 0.

Senator Seitz submitted the following report:

The standing committee on Public Utilities, to which was referred **S. B. No. 378**-Senator Coley, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Hite.

YES - 13: BILL SEITZ, TROY BALDERSON, BILL COLEY, JOE UECKER, SHANNON JONES, TOM PATTON, ERIC H. KEARNEY, LOU GENTILE, THOMAS SAWYER, JOHN EKLUND, CLIFF HITE, MICHAEL J. SKINDELL, FRANK LAROSE.

NO - 0.

The question being, "Shall the reports of the committees be accepted?"

The reports of the committees were accepted.

Senator Faber submitted the following report:

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

**John Brandt**, from Westerville, Franklin County, Ohio, as Member of the Motor Vehicle Salvage Dealers Licensing Board for a term beginning August 1, 2014, ending at the close of business July 31, 2017.

**Lynn Busdeker**, from Tiffin, Seneca County, Ohio, as Member of the Occupational Therapy, Physical Therapy, and Athletic Trainers Board for a term beginning August 28, 2014, ending at the close of business August 27, 2017, replacing Thomas Caldwell, Term Expired.

**Angela King**, from Celina, Mercer County, Ohio, as Member of the Board of

Speech-Language Pathology and Audiology for a term beginning September 30, 2014, ending at the close of business September 26, 2016, replacing Malcolm Porter, Term Expired.

**Ronald Kleinman**, from Fairlawn, Summit County, Ohio, as Member of the Occupational Therapy, Physical Therapy, and Athletic Trainers Board for a term beginning August 28, 2014, ending at the close of business August 27, 2017, replacing Raymond Bilecky, Term Expired.

**Robert Schuerger, II**, Democrat, from Grandview, Franklin County, Ohio, as Member of the Ohio Athletic Commission for a term beginning September 9, 2014, ending at the close of business September 2, 2017.

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

YES - 10: CHRIS WIDENER, TOM PATTON, LARRY OBHOF, SCOTT OELSLAGER, DAVE BURKE, 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
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

So the Senate advised and consented to said appointments.

Senator Hughes submitted the following report:

The standing committee on Insurance and Financial Institutions, to which was referred **H. B. No. 652**-Speaker Batchelder, Representative Hackett, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Kearney.

YES - 13: BOB PETERSON, GAYLE MANNING, CLIFF HITE, JIM HUGHES, EDNA BROWN, ERIC H. KEARNEY, LOU GENTILE, SHANNON JONES, BILL BEAGLE, LARRY OBHOF, KEVIN BACON, NINA TURNER, DAVE BURKE.

NO - 0.

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

The report of the committee was accepted.

### RESOLUTIONS REPORTED BY COMMITTEE

**Sub. S. J. R. No. 8-Senator Faber.**

Cosponsors: Senators Widener, Patton, Obhof, Oelslager, Peterson.

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly districts.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 3, 2015, a proposal to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI of the Constitution of the State of Ohio to read as follows:

#### ARTICLE XI

**Section 1.** (A) The Ohio redistricting commission shall be responsible for the redistricting of this state for the general assembly. The commission shall consist of the following seven members:

(1) The governor;

(2) The auditor of state;

(3) The secretary of state;

(4) One person appointed by the speaker of the house of representatives;

(5) One person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;

(6) One person appointed by the president of the senate; and

(7) One person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member.

No appointed member of the commission shall be a current member of congress.

(B) Unless otherwise specified in this Article, a simple majority of the commission members shall be required for any action by the commission. Except as otherwise provided in Section 10 of this Article, the affirmative vote of four members of the commission, including at least one member of the commission who is a member of each of the two largest political parties represented in the general assembly, shall be required to adopt a general assembly district plan.

(C) At the first meeting of the commission, which the governor shall convene only in a year ending in the numeral one, except as provided in Sections 10 and 11 of this Article, the members of the commission shall select two members to be co-chairpersons, one of whom shall be a member of the largest political party represented in the general assembly and one of whom shall be a member of the second largest political party represented in the general assembly, and set a schedule for the adoption of procedural rules for the operation of the commission.

Not later than the fifteenth day of September of a year ending in the numeral one, the commission shall release to the public a proposed general assembly district plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts. The commission shall draft the proposed plan in the manner prescribed in this Article. After introducing a general assembly district plan but before adopting a final general assembly district plan, the commission shall conduct a minimum of three public hearings across the state to present the proposed plan and shall seek public input regarding the proposed plan. All meetings of the commission shall be open to the public. Meetings shall be broadcast by electronic means of transmission using a medium readily accessible by the general public, subject to the discretion of the commission.

The commission shall adopt a final general assembly district plan not earlier than the last week of October of a year ending in the numeral one but not later than the thirty-first day of October of a year ending in the numeral one. After the commission adopts a final general assembly district plan, the commission shall file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Not more than four weeks after the adoption of a general assembly district plan, the co-chairpersons of the commission shall jointly dissolve the commission.

(D) The general assembly shall be responsible for making the appropriations it determines necessary in order for the commission to perform its duties under this Article.

**Section 2.** Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be

entitled to a single senator in each general assembly.

**Section 3.** (A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "ninety-nine" and by the number "thirty-three" and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.

(B) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation, except as otherwise provided in division (B) of Section 6 of this Article.

**Section 4.** (A) Every house of representatives district shall be compact and composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.

(B) The commission shall avoid splitting political subdivisions. As used in this section and Sections 8 and 10 of this Article, "political subdivision" means a county, a municipal corporation, or a township.

(1) Dividing a noncontiguous political subdivision shall not be considered splitting the political subdivision if its noncontiguous portions are included in separate districts. However, dividing a noncontiguous political subdivision shall be considered splitting the political subdivision if any noncontiguous portion is itself divided into separate districts.

(2) Dividing, along a county line, a political subdivision that has territory in more than one county shall not be considered splitting the political subdivision.

(C) To the extent consistent with the requirements of Section 3 of this Article, the boundary lines of house of representatives districts shall be so drawn as to delineate an area containing one or more whole counties.

(D) Where the requirements of Section 3 of this Article cannot feasibly be attained by forming a house of representatives district from a whole county or counties, such district shall be formed by combining the areas of whole political subdivisions, other than a county.

(E) Where the requirements of Section 3 of this Article cannot feasibly be attained by combining the areas of whole political subdivisions, other than a county, as prescribed in division (D) of this section, only one such political subdivision may be divided between two house of representatives districts.

(F) In making a new general assembly district plan, district boundaries established by the preceding general assembly district plan shall be adopted to

the extent reasonably consistent with the requirements of Section 3 of this Article.

**Section 5.** A county having at least one house of representatives ratio of representation shall have as many house of representatives districts wholly within the boundaries of the county as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation for the house of representatives determined under Section 3 of this Article.

**Section 6.** The standards prescribed in this section and Sections 3, 4, and 5 of this Article shall govern the establishment of house of representatives districts, which shall be created and numbered in the following order to the extent that such order is consistent with the foregoing standards:

(A) Each county containing population substantially equal to one ratio of representation in the house of representatives, as provided in Section 3 of this Article, but in no event less than ninety-five per cent of the ratio nor more than one hundred five per cent of the ratio, shall be designated a representative district.

(B) In those instances where the population of a county is not less than ninety per cent nor more than one hundred ten per cent of the ratio of representation in the house of representatives, reasonable effort shall be made to create a house of representatives district consisting of the whole county.

(C) Proceeding in succession from the largest to the smallest, each remaining county containing more than one whole ratio of representation shall be divided into house of representatives districts. Any remaining territory within such county containing a fraction of one whole ratio of representation shall be included in one representative district by combining it with adjoining territory outside the county.

(D) The remaining territory of the state shall be combined into representative districts.

**Section 7.** Senate districts shall be composed of three contiguous house of representatives districts. A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district. Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation shall be part of only one senate district.

The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of

representation in the senate determined under Section 3 of this Article.

Senate districts shall be numbered from one through thirty-three and as provided in Section 9 of this Article.

**Section 8.** District boundaries established pursuant to this Article shall not be changed until the ensuing federal decennial census and the ensuing redistricting or as provided in Section 10 or 11 of this Article, notwithstanding the fact that boundaries of political subdivisions or city wards within a district may be changed during that time. District boundaries shall be created by using the boundaries of political subdivisions and city wards as they exist at the time of the federal decennial census on which the redistricting is based, or such other basis as the general assembly has directed.

**Section 9.** At any time the boundaries of senate districts are changed in any plan of redistricting made pursuant to any provision of this Article, a senator whose term will not expire within two years of the time the plan of redistricting is made shall represent, for the remainder of the term for which the senator was elected, the senate district which contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the commission, by a majority vote, shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

**Section 10. (A)** If the Ohio redistricting commission fails to adopt a final general assembly district plan not later than the thirty-first day of October of a year ending in a numeral one, in accordance with Section 1 of this Article, the governor, the auditor of state, and the secretary of state, acting independently of the commission, shall adopt a general assembly district plan by a simple majority vote of their number not later than the first day of December of that year. The governor shall file the plan with the secretary of state not later than the next business day. Upon filing with the secretary of state, the plan shall become effective.

**(B)** A redistricting plan adopted under division (A) of this section shall be effective for elections occurring in the year following the year in which the plan was adopted. At the general election conducted in that year, the following question shall be submitted to the electors of the state:

"Shall the Ohio Redistricting Commission reconvene to draw new General Assembly districts?"

**(C)** If a majority of the electors vote in favor of reconvening the commission to adopt a new general assembly district plan, the commission shall reconvene to adopt a new general assembly district plan in accordance with this Article. The commission shall draw the new plan using the same population and political subdivision and city ward boundary data as were used to draw the plan

adopted under division (A) of this section.

(D) If a majority of the electors vote against reconvening the commission to adopt a new general assembly district plan, the district plan adopted under division (A) of this section shall remain in effect until the next year ending in the numeral one, except as otherwise provided in Section 11 of this Article.

**Section 11.** (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this Article.

(B) In the event that any section of this Article relating to redistricting or any plan of redistricting made by the Ohio redistricting commission is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this Article, the commission shall reconvene to ascertain and determine a general assembly district plan in conformity with such provisions of this Article as are then valid, including establishing terms of office and election of members of the general assembly from districts designated in the plan, to be used until the next regular redistricting in conformity with such provisions of this Article as are then valid.

(C) Notwithstanding any provision of this Article or any law regarding the residence of senators and representatives, a general assembly district plan made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

(D) No court shall order, in any circumstance, the implementation or enforcement of any plan that has not been approved by the commission in the manner prescribed by this Article.

**Section 12.** The various provisions of this Article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI take effect January 1, 2021 and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, **Section 14.**, and **Section 15.** of Article XI of the Constitution of the State of Ohio are repealed from that effective date.

The question being, "Shall the resolution, **Sub. S. J. R. No. 8**, be adopted?"

On the motion of Senator Widener, **Sub. S. J. R. No. 8** was informally adopted and retained its place on the calendar.

**Sub. S. J. R. No. 9**-Senator Faber.

Cosponsors: Senators Widener, Patton, Obhof, Oelslager, Cafaro, Bacon, Coley, Burke, Uecker, Peterson, Lehner, Beagle, LaRose, Hite.

Proposing to amend Section 4 of Article II, Section 20 of Article II, Section

31 of Article II, Section 19 of Article III, and Section 6 of Article IV of the Constitution of the State of Ohio and to enact Section 20a of Article II of the Constitution of the State of Ohio to establish the Public Office Compensation Commission.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at a special election to be held on May 5, 2015, a proposal to amend Section 4 of Article II, Section 20 of Article II, Section 31 of Article II, Section 19 of Article III, and Section 6 of Article IV of the Constitution of the State of Ohio and to enact Section 20a of Article II of the Constitution of the State of Ohio to read as follows:

## ARTICLE II

**Section 4.** No member of the general assembly shall, during the term for which ~~he~~ the member was elected, unless during such term ~~he~~ the member resigns therefrom, hold any public office under the United States, or this state, or a political subdivision thereof; but this provision does not extend to officers of a political party, notaries public, or officers of the militia or of the United States armed forces.

No member of the general assembly shall, during the term for which ~~he~~ the member was elected, or for one year thereafter, be appointed to any public office under this state, which office was created ~~or the compensation of which was increased~~; during the term for which ~~he~~ the member was elected.

**Section 20.** The General Assembly, in cases not provided for in this constitution, shall fix the term of office of all officers and the compensation of all non-elected officers; but no change therein shall affect the salary of any non-elected officer during ~~his~~ the officer's existing term, unless the office be abolished.

**Section 20a.** (A) The Public Office Compensation Commission is created. The Commission consists of the following nine voting members: two members appointed by the Governor; two members appointed by the President of the Senate; two members appointed by the Speaker of the House of Representatives; one member appointed by the Minority Leader of the Senate; one member appointed by the Minority Leader of the House of Representatives; and one member appointed by the Chief Justice of the Supreme Court. The following are not eligible to be appointed as a member of the Commission: (1) an officer or employee of the state or a political subdivision of the state or a family member, as defined by law, of an officer or employee of the state or a political subdivision of the state; (2) an individual who, within twelve months before appointment, was a candidate for election to a public office in the state; or (3) an individual who engages during at least a portion of the individual's time to

actively advocate legislation on behalf of another.

Terms of members of the Commission are for two years. Members may not serve more than four consecutive terms. The Commission chairperson shall be selected by majority vote of all members of the Commission. Members are not entitled to compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of Commission duties. A vacancy among the members of the Commission shall be filled in the manner prescribed for the original appointment.

(B)(1) The Public Office Compensation Commission shall meet each even-numbered year to review the current compensation of each elected public official in the state. The Commission shall consider such factors as are provided by law, including the amount of compensation paid to similarly skilled individuals in the private sector, the amount of compensation paid to individuals in comparable elected public offices in other states, and the current financial condition of and within Ohio. After completing its review, the Commission, by vote of at least five of its members, shall prepare a proposed compensation plan that sets forth the compensation of each elected public official in the state. The Commission shall prepare a report of its proposed compensation plan and shall present the proposed compensation plan and report at not less than three public hearings in the state in order to obtain public input regarding the proposed compensation plan. After conducting its public hearings, the Commission, by vote of at least five of its members, shall issue a final compensation plan that sets forth the compensation of each elected public official in the state. The Commission shall prepare a report of its final compensation plan not later than the last day of December in each even-numbered year.

If a proposed or final compensation plan increases or decreases the compensation amount of an elected public official by greater than the lesser of the following, the Commission shall include, in its accompanying report, specific factors that support the increase or decrease:

(a) Three per cent; or

(b) The percentage increase, if any, in the consumer price index, or a generally available comparable index, over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.

(2) The compensation amounts set forth in the final compensation plan for each elected public official in the state take effect on the first day of July of the following odd-numbered year unless, before that day, the General Assembly, by a three-fifths vote of the members elected to each house, adopts a concurrent resolution rejecting one or more of the compensation amounts.

If the General Assembly rejects a final compensation plan or portion thereof, a member of the General Assembly is not entitled to an increase in compensation for the duration of the member's term of office.

**Section 31.** The members and officers of the General Assembly shall receive a fixed compensation ~~, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office~~ as provided for in Article II, Section 20a of this constitution.

### ARTICLE III

**Section 19.** The officers mentioned in this article shall, at stated times, receive, for their services, a compensation ~~to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected~~ as provided for in Article II, Section 20a of this constitution.

### ARTICLE IV

**Section 6.** (A)(1) The chief justice and the justices of the supreme court shall be elected by the electors of the state at large, for terms of not less than six years.

(2) The judges of the courts of appeals shall be elected by the electors of their respective appellate districts, for terms of not less than six years.

(3) The judges of the courts of common pleas and the divisions thereof shall be elected by the electors of the counties, districts, or, as may be provided by law, other subdivisions, in which their respective courts are located, for terms of not less than six years, and each judge of a court of common pleas or division thereof shall reside during ~~his~~ the judge's term of office in the county, district, or subdivision in which ~~his~~ the judge's court is located.

(4) Terms of office of all judges shall begin on the days fixed by law, and laws shall be enacted to prescribe the times and mode of their election.

(B) The judges of the supreme court, courts of appeals, courts of common pleas, and divisions thereof, and of all courts of record established by law, shall, at stated times, receive, for their services such compensation as ~~may be provided by law, which shall not be diminished during their term of office~~ for in Article II, Section 20a of this constitution. The compensation of all judges of the supreme court, except that of the chief justice, shall be the same. The compensation of all judges of the courts of appeals shall be the same. Common pleas judges and judges of divisions thereof, and judges of all courts of record established by law shall receive such compensation as ~~may be provided by law~~ for in Article II, Section 20a of this constitution. Judges shall receive no fees or perquisites, nor hold any other office of profit or trust, under the authority of this state, or of the United States. All votes for any judge, for any elective office, except a judicial office, under the authority of this state, given by the general assembly, or the people shall be void.

(C) No person shall be elected or appointed to any judicial office if on or

before the day when ~~he~~ the person shall assume the office and enter upon the discharge of its duties ~~he~~ the person shall have attained the age of seventy years. Any voluntarily retired judge, or any judge who is retired under this section, may be assigned with ~~his~~ the judge's consent, by the chief justice or acting chief justice of the supreme court to active duty as a judge and while so serving shall receive the established compensation for such office, computed upon a per diem basis, in addition to any retirement benefits to which ~~he~~ the judge may be entitled. Laws may be passed providing retirement benefits for judges.

#### EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, Section 4 of Article II, Section 20 of Article II, Section 31 of Article II, Section 19 of Article III, and Section 6 of Article IV of the Constitution of the State of Ohio as amended by this proposal and Section 20a of Article II of the Constitution of the State of Ohio shall take effect immediately and existing Section 4 of Article II, Section 20 of Article II, Section 31 of Article II, Section 19 of Article III, and Section 6 of Article IV of the Constitution of the State of Ohio are repealed effective immediately.

#### SCHEDULE I

The Public Office Compensation Commission shall meet in 2015 to review the current compensation of each elected public official in the state. The Commission shall issue a proposed compensation plan and final compensation plan, and the accompanying reports, not later than December 31, 2015, in accordance with the process in Article II, Section 20a of the Constitution.

The compensation amounts set forth in the final compensation plan for each elected public official in the state shall take effect on July 1, 2016, unless, before that day, the General Assembly, by a three-fifths vote of the members elected to each house, adopts a concurrent resolution rejecting one or more of the compensation amounts.

If the General Assembly rejects a final compensation plan or portion thereof, a member of the General Assembly is not entitled to an increase in compensation for the duration of the member's term of office.

#### SCHEDULE II

Some of the proposed amendments to Ohio Constitution, Article II, Sections 4 and 20, and Article IV, Section 6, replace gender specific language with gender neutral language. These amendments are not intended to make substantive changes in the Ohio Constitution. The gender neutral language shall be interpreted as a restatement of, and substituted in a continuing way for, the corresponding gender specific language existing prior to adoption of the proposal.

The question being, "Shall the resolution, **Sub. S. J. R. No. 9**, be adopted?"

Senator Skindell moved to amend as follows:

Between lines 101 and 102 insert:

" (C) This section does not affect the compensation of a county officer elected under a county charter that has been adopted under Article X, Sections 3 and 4 of this constitution, or the compensation of an officer of a municipal corporation elected under the power of local self-government as exercised by a municipal corporation under Article XVIII, Sections 3 and 7 of this constitution."

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

The motion was agreed to.

The question recurred, "Shall the resolution, **Sub. S. J. R. No. 9**, be adopted?"

Senator Skindell moved to amend as follows:

In line 61, delete "official" and insert "office"

In line 69, delete "official" and insert "office"

In line 77, delete "official" and insert "office"

In line 81, delete "official" and insert "office"

In line 92, delete "official" and insert "office"

In line 173, delete "official" and insert "office"

In line 179, delete "official" and insert "office"

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

The motion was agreed to.

The question recurred, "Shall the resolution, **Sub. S. J. R. No. 9**, be adopted?"

Senator Skindell moved to amend as follows:

In line 18, after "term" insert "of office"

In line 24, after "term" insert "of office"

In line 28, after "term" insert "of office"

In line 33, after "term" insert "of office"

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

The motion was agreed to.

The question recurred, "Shall the resolution, **Sub. S. J. R. No. 9**, 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
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

So the resolution was adopted.

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

Senator Faber moved to amend the title as follows:

Add the names: "Balderson, Brown, Eklund, Hughes, Kearney, Sawyer, Skindell, Tavares."

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

The motion was agreed to and the title so amended.

**S. C. R. No. 27**-Senator Seitz.

Cosponsors: Senators Eklund, Skindell.

To declare that the Ohio General Assembly is opposed to the enactment of a state law, pursuant to a federal mandate, which would require the suspension or revocation of the driver's license of any individual convicted of any violation of the federal Controlled Substances Act or another drug law; to urge the Governor of Ohio to submit a written certification stating the Governor's opposition to such a law along with this resolution to the United States Secretary of Transportation; and accordingly to prevent the United States Secretary of Transportation from withholding a specified percentage of federal transportation apportionments pursuant to 23 U.S.C. 159.

WHEREAS, Pursuant to 23 U.S.C. 159, the United States Secretary of Transportation is required to withhold eight per cent of a state's highway-related funds unless that state either enacts and enforces a law requiring a six-month suspension or revocation of the driver's license of any individual convicted of any violation of the Controlled Substances Act or other drug law, or the Governor of the state submits written certifications by the Governor and the state legislature that both are opposed to the enactment and enforcement of such a law; and

WHEREAS, After the careful examination of this mandate, the Ohio General Assembly hereby determines that the enactment of a law requiring the suspension or revocation of the driver's license of an individual based upon a drug offense regardless of whether the offense is related to the operation of a motor vehicle would needlessly strain limited state financial and manpower resources as well as unnecessarily increase the paperwork and bureaucracy of the state government; and

WHEREAS, The granting or withholding of driving privileges is and has always been a prerogative of the states to decide for themselves, not for the federal government to decide, and the state of Ohio has already enacted sufficient laws to deter illegal drug activity; now therefore be it

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, in adopting this resolution, declare our opposition to the federal government mandating that the states enact and enforce a law that provides for the suspension or revocation of the driver's license of an individual based upon a conviction of a drug offense; and be it further

RESOLVED, That we, the members of the 130th General Assembly of the State of Ohio, urge Governor John R. Kasich to submit written certification to the United States Secretary of Transportation expressing his opposition to this federal mandate along with a written certification that the Ohio General Assembly has adopted this resolution; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to Governor John R. Kasich, the members of the Ohio congressional delegation, and the Secretary of the United States Department of Transportation.

The question being, "Shall the resolution, **S. C. R. No. 27**, be adopted?"

The yeas and nays were taken and resulted - yeas 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Gardner	Gentile	Hite	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Peterson
Sawyer	Schiavoni	Seitz	Skindell
Tavares	Turner		Uecker-27.

Senators Hughes, Jones, Schaffer, Widener, and Faber voted in the negative-5.

So the resolution was adopted.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Brown, Hite, Jordan, Kearney, Lehner, Manning, Sawyer,

Schiavoni, Tavares, Turner, Uecker."

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

The motion was agreed to and the title so amended.

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 449**-Representative Gonzales.

Cosponsors: Representatives Bishoff, Fedor, Grossman, Hackett, Hill, Hood, Stebelton, Wachtmann, Brenner, Amstutz, Baker, Beck, Blessing, Boose, Brown, Buchy, Budish, Burkley, Cera, Conditt, Curtin, Damschroder, Dovilla, Duffey, Gerberry, Green, Hall, Hayes, Heard, Hottinger, Huffman, Johnson, Kunze, Landis, Letson, Lundy, Lynch, Maag, Mallory, McClain, McGregor, Milkovich, Patterson, Perales, Phillips, Pillich, Rogers, Romanchuk, Rosenberger, Ruhl, Sears, Sheehy, Slaby, Slesnick, Smith, Sprague, Stautberg, Stinziano, Strahorn, Sykes, Terhar, Thompson, Young, Speaker Batchelder. Senators LaRose, Coley, Brown, Turner.

To enact section 3333.311 of the Revised Code with respect to residency status for certain veterans, spouses, and dependents at state institutions of higher education, to authorize the conveyance of state-owned real property, 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
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	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	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	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 Burke moved to amend the title as follows:

Add the names: "Burke, Eklund, Faber, Gardner, Hite, Hughes, Manning, Oelslager, Seitz, Skindell, Tavares."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 10**-Representative Hagan, C.

Cosponsors: Representatives Hackett, Anielski, Boose, Brenner, Burkley, Damschroder, DeVitis, Duffey, Huffman, Maag, Perales, Pillich, Retherford, Ruhl, Terhar, Thompson, Young. Senators LaRose, Schaffer.

To amend sections 3.16, 101.35, 103.0511, 106.02, 106.022, 106.023, 106.031, 106.05, 119.03, 121.83, 135.02, 305.03, 319.04, 319.26, 321.37, 321.46, 507.02, 2921.13, 2921.44, 3314.023, 5101.09, and 5713.012; to enact sections 117.45, 507.12, 507.13, 733.78, 733.81, 3313.30, 3314.50, 3326.211, 3328.16, and 3328.37; and to repeal sections 319.25 and 321.38 of the Revised Code; to amend Section 267.50.70 of Am. Sub. H.B. 153 of the 129th General Assembly; and to amend Section 267.50.70 of Am. Sub. H.B. 153 of the 129th General Assembly for the purpose of codifying it as section 3314.51 of the Revised Code to establish initial education programs and continuing education requirements for the fiscal officers of townships and municipal corporations, to establish procedures for removing those officers, county treasurers, and county auditors from office, to create fiscal accountability requirements for counties, townships, municipal corporations, and public schools, to revise the procedure for appointing an interim replacement official to perform the duties of a suspended elected county official, to authorize the board of county commissioners to appoint an acting officer to perform such suspended official's duties before an interim replacement official is appointed to reduce the required number of Board of Deposit meetings, to provide procedures to request additional meetings, and to require web site postings of specified Board of Deposit notices, to modify the continuing education requirements for qualified mass appraisal project managers, and to correct provisions recently enacted by S.B. 3 of the 130th General Assembly, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 10**, 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
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

Senator Schaffer moved to amend the title as follows:

Add the names: "Balderson, Coley, Eklund, Hughes, Jones, Obhof, Oelslager, Peterson, Sawyer, Skindell, Widener."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 468**-Representatives Sears, McGregor.

Cosponsors: Representatives Becker, Hackett, Henne, Wachtmann, Speaker Batchelder. Senators Bacon, Uecker.

To amend sections 505.871, 4501.25, 4505.061, 4505.11, 4738.01, 4738.02, 4738.03, 4738.17, and 4738.99, to enact sections 4738.021, 4738.022, and 4738.031, and to repeal section 4738.18 of the Revised Code relative to salvage motor vehicles and junk motor vehicles, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 468**, 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
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the name: "Jordan."

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

The motion was agreed to and the title so amended.

**H. B. No. 652**-Speaker Batchelder, Representative Hackett.

Cosponsors: Representatives Brenner, Brown, Antonio, Barnes, Boyce, Buchy, Celebrezze, Fedor, Gerberry, Green, Hagan, C., Hall, Letson, Mallory, Milkovich, O'Brien, Reece, Retherford, Ruhl, Schuring, Sears, Sprague. Senator Kearney.

To amend sections 1761.05, 1761.06, 1761.08, 1761.09, 1761.10, 1761.12, 1761.13, and 1761.17 of the Revised Code relative to the operation of credit union share guaranty corporations, including with respect to the primary guaranteed amount, license renewals, reinsurance and lines of credit, corrective action agreements with participating credit unions, special premium assessments, and investments, was considered the third time.

The question being, "Shall the bill, **H. B. No. 652**, 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
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Bacon, Balderson, Hughes, Manning, Obhof, Patton, Peterson, Schaffer, Seitz, Widener."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 274**-Senator Hughes.  
Cosponsor: Senator Patton.

To amend sections 4505.02, 4505.101, 4505.11, 4505.17, 4513.60, 4513.61, and 4513.66 and to enact sections 4505.191, 4513.601, 4513.611, 4513.67, 4513.68, 4513.69, and 4921.251 of the Revised Code to authorize towing companies to obtain title to vehicles removed from private tow-away zones that remain unclaimed, to revise the process by which a repair garage or place of storage may obtain title to vehicles left unclaimed at the repair garage or place of storage, to revise the procedures and penalties related to the towing of motor vehicles, to deem a scrap metal dealer to have valid title to a motor vehicle in specified circumstances, to make other changes in the law governing towing motor vehicles, and to alter the law governing the evidence required for the issuance of a salvage certificate of title, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 274**, 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
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Bacon, Coley, Eklund, Faber, Kearney, Schaffer, Schiavoni, Seitz."

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

The motion was agreed to and the title so amended.

**Am. S. B. No. 361**-Senator Seitz.  
Cosponsors: Senators Eklund, Obhof, LaRose, Bacon, Patton.

To amend sections 2901.21 and 2901.22 and to enact section 2901.20 of the Revised Code to clarify when strict criminal liability is imposed or a degree of culpability is required for the commission of an offense, to modify the concept

of acting recklessly, and to require that future acts creating criminal offenses specify the requisite degree of culpability, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 361**, 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
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

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: "Brown, Burke, Coley, Faber, Hite, Jordan, Kearney, Lehner, Sawyer, Schiavoni, Skindell, Turner, Uecker."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 378**-Senator Coley.

Cosponsors: Senators Peterson, Hite.

To amend sections 3781.25 and 4905.26 and to enact sections 3781.34, 3781.341, 3781.342, 3781.343, 3781.36, 3781.38, 4905.041, 4913.01, 4913.03, 4913.05, 4913.07, 4913.09, 4913.13, 4913.15, 4913.151, 4913.152, 4913.16, 4913.17, 4913.171, 4913.19, 4913.20, 4913.21, 4913.22, 4913.23, 4913.25, 4913.251, 4913.252, 4913.26, 4913.27, 4913.29, 4913.30, 4913.31, 4913.43, 4913.45, 4913.47, 4913.50, and 4913.52 of the Revised Code regarding the enforcement of the law governing the protection of underground utility facilities, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 378**, pass?"

Senator Coley moved to amend as follows:

In line 151, after " industry" insert " , in accordance with division (C) of this section."

In line 153, after " industry" insert " , appointed by the president of the senate"

In line 154, after " industry" insert " , appointed by the speaker of the house of representatives"

In line 155, after " utilities" insert " , appointed by the governor"

In line 156, after " cooperatives" insert " , appointed by the speaker of the house of representatives"

In line 158, after " producers" insert " , appointed by the president of the senate"

In line 159, after " industry" insert " , appointed by the governor"

In line 160, after " providers" insert " , appointed by the president of the senate"

In line 161, after " facilities" insert " , appointed by the speaker of the house of representatives"

In line 162, after " corporations" insert " , appointed by the governor"

In line 163, after " transportation" insert " , appointed by the governor"

In line 164, after " public" insert " , appointed by the governor"

In line 165, after " industry" insert " , appointed by the governor"

In line 166, after " surveyors" insert " , appointed by the governor"

In line 167, delete all after " (C)"

Delete lines 168 through 173 and insert " The president of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of representatives shall each appoint one of the members from the stakeholder group of the commercial excavator industry."

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 378**, pass?"

Senator Kearney moved to amend as follows:

In line 167, delete " , the" and insert " . The"

In line 168, delete " five" and insert " three members, and the minority leader of the senate shall appoint two"; delete " , and the" and insert " . The"

In line 169, delete " five" and insert " three members, and the minority leader of the house of representatives shall appoint two"

In line 170, delete " and"; after " speaker" insert " , and minority leaders"

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	Obhof	Oelslager	Patton
Peterson	Schaffer	Seitz	Uecker
Widener			Faber-22.

Those who voted in the negative were: Senators

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

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 378**, 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
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Tavares
Turner	Uecker	Widener	Faber-32.

So the bill passed.

Senator Coley moved to amend the title as follows:

Add the names: "Eklund, Hughes, Kearney, LaRose, Patton, Sawyer, Schiavoni, Seitz, Uecker."

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

The motion was agreed to and the title so amended.

**OFFERING OF RESOLUTIONS**

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

**S. R. No. 429**-Senator Skindell.

Honoring Jeffrey W. Patterson as the 2015 Ohio Superintendent of the Year.

**S. R. No. 430**-Senator Obhof.

Honoring the Mansfield Christian School boys soccer team on winning the 2014 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 adjourned until Tuesday, December 9, 2014 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.