

OHIO

SENATE

JOURNAL

THURSDAY, MARCH 21, 2019

THIRTIETH DAY
Senate Chamber, Columbus, Ohio
Thursday, March 21, 2019, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Brian Hanson, Capitol Ministries in Cedarville, 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 Coley recognized teachers, parents, and students of Independence Elementary School on their visit to the Statehouse.

Senator Yuko recognized the National Multiple Sclerosis Society on their visit to the Statehouse for their legislative awareness day.

Senator Hottinger recognized Ian and Shelly Gomez from the State of New Hampshire on their visit to the Statehouse.

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

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

H. C. R. No. 6 -Representative Holmes, G., et al.

To encourage General Motors to keep its Lordstown Complex open by allocating a new vehicle for production there.

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 102 -Senators Brenner, Lehner, et al.

To enact new section 3323.25 and to repeal section 3323.25 of the Revised Code to establish the Dyslexia Screening Program for school districts and other public schools.

To the Committee on Education.

S. B. No. 105 -Senator Brenner, et al.

To amend sections 503.40, 503.41, 503.42, 503.43, 503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2927.17, 4731.04, 4731.15, and 4731.41, to enact section 503.411, and to repeal sections 503.45 and 503.46 of the Revised Code to make changes to the massage therapy licensing law.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 106 -Senators Coley, Wilson

To enact section 5534.014 of the Revised Code to designate a portion of State Route 122 in Butler and Warren Counties as the "SFC Charles E. Carpenter Memorial Highway."

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 107 -Senator Rulli, et al.

To amend sections 3517.10, 3517.105, 3517.106, 3517.1011, and 3517.11 of the Revised Code to allow certain entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those electronic statements available online.

To the Committee on Government Oversight and Reform.

S. B. No. 108 -Senator Obhof, et al.

To repeal section 1.49 of the Revised Code to eliminate the rule of construction regarding a court's considerations in determining the intention of the legislature when a statute is ambiguous.

To the Committee on Judiciary.

S. B. No. 109 -Senator Schuring, et al.

To amend sections 5725.98, 5726.98, 5729.98, 5747.02, 5747.08, 5747.98, 5751.98, and 6301.11 and to enact sections 3333.93, 3333.931, 3333.932, and 5747.77 of the Revised Code to establish the Workforce Scholarship Program, to terminate the provisions of the Scholarship Program on December 31, 2023, by repealing sections 3333.93 and 3333.931 of the Revised Code on that date, to authorize tax credits for graduates of the Scholarship Program and their employers, and to make an appropriation.

To the Committee on Finance.

S. B. No. 110 -Senator Manning

To enact section 3302.103 of the Revised Code to modify the operation of academic distress commissions in certain school districts.

To the Committee on Education.

YES - 14: DAVE BURKE, WILLIAM P. COLEY, II, MATT DOLAN, JOHN EKLUND, JAY HOTTINGER, MATT HUFFMAN, STEPHANIE KUNZE, SEAN J. O'BRIEN, LARRY OBHOF, BOB PETERSON, CECIL THOMAS, SANDRA R. WILLIAMS, STEVE WILSON, KENNY YUKO

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.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Hackett submitted the following report:

The standing committee on Insurance and Financial Institutions, to which was referred **S. B. No. 9**-Senator Huffman, M., et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Hottinger.

YES - 12: STEPHEN A. HUFFMAN, STEPHANIE KUNZE, SANDRA R. WILLIAMS, MATT DOLAN, DAVE BURKE, ANDREW O. BRENNER, BOB D. HACKETT, JAY HOTTINGER, BOB PETERSON, CECIL THOMAS, STEVE WILSON, HEARCEL F. CRAIG

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

S. B. No. 9-Senator Huffman, M.

Cosponsors: Senators Terhar, Roegner, Eklund, Brenner, Hottinger

To amend section 3904.13 and to enact section 3901.89 of the Revised

Code to require health plan issuers to release certain claim information to group plan policyholders, was considered the third time.

The question being, "Shall the bill, **S. B. No. 9**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	Hackett	Hill	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Kunze
Lehner	Maharath	Manning	McColley
O'Brien	Peterson	Rulli	Schuring
Sykes	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

So the bill passed.

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

Senator Huffman, M. moved to amend the title as follows:

Add the names: "Senators Antonio, Burke, Coley, Craig, Dolan, Gavarone, Hackett, Hill, Hoagland, Kunze, Lehner, Maharath, Manning, McColley, Obhof, O'Brien, Peterson, Rulli, Schuring, Thomas, Wilson, Yuko"

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

The motion was agreed to and the title so amended.

On the motion of Senator Peterson, the Senate recessed until 6:17 p.m.

The Senate met pursuant to the recess.

Senator Peterson moved that the Senate revert to the second order of business, being reports of standing and select committees.

The motion was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator McColley submitted the following report:

The standing committee on Transportation, Commerce and Workforce, to which was referred **Am. Sub. H. B. No. 62**-Representative Oelslager, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Uecker.

YES - 6: KIRK SCHURING, JOE UECKER, JAY HOTTINGER, STEPHANIE KUNZE, NATHAN H. MANNING, FRANK HOAGLAND

NO - 5: TINA MAHARATH, VERNON SYKES, MICHAEL A. RULLI, NICKIE J. ANTONIO, ROB MCCOLLEY

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. 62-Representative Oelslager

Cosponsors: Representatives Blessing, Carruthers, Cera, DeVitis, Hambley, Howse, Manning, D., O'Brien, Patterson, Perales, Seitz, Smith, K., Sobecki
Senator Uecker

To amend sections 9.54, 107.03, 119.14, 122.14, 164.08, 306.70, 307.86, 340.021, 505.267, 505.71, 723.52, 723.53, 1349.61, 3327.07, 4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 4503.10, 4503.103, 4503.41, 4504.10, 4504.201, 4505.101, 4506.09, 4506.11, 4506.17, 4507.01, 4507.13, 4507.23, 4507.50, 4507.52, 4509.101, 4510.04, 4511.21, 4511.521, 4511.76, 4513.263, 4513.60, 4513.601, 4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 4582.12, 4582.31, 5501.21, 5501.41, 5543.19, 5575.01, 5577.15, 5735.01, 5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 5735.27, 5739.023, and 5747.71; to enact sections 3.112, 306.353, 4504.173, 4504.181, 4507.18, 4926.01, 4926.02, 4926.03, 4926.04, 4926.05, 4926.06, 4926.07, 4926.08, 4926.09, 5517.07, 5534.014, 5534.407, 5534.807, and 5735.50; and to repeal section 9.57 of the Revised Code and to amend Sections 213.20 and 223.15 of H.B. 529 of the 132nd General Assembly, as subsequently amended, and to repeal Section 3 of Am. Sub. S.B. 20 of the 120th General Assembly, as subsequently amended, to increase the rate of and modify the distribution of revenue from motor fuel excise taxes, to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of those programs, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 62**, pass?"

Senator Manning moved to amend as follows:

In line 3 of the title, delete "723.52, 723.53,"

In line 12 of the title, delete "5543.19, 5575.01,"

In line 33, delete "723.52, 723.53,"

In line 40, delete "5543.19, 5575.01,"

Delete lines 879 through 934

Delete lines 8070 through 8162

In line 9309, delete "723.52,"

In line 9310, delete "723.53,"

In line 9316, delete "5543.19, 5575.01,"

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

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 62**, pass?"

Senator Dolan moved to amend as follows:

In line 9330, delete "\$46,500,000 \$46,500,000" and insert "\$55,000,000 \$55,000,000"

In line 9331, delete "\$46,500,000 \$46,500,000" and insert "\$55,000,000 \$55,000,000"

In line 9366, delete "\$3,233,136,054 \$3,222,049,456" and insert "\$3,241,636,054 \$3,230,549,456"

In line 9388, delete "\$40,000,000" and insert "\$48,500,000"

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

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 62**, pass?"

Senator Peterson moved to amend as follows:

In line 9 of the title, after "4513.263," insert "4513.34,"

In line 38, after "4513.263," insert "4513.34,"

After line 6666, insert:

"Sec. 4513.34. (A)(1) The director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing, shall issue a special regional heavy hauling permit authorizing the applicant to operate or move a vehicle or combination of vehicles as follows:

(a) At a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code;

(b) Upon any highway under the jurisdiction of the authority granting the permit except those highways with a condition insufficient to bear the weight of the vehicle or combination of vehicles as stated in the application;

(c) ~~For regional trips at distances of one hundred fifty miles or less from a facility stated on the application as the applicant's point of origin.~~

Issuance of a special regional heavy hauling permit is subject to the payment of a fee established by the director or local authority in accordance with this section.

(2) In circumstances where a person is not eligible to receive a permit under division (A)(1) of this section, the director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code, upon any highway under the jurisdiction of the authority granting the permit.

(3) For purposes of this section, the director may designate certain state highways or portions of state highways as special economic development highways. If an application submitted to the director under this section involves travel of a nonconforming vehicle or combination of vehicles upon a special economic development highway, the director, in determining whether good cause has been shown that issuance of a permit is justified, shall consider the effect the travel of the vehicle or combination of vehicles will have on the economic development in the area in which the designated highway or portion of highway is located.

(B) Notwithstanding sections 715.22 and 723.01 of the Revised Code, the holder of a permit issued by the director under this section may move the vehicle or combination of vehicles described in the permit on any highway that is a part of the state highway system when the movement is partly within and partly without the corporate limits of a municipal corporation. No local authority shall require any other permit or license or charge any license fee or other charge against the holder of a permit for the movement of a vehicle or combination of vehicles on any highway that is a part of the state highway system. The director shall not require the holder of a permit issued by a local authority to obtain a special permit for the movement of vehicles or combination of vehicles on highways within the jurisdiction of the local authority. Permits may be issued for any period of time not to exceed one year, as the director in the director's discretion or a local authority in its discretion determines advisable, or for the duration of any public construction project.

(C)(1) The application for a permit issued under this section shall be in the form that the director or local authority prescribes. The director or local authority may prescribe a permit fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the director or local authority for the administrative

costs incurred in issuing the permit, and also to cover the cost of the normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. The director, in accordance with Chapter 119. of the Revised Code, shall establish a schedule of fees for permits issued by the director under this section; however, the fee to operate a triple trailer unit, at locations authorized under federal law, shall be one hundred dollars.

(2) For the purposes of this section and of rules adopted by the director under this section, milk transported in bulk by vehicle is deemed a nondivisible load.

(3) For purposes of this section and of rules adopted by the director under this section, three or fewer aluminum coils, transported by a vehicle, are deemed a nondivisible load. The director shall adopt rules establishing requirements for an aluminum coil permit that are substantially similar to the requirements for a steel coil permit under Chapter 5501:2-1 of the Administrative Code.

(D) The director or a local authority shall issue a special regional heavy hauling permit under division (A)(1) of this section upon application and payment of the applicable fee. However, the director or local authority may issue or withhold a special permit specified in division (A)(2) of this section. If a permit is to be issued, the director or local authority may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under the permit.

For a permit that will allow travel of a nonconforming vehicle or combination of vehicles on a special economic development highway, the director, as a condition of issuance, may require the applicant to agree to make periodic payments to the department to compensate for damage caused to the roadway by travel under the permit.

(E) Every permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

(F) The director may debar an applicant from applying for a permit under this section upon a finding based on a reasonable belief that the applicant has done any of the following:

(1) Abused the process by repeatedly submitting false information or

false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;

(2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;

(3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;

(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;

(5) Attempted to influence a public employee to breach ethical conduct standards;

(6) Been convicted of a criminal offense related to the application for, or performance under, a permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license;

(7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law;

(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;

(9) Failed to pay any fees associated with any permitted operation or move;

(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section.

If the applicant is a partnership, association, or corporation, the director also may debar from consideration for permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred.

The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant.

(G) When the director reasonably believes that grounds for debarment exist, the director shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. The notice and hearing shall be in accordance with

Chapter 119. of the Revised Code. If the person does not respond with a request for a hearing in the manner specified in that chapter, the director shall issue the debarment decision without a hearing and shall notify the person of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director, and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not issue, or consider issuing, a permit under this section to any partnership, association, or corporation that is affiliated with a debarred person. After the debarment period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a permit.

(H)(1) No person shall violate the terms of a permit issued under this section that relate to gross load limits.

(2) No person shall violate the terms of a permit issued under this section that relate to axle load by more than two thousand pounds per axle or group of axles.

(3) No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer or authorized agent of the issuing authority.

(I) Whoever violates division (H) of this section shall be punished as provided in section 4513.99 of the Revised Code.

(J) A permit issued by the department of transportation or a local authority under this section for the operation of a vehicle or combination of vehicles is valid for the purposes of the vehicle operation in accordance with the conditions and limitations specified on the permit. Such a permit is voidable by law enforcement only for operation of a vehicle or combination of vehicles in violation of the weight, dimension, or route provisions of the permit. However, a permit is not voidable for operation in violation of a route provision of a permit if the operation is upon the order of a law enforcement officer."

In line 9314, after "4513.263," insert "4513.34,"

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

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 62**, pass?"

Senator Maharath moved to amend as follows:

Between lines 9520 and 9521, insert:

"Section 203.43. FLEXIBLE FHWA FUNDING FOR PUBLIC TRANSPORTATION

Of the foregoing appropriation item 772422, Highway Construction –

Federal, \$60,000,000 in each fiscal year shall be used to support public transportation through the Federal Highway Administration (FHWA) flexible funding program."

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

Senator Peterson 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 8, as follows:

Those who voted in the affirmative were: Senators

Brenner	Burke	Coley	Dolan
Eklund	Gavarone	Hackett	Hill
Hoagland	Hottinger	Huffman, M.	Huffman, S.
Kunze	Lehner	Manning	McColley
Peterson	Rulli	Schuring	Uecker
Wilson			Obhof-22

Senators Antonio, Craig, Fedor, Maharath, O'Brien, Sykes, Thomas, and Yuko voted in the negative-8.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 62**, pass?"

Senator Yuko moved to amend as follows:

In line 8394, delete "thirty-four" and insert "thirty-eight and seven-tenths"

In line 8395, delete "Twenty-eight thirty-fourths" and insert "Seventy-two and four-tenths per cent"

In line 8539, delete "Six thirty-fourths" and insert "Twenty-seven and six-tenths per cent"

In line 8611, delete "Seven" and insert "Eight"

In line 8613, delete "Fourteen" and insert "Sixteen"

In line 8615, delete "Twenty-one" and insert "Twenty-four"

In line 8617, delete "Twenty-eight" and insert "Thirty-two"

In line 8619, delete "Thirty-four" and insert "Thirty-eight and seven-tenths"

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

Senator Peterson 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 8, as follows:

Those who voted in the affirmative were: Senators

Brenner	Burke	Coley	Dolan
Eklund	Gavarone	Hackett	Hill
Hoagland	Hottinger	Huffman, M.	Huffman, S.
Kunze	Lehner	Manning	McColley
Peterson	Rulli	Schuring	Uecker
Wilson			Obhof-22

Senators Antonio, Craig, Fedor, Maharath, O'Brien, Sykes, Thomas, and Yuko voted in the negative-8.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 62**, pass?"

Senator Gavarone moved to amend as follows:

In line 21 of the title, delete "and" and insert ", 223.10,"; after "223.15" insert ", and 223.50"

In line 10042, delete "Section" and insert "Sections"; after "213.20" insert "and 223.50"

After line 10057, insert:

"Sec. 223.50. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22, and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~\$134,000,000~~ **\$134,500,000**, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Parks and Recreation Improvement Fund (Fund 7035) to pay the costs of capital facilities for parks and recreation purposes."

In line 10058, delete "Section" and insert "Sections"; after "213.20" insert "and 223.50"

In line 10060, delete "is" and insert "are"

In line 10061, delete "Section" and insert "Sections 223.10 and"

After line 10063, insert:

"Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES

Oil and Gas Well Fund (Fund 5180)

C725U6	Oil and Gas Facilities	\$1,150,000
TOTAL Oil and Gas Well Fund		\$1,150,000

Wildlife Fund (Fund 7015)

C725B0	Access Development	\$15,000,000
C725B6	Upgrade Underground Fuel Tanks	\$460,000
C725K9	Wildlife Area Building Development/Renovation	\$9,950,000
C725L9	Dam Rehabilitation	\$6,200,000
	TOTAL Wildlife Fund	\$31,610,000

Administrative Building Fund (Fund 7026)

C725D5	Fountain Square Building and Telephone Improvement	\$2,000,000
C725N7	District Office Renovations	\$2,455,343
	TOTAL Administrative Building Fund	\$4,455,343

Ohio Parks and Natural Resources Fund (Fund 7031)

C72549	Facilities Development	\$1,500,000
C725E1	Local Parks Projects Statewide	\$6,668,925
C725E5	Project Planning	\$1,147,700
C725K0	State Park Renovations/Upgrading	\$1,100,000
C725M0	Dam Rehabilitation	\$11,928,000
C725N8	Operations Facilities Development	\$1,000,000
C725T3	Healthy Lake Erie Initiative	\$20,000,000
	TOTAL Ohio Parks and Natural Resources Fund	\$43,344,625

Parks and Recreation Improvement Fund (Fund 7035)

C725A0	State Parks, Campgrounds, Lodges, Cabins	\$57,554,343
C725C4	Muskingum River Lock and Dam	\$6,800,000
C725E2	Local Parks, Recreation, and Conservation Projects	\$31,351,000

C725E6	Project Planning	\$4,082,793
C725N6	Wastewater/Water Systems Upgrades	\$8,955,000
C725R3	State Parks Renovations/Upgrades	\$8,140,000 <u>8,640,000</u>
C725R4	Dam Rehabilitation - Parks	\$33,125,000
C725U5	The Banks	\$2,000,000
C725U7	Eagle Creek Watershed Flood Mitigation	\$15,000,000
TOTAL Parks and Recreation Improvement Fund		\$167,008,136 <u>167,508,136</u>

Clean Ohio Trail Fund (Fund 7061)

C72514	Clean Ohio Trail Fund	\$ 12,500,000
TOTAL Clean Ohio Trail Fund		\$ 12,500,000
TOTAL ALL FUNDS		\$ 260,068,104 <u>260,568,104</u>

FEDERAL REIMBURSEMENT

All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the fund from which the expenditure originated.

HEALTHY LAKE ERIE INITIATIVE

Of the foregoing appropriation item C725T3, Healthy Lake Erie Initiative, \$10,000,000 shall be used to support projects that enhance efforts to reduce open lake disposal of dredged materials into Lake Erie by 2020.

STATE PARKS RENOVATIONS/UPGRADES

Of the foregoing appropriation item C725R3, State Parks Renovations/Upgrades, up to \$500,000 shall be used to make repairs to the Kenny Road dock on North Bass Island in Ottawa County.

EAGLE CREEK WATERSHED FLOOD MITIGATION

The foregoing appropriation item C725U7, Eagle Creek Watershed Flood Mitigation, shall be used to support the Eagle Creek Watershed Flood Mitigation Project in Hancock County, provided that there are local matching funds committed to the project of not less than twenty per cent of the total project cost."

In line 10223, delete "Section" and insert "Sections 223.10 and"

In line 10225, delete "is" and insert "are"

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

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 62**, pass?"

Senator Fedor moved to amend as follows:

In line 2 of the title, after "164.08," insert "306.32, 306.321, 306.54,"

In line 33, after "164.08," insert "306.32, 306.321, 306.54,"

After line 386, insert:

"Sec. 306.32. Any county, or any two or more counties, municipal corporations, or townships, or any combination of these, may create a regional transit authority by the adoption of a resolution or ordinance by a majority vote of each of the following: the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which is to create or to join in the creation of the regional transit authority. The resolution or ordinance shall state:

(A) The necessity for the creation of a regional transit authority;

(B) The counties, municipal corporations, or townships which are to create or to join in the creation of the regional transit authority;

(C) The official name by which the regional transit authority shall be known;

(D) The place in which the principal office of the regional transit authority will be located or the manner in which it may be selected;

(E) The number, term, and compensation, or method for establishing compensation, of the members of the board of trustees of the regional transit authority. Compensation shall not exceed fifty dollars for each board and committee meeting attended by a member, except that if compensation is provided annually it shall not exceed six thousand dollars for the president of the board or four thousand eight hundred dollars for each other board member.

(F) The manner in which vacancies on the board of trustees of the regional transit authority shall be filled;

(G) The manner and to what extent the expenses of the regional transit authority shall be apportioned among the counties, municipal corporations, and townships creating it;

(H) The purposes, including the kinds of transit facilities, for which the regional transit authority is organized.

The regional transit authority provided for in the resolution or ordinance shall be deemed to be created upon the adoption of the resolution or ordinance by a majority vote of each of the following: the board of county

commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance.

The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships or for any other purpose, by the adoption of the amendment by a majority vote of each of the following: the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which has created or joined or proposes to join the regional transit authority.

After each county, municipal corporation, and township which has created or joined or proposes to join the regional transit authority has adopted its resolution or ordinance approving inclusion of additional counties, municipal corporations, or townships in the regional transit authority, a copy of each resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the regional transit authority. The inclusion is effective when all such filing has been completed, unless the regional transit authority to which territory is to be added has authority to levy an ad valorem tax on property, or a sales tax, within its territorial boundaries, in which event the inclusion shall become effective on the sixtieth day after the last such filing is accomplished, unless, prior to the expiration of the sixty-day period, qualified electors residing in the area proposed to be added to the regional transit authority, equal in number to at least ten per cent of the qualified electors from the area who voted for governor at the last gubernatorial election, file a petition of referendum against the inclusion. Any petition of referendum filed under this section shall be filed at the office of the secretary of the board of trustees of the regional transit authority. The person presenting the petition shall be given a receipt containing on it the time of the day, the date, and the purpose of the petition. The secretary of the board of trustees of the regional transit authority shall cause the appropriate board or boards of elections to check the sufficiency of signatures on any petition of referendum filed under this section and, if found to be sufficient, shall present the petition to the board of trustees at a meeting of said board which occurs not later than thirty days following the filing of said petition. Upon presentation to the board of trustees of a petition of referendum against the proposed inclusion, the board of trustees shall promptly certify the proposal to the board or boards of elections for the purpose of having the proposal placed on the ballot at the next general or primary election which occurs not less than ninety days after the date of the meeting of said board, or at a special election, the date of which shall be specified in the certification, which date shall be not less than ninety days after the date of such meeting of the board.

Signatures on a petition of referendum may be withdrawn up to and including the meeting of the board of trustees certifying the proposal to the appropriate board or boards of elections. If territory of more than one county, municipal corporation, or township is to be added to the regional transit authority, the electors of the territories of the counties, municipal corporations, or townships which are to be added shall vote as a district, and the majority affirmative vote shall be determined by the vote cast in the district as a whole. Upon certification of a proposal to the appropriate board or boards of elections pursuant to this section, the board or boards of election shall make the necessary arrangements for the submission of the question to the electors of the territory to be added to the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.191 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within the (Name or names of political subdivisions to be joined) be added to (Name) regional transit authority?" and shall a(n) (here insert type of tax or taxes) at a rate of taxation not to exceed (here insert maximum tax rate or rates) be levied for all transit purposes?"

If the question is approved by at least a majority of the electors voting on the question, the joinder is immediately effective, and the regional transit authority may extend the levy of the tax against all the taxable property within the territory which has been added. If the question is approved at a general election or at a special election occurring prior to the general election but after the fifteenth day of July, the regional transit authority may amend its budget and resolution adopted pursuant to section 5705.34 of the Revised Code, and the levy shall be placed on the current tax list and duplicate and collected as other taxes are collected from all taxable property within the territorial boundaries of the regional transit authority, including the territory within each political subdivision added as a result of the election.

The territorial boundaries of a regional transit authority shall be coextensive with the territorial boundaries of the counties, municipal corporations, and townships included within the regional transit authority, provided that the same area may be included in more than one regional transit authority so long as the regional transit authorities are not organized for purposes as provided for in the resolutions or ordinances creating the same, and any amendments to them, relating to the same kinds of transit facilities; and provided further, that if a regional transit authority includes only a portion of an entire county, a regional transit authority for the same purposes may be created in the remaining portion of the same county by resolution of the board of county commissioners acting alone or in conjunction with municipal corporations and townships as provided in this section.

No regional transit authority shall be organized after January 1, 1975, to include any area already included in a regional transit authority, except that any regional transit authority organized after June 29, 1974, and having territorial boundaries entirely within a single county shall, upon adoption by the board of county commissioners of the county of a resolution creating a regional transit authority including within its territorial jurisdiction the existing regional transit authority and for purposes including the purposes for which the existing regional transit authority was created, be dissolved and its territory included in such new regional transit authority. Any resolution creating such a new regional transit authority shall make adequate provision for satisfaction of the obligations of the dissolved regional transit authority.

Sec. 306.321. The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships by the adoption of an amendment by a majority vote of each of the following: the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which has created or, prior to the adoption of the amendment, joined or proposes to join the regional transit authority.

After a majority of each county, municipal corporation, and township which has created or, prior to the adoption of the amendment, joined or proposes to join the regional transit authority has adopted its resolution or ordinance approving inclusion of additional counties, municipal corporations, or townships in the regional transit authority, a copy of each resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the regional transit authority.

Any ordinances or resolutions adopted pursuant to this section approving inclusion of additional counties, municipal corporations, or townships in the regional transit authority shall provide that the board of trustees of the regional transit authority must, not later than the tenth day following the day on which the filing of the ordinances or resolutions, as required by the immediately preceding paragraph, is completed, adopt its resolution providing for submission to the electors of the regional transit authority as enlarged, of the question pursuant to section 306.49 of the Revised Code, of the renewal, the renewal and increase, or the increase of, or the imposition of an additional, ad valorem tax, or of the question pursuant to section 306.70 of the Revised Code, of the renewal, the renewal and increase, or the increase of, or the imposition of an additional, sales and use tax. The resolution submitting the question of the tax shall specify the date of the election, which shall be not less than ninety days after certification of the resolution to the board of elections and which shall be consistent with the

requirements of section 3501.01 of the Revised Code. The inclusion of the territory of the additional counties, municipal corporations, or townships in the regional transit authority shall be effective as of the date on which the resolution of the board of trustees of the regional transit authority is adopted submitting the question to the electors, provided that until the question is approved, existing contracts providing payment for transit services within the added territory shall remain in effect and transit services shall not be affected by the inclusion of the additional territory. The resolution shall be certified to the board of elections and the election shall be held, canvassed, and certified as provided in section 306.49 of the Revised Code in the case of an ad valorem tax or in section 306.70 of the Revised Code in the case of a sales and use tax.

If the question of the tax which is submitted is not approved by a majority of the electors of the enlarged regional transit authority voting on the question, as of the day following the day on which the results of the election become conclusive, the additional counties, municipal corporations, or townships, which had been included in the regional transit authority as of the date of the adoption of the resolution submitting to the electors the question, shall be removed from the territory of the regional transit authority and shall no longer be a part of that authority without any further action by either the political subdivisions which were included in the authority prior to the adoption of the resolution submitting the question to the electors or of the political subdivisions added to the authority as a result of the adoption of the resolution. The regional transit authority reduced to its territory as it existed prior to the inclusion of the additional counties, municipal corporations, or townships, shall be entitled to levy and collect any ad valorem or sales and use taxes which it was authorized to levy and collect prior to the enlargement of its territory and for which authorization has not expired, as if the enlargement had not occurred.

If the question of the tax which is submitted provides for a sales and use tax to be imposed and the question is approved, and the regional transit authority had previously been authorized pursuant to section 306.49 of the Revised Code to levy an ad valorem tax, the regional transit authority shall appropriate from the first moneys received from the sales and use tax in each year, the full amount required in order to pay the principal of and interest on any notes of the regional transit authority issued pursuant to section 306.49 of the Revised Code, in anticipation of the collection of the ad valorem tax; and shall not thereafter levy and collect the ad valorem tax previously approved unless the levy and collection is necessary to pay the principal of and interest on notes issued in anticipation of the tax in order to avoid impairing the obligation of the contract between the regional transit authority and the note holders.

If the question of the additional or renewal tax levy is approved, the

tax may be levied and collected as is otherwise provided for an ad valorem tax or a sales and use tax imposed by a regional transit authority, provided that if a question relating to an ad valorem tax is approved at the general election or at a special election occurring prior to a general election, but after the fifteenth day of July, the regional transit authority may amend its budget for its next fiscal year and its resolution adopted pursuant to section 5705.34 of the Revised Code or adopt such resolution, and the levy shall be placed on the current tax list and duplicate and collected as all other taxes are collected from all taxable property within the enlarged territory of the regional transit authority including the territory within each political subdivision which has been added to the regional transit authority pursuant to this section, provided further that if a question relating to sales and use tax is approved after the fifteenth day of July in any calendar year, the regional transit authority may amend its budget for the current and next fiscal year and any resolution adopted pursuant to section 5705.34 of the Revised Code, to reflect the imposition of the sales and use tax and shall amend its budget for the next fiscal year and any resolution adopted pursuant to section 5705.34 of the Revised Code to comply with the immediately preceding paragraph. If the budget of the regional transit authority is amended pursuant to this paragraph, the county auditor shall prepare and deliver an amended certificate of estimated resources to reflect the change in anticipated revenues of the regional transit authority.

The procedures of this section are in addition to and an alternative to those established in section 306.32 of the Revised Code for joining to a regional transit authority additional counties, municipal corporations, or townships."

After line 417, insert:

"Sec. 306.54. Subject to making due provisions for the payment and performance of its obligations, the resolution or ordinance creating the regional transit authority may provide for its dissolution or modification in membership under circumstances described therein, or a regional transit authority may be dissolved or its membership modified by its board of trustees with the consent of the subdivision or subdivisions creating such regional transit authority by a majority vote of the legislative authorities of each such subdivision. In the event of dissolution the properties of the regional transit authority shall be transferred to the subdivision creating it, or if created by more than one subdivision, to the subdivisions creating it in such manner as may be agreed upon by such subdivisions."

In line 9309, after "164.08," insert "306.32, 306.321 306.54,"

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

Senator Peterson 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 20, nays 10, as follows:

Those who voted in the affirmative were: Senators

Brenner	Burke	Coley	Dolan
Eklund	Hackett	Hill	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Kunze
Manning	McColley	Peterson	Rulli
Schuring	Uecker	Wilson	Obhof-20

Those who voted in the negative were: Senators

Antonio	Craig	Fedor	Gavarone
Lehner	Maharath	O'Brien	Sykes
Thomas			Yuko-10

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 62**, pass?"

The yeas and nays were taken and resulted – yeas 24, nays 6, as follows:

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Gavarone
Hackett	Hill	Hoagland	Hottinger
Huffman, S.	Kunze	Lehner	Manning
O'Brien	Peterson	Schuring	Thomas
Uecker	Wilson	Yuko	Obhof-24

Senators Fedor, Huffman, M., Maharath, McColley, Rulli, and Sykes voted in the negative-6.

So the bill passed.

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

Senator Hottinger moved to amend the title as follows:

Add the name: "Senator Antonio"

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Hottinger moved that Senators absent the week of Sunday, March 17, 2019, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered for the first time:

S. B. No. 114 - Senator Hottinger

To amend section 505.172 of the Revised Code to expand the authority of a township to regulate noise within the unincorporated area of the township.

OFFERING OF RESOLUTIONS

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

S. R. No. 74 - Senator Dolan

Honoring Owen Hanna on winning a 2019 Division II State Swimming Championship title.

S. R. No. 75 - Senator Dolan

Honoring the Hunting Valley University School boys 400-yard freestyle relay team on winning the 2019 Division II State Swimming Championship.

S. R. No. 76 - Senator Dolan

Honoring the University School boys 200-yard medley relay team on its 2019 Division II State Championship.

S. R. No. 77 - Senator Dolan

Honoring the University School boys 200-yard freestyle relay team as the Division II State Champion.

S. R. No. 78 - Senator Peterson

Honoring The LINK on receiving a Silver Medal at the Collegiate Advertising Awards.

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

So the resolutions were adopted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Am. H. B. No. 50 -Representative Greenspan

Cosponsors: Representatives Hambley, Arndt, Blessing, Boyd, Brent, Brown, Callender, Carfagna, Clites, Crawley, Crossman, Galonski, Ginter, Hicks-

Hudson, Holmes, A., Holmes, G., Hoops, Howse, Jones, Kent, Kick, Lang, LaTourette, Lepore-Hagan, Lightbody, Manning, D., Miller, A., Miller, J., Patterson, Reineke, Richardson, Robinson, Roemer, Rogers, Russo, Scherer, Seitz, Sheehy, Skindell, Smith, K., Sobecki, Stein, Stoltzfus, Sweeney, Upchurch, Weinstein, West, Wiggam, Wilkin

To enact section 339.062 of the Revised Code to require that all rights to and interests in charter county hospital employee discoveries, inventions, or patents are the property of the charter county hospital.

Attest:

Bradley J. Young,
Clerk.

Said bill was considered the first time.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rules No. 19 and 20, the President of the Senate appoints Senator Kirk Schuring to the Senate's Transportation, Commerce and Workforce Standing Committee, as a temporary replacement for Senator Kristina Roegner for the purpose of the committee's meeting on March 21, 2019.

On the motion of Senator Peterson, the Senate adjourned until Friday, March 22, 2019 at 11:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.