

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 1, 2017

ELEVENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 1, 2017, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Wilson was selected to preside according to the rule.

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

**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 resolutions, standing in order for second consideration, be referred to committee as recommended:

S. C. R. No. 2 -Senator Thomas, et al.

To urge municipal corporations throughout the state to adopt a Municipal Identification Card Program.

To the Committee on Local Government Public Safety and Veterans Affairs.

S. C. R. No. 3 -Senators Thomas, Burke, et al.

To urge the Commissioner of Major League Baseball to remove Peter Edward "Pete" Rose from Major League Baseball's permanently ineligible list as soon as possible, and to urge the Baseball Writers' Association of America and the National Baseball Hall of Fame to include Rose on the Hall of Fame ballot.

To the Committee on Local Government Public Safety and Veterans Affairs.

S. R. No. 19 -Senator Thomas, et al.

To urge the Congress of the United States to enact legislation rescinding the January 27, 2017, presidential executive order regarding immigration and limiting the authority of the President of the United States to prohibit classes of persons from entering the United States.

To the Committee on Government Oversight and Reform.

S. B. No. 1 -Senator LaRose, et al.

To amend sections 2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised Code to increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.

To the Committee on Judiciary.

S. B. No. 2 -Senator Hite, et al.

To amend sections 1506.21, 1506.23, 3714.01, 3714.02, 3714.051, 3714.06, 3714.062, 3714.082, 3734.061, 3734.19, 3734.20, 3734.21, 3734.22, 3734.23, 3734.30, 5301.80, 6109.02, 6109.08, 6109.24, 6111.03, 6111.04, 6111.07, and 6111.30 and to enact sections 3714.022, 6109.25, 6111.052, 6111.33, and 6111.34 of the Revised Code to revise specified laws relating to environmental protection.

To the Committee on Energy and Natural Resources.

S. B. No. 3 -Senators Beagle, Balderson, et al.

To amend sections 107.35, 131.33, 307.984, 329.04, 329.06, 763.01, 763.07, 2329.66, 2953.25, 3121.03, 3304.11, 3304.12, 3304.14, 3304.15, 3304.17, 3304.171, 3304.18, 3304.182, 3304.19, 3304.20, 3304.21, 3304.22, 3304.27, 3304.28, 3304.29, 3304.30, 3304.31, 3304.41, 3309.23, 3313.603, 3313.618, 3313.6110, 3313.89, 3314.03, 3326.01, 3326.03, 3326.032, 3326.04, 3326.09, 3326.11, 3333.91, 3333.92, 4141.29, 4141.43, 4141.51, 5101.09, 5101.20, 5101.201, 5101.214, 5101.23, 5101.241, 5108.01, 5123.60, 5166.40, 5166.408, 5709.64, 5903.11, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 6301.06, 6301.061, 6301.07, 6301.08, 6301.09, 6301.11, 6301.12, and 6301.18; to enact sections 5.281, 3313.6112, 3313.904, and 6301.20; and to repeal sections 330.01, 330.02, 330.04, 330.05, 330.07, 763.02, and 763.05 of the Revised Code, and to amend Section 305.190 of Am. Sub. H.B. 64 of the 131st General Assembly to revise the laws governing the state's workforce

development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week.

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 4 -Senators Kunze, Oelslager, et al.

To amend sections 2951.041 and 2953.38 and to enact section 2953.521 of the Revised Code to allow a person who is found not guilty of an offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution.

To the Committee on Judiciary.

S. B. No. 5 -Senators Hottinger, Eklund, et al.

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

To the Committee on Finance.

S. B. No. 6 -Senator Hoagland, et al.

To enact section 5501.491 of the Revised Code to extend the Ohio Bridge Partnership Program through the end of fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program.

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 7 -Senators Bacon, Manning, et al.

To amend section 2919.27 of the Revised Code to provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms.

To the Committee on Ways and Means.

S. B. No. 9 -Senator Bacon, et al.

To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes.

To the Committee on Local Government, Public Safety and Veterans Affairs.

S. B. No. 10 -Senator LaRose, et al.

To amend sections 102.02, 3513.02, 3513.30, 3513.301, and 3513.312 of the Revised Code to expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election.

To the Committee on Government Oversight and Reform.

S. B. No. 11 -Senator Tavares, et al.

To enact section 5.257 of the Revised Code to designate March 31 as "Cesar E. Chavez Day" in Ohio.

To the Committee on Local Government, Public Safety and Veterans Affairs.

S. B. No. 12 -Senator Tavares, et al.

To enact section 2929.07 of the Revised Code to provide that a defendant cannot be executed if the defendant's race was the basis of the decision to seek or impose the death penalty, to permit a defendant to file a motion alleging that the defendant's race was the basis of the decision to seek or impose the death penalty, and to specify the procedure for determining if the defendant's

race was the basis of that decision.

To the Committee on Judiciary.

S. B. No. 13 -Senator Tavares, et al.

To amend sections 2315.18, 2323.43, 2744.02, 2744.03, 2744.04, and 2744.05 and to enact sections 2743.021, 2744.021, and 2744.022 of the Revised Code to grant a person the right to lawfully record any incident involving a law enforcement officer and to impose civil liability upon the state or a local law enforcement agency if a law enforcement officer employed by the state or local law enforcement agency interferes with the recording of the incident, destroys the recording, seizes the recording without a warrant or subpoena or the person's consent, or retaliates against the person who recorded the incident.

To the Committee on Local Government, Public Safety and Veterans Affairs.

S. B. No. 14 -Senator Tavares, et al.

To amend sections 4111.02, 4111.08, 4111.10, 4111.13, 4111.14, 4111.99, 4112.01, and 4112.05 and to enact sections 4111.021, 4111.031, and 4112.025 of the Revised Code to require that domestic workers be paid the higher of the minimum wage provided in Section 34a of Article II, Ohio Constitution, or the minimum wage provided in the Fair Labor Standards Act, to require that domestic workers be paid overtime wages, to make certain conduct directed toward a domestic worker an unlawful discriminatory practice, and to require a weekly day of rest for domestic workers.

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 15 -Senator Tavares, et al.

To amend sections 123.152 and 3358.10 and to enact sections 3354.161, 3355.121, and 3357.161 of the Revised Code to require community colleges, state community colleges, technical colleges, and university branches to comply with minority business enterprise set-aside requirements, and to require the Director of Administrative Services to establish guidelines for these entities, and the Northeast Ohio Medical University, to establish procurement goals for contracting with EDGE business enterprises.

To the Committee on Government Oversight and Reform.

S. B. No. 16 -Senator Tavares, et al.

To amend section 4743.08 of the Revised Code to require certain health care professionals to complete instruction in cultural competency.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 17 -Senator Tavares, et al.

To amend section 131.51 of the Revised Code to increase monthly allocations to the Local Government Fund from 1.66% to 3.68% of the total tax revenue credited to the General Revenue Fund each month.

To the Committee on Finance.

S. B. No. 18 -Senator Thomas, et al.

To enact section 5.291 of the Revised Code to designate September 12 as "Jesse Owens Day."

To the Committee on Government Oversight and Reform.

S. B. No. 19 -Senator Thomas, et al.

To amend sections 309.02 and 325.11 of the Revised Code to prohibit prosecuting attorneys of counties with a population of 400,001 or more from engaging in the private practice of law.

To the Committee on Government Oversight and Reform.

S. B. No. 20 -Senator Hackett, et al.

To amend sections 2929.01, 2929.13, and 2929.14 and to enact section 2941.1425 of the Revised Code to require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm.

To the Committee on Judiciary.

S. B. No. 21 -Senator Uecker, et al.

To amend sections 3501.22 and 3503.21 of the Revised Code to reduce the minimum number of precinct election officials in a precinct in which electronic pollbooks are used and to eliminate the requirement that a board of elections send a notice to a person's residence address when the board cancels the person's voter registration because it received a report of the person's death.

To the Committee on Government Oversight and Reform.

S. B. No. 22 -Senator Peterson.

To amend section 5701.11 of the Revised Code to expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law.

To the Committee on Ways and Means.

S. B. No. 23 -Senator Terhar.

To enact section 5.240 of the Revised Code to designate January 31 as "Omphalocele Awareness Day."

To the Committee on Health, Human Services and Medicaid.

S. B. No. 24 -Senator Terhar.

To amend section 1321.99 and to enact sections 1321.62, 1321.63, 1321.631, 1321.632, 1321.64, 1321.641, 1321.642, 1321.643, 1321.644, 1321.65, 1321.651, 1321.66, 1321.661, 1321.662, 1321.663, 1321.664, 1321.665, 1321.666, 1321.667, 1321.67, 1321.671, 1321.672, 1321.673, 1321.674, 1321.68, 1321.681, 1321.69, 1321.70, 1321.701, and 1321.702 of the Revised Code to create the Ohio Consumer Installment Loan Act.

To the Committee on Insurance and Financial Institutions.

S. B. No. 25 -Senator Hottinger.

To amend sections 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, 1901.312, 1901.34, and 1907.11 of the Revised Code to create the Perry County Municipal Court in New Lexington on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017.

To the Committee on Judiciary.

S. B. No. 26 -Senators Hottinger, Jordan, et al.

To enact section 5534.49 of the Revised Code to designate a portion of State Route 205 and United States Route 62 in Knox County as the "Officer Thomas W. Cottrell Jr. Memorial Highway."

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 27 -Senator Beagle, et al.

To amend section 5.2281 of the Revised Code to designate the period beginning March 13 and ending April 15 as "Ohio Deaf History Month."

To the Committee on Health Human, Services and Medicaid.

S. B. No. 28 -Senator Uecker, et al.

To amend sections 2317.56, 3701.341, and 3701.79 and to enact sections 3726.01, 3726.02, 3726.03, 3726.04, 3726.041, 3726.042, 3726.05, 3726.09, 3726.10, 3726.11, 3726.12, 3726.13, 3726.14, 3726.15, 3726.16, 3726.95, 3726.99, and 4717.271 of the Revised Code regarding final disposition of fetal remains from surgical abortions.

To the Committee on Government Oversight and Reform.

S. B. No. 29 -Senators Coley, Oelslager, et al.

To amend sections 102.02, 109.572, 111.15, 119.01, 121.07, 131.11, 135.03, 135.032, 135.32, 135.321, 135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 755.141, 902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02,

1101.03, 1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 1103.07, 1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 1103.16, 1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 1105.03, 1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 1107.07, 1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 1109.03, 1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 1109.22, 1109.23, 1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 1109.33, 1109.34, 1109.35, 1109.36, 1109.39, 1109.40, 1109.43, 1109.44, 1109.45, 1109.47, 1109.48, 1109.49, 1109.53, 1109.54, 1109.55, 1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 1109.69, 1111.01, 1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 1111.09, 1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 1115.01, 1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 1115.15, 1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 1121.05, 1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 1121.17, 1121.18, 1121.21, 1121.23, 1121.26, 1121.30, 1121.33, 1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 1121.48, 1121.50, 1121.56, 1123.01, 1125.01, 1125.03, 1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 1125.28, 1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 1181.25, 1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 1901.31, 2335.25, 3351.07, 3767.41, 4303.293, and 5814.01; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1103.01 (1113.01), 1103.06 (1113.04), 1103.08 (1113.12), 1103.09 (1113.13), 1103.11 (1113.11), 1103.13 (1113.14), 1103.14 (1113.15), 1103.15 (1113.16), 1103.16 (1113.17), 1103.21 (1117.07), and 1113.01 (1113.02) and to enact new section 1121.52 and sections 1101.05, 1103.99, 1109.021, 1109.04, 1109.151, 1109.441, 1109.62, 1114.01, 1114.02, 1114.03, 1114.04, 1114.05, 1114.06, 1114.07, 1114.08, 1114.09, 1114.10, 1114.11, 1114.12, 1114.16, 1115.02, 1115.03, 1115.24, 1116.01, 1116.02, 1116.05, 1116.06, 1116.07, 1116.08, 1116.09, 1116.10, 1116.11, 1116.12, 1116.13, 1116.16, 1116.18, 1116.19, 1116.20, 1116.21, and 1121.19, and to repeal sections 1105.06, 1107.01, 1109.60, 1115.18, 1115.19, 1115.25, 1121.52, 1133.01, 1133.02, 1133.03, 1133.04, 1133.05, 1133.06, 1133.07, 1133.08, 1133.09, 1133.10, 1133.11, 1133.12, 1133.13, 1133.14, 1133.15, 1133.16, 1151.01, 1151.02, 1151.03, 1151.04, 1151.05, 1151.051, 1151.052, 1151.053, 1151.06, 1151.07, 1151.08, 1151.081, 1151.09, 1151.091, 1151.10, 1151.11, 1151.12, 1151.13, 1151.14, 1151.15, 1151.16, 1151.17, 1151.18, 1151.19, 1151.191, 1151.192, 1151.20, 1151.201, 1151.21, 1151.22, 1151.23, 1151.231, 1151.24, 1151.25, 1151.26, 1151.27, 1151.28, 1151.29, 1151.291, 1151.292, 1151.293, 1151.294, 1151.295, 1151.296, 1151.297, 1151.298, 1151.299, 1151.2910, 1151.2911, 1151.30, 1151.31, 1151.311, 1151.312, 1151.32, 1151.321, 1151.323, 1151.33, 1151.34, 1151.341, 1151.342, 1151.343, 1151.344, 1151.345, 1151.346, 1151.347,

1151.348, 1151.349, 1151.35, 1151.36, 1151.361, 1151.37, 1151.38, 1151.39, 1151.40, 1151.41, 1151.411, 1151.42, 1151.44, 1151.45, 1151.46, 1151.47, 1151.471, 1151.48, 1151.49, 1151.51, 1151.52, 1151.53, 1151.54, 1151.55, 1151.60, 1151.61, 1151.62, 1151.63, 1151.64, 1151.66, 1151.71, 1151.72, 1151.99, 1153.03, 1153.05, 1153.06, 1153.07, 1153.99, 1155.01, 1155.011, 1155.02, 1155.021, 1155.03, 1155.05, 1155.07, 1155.071, 1155.08, 1155.09, 1155.091, 1155.10, 1155.11, 1155.12, 1155.15, 1155.16, 1155.17, 1155.18, 1155.20, 1155.21, 1155.23, 1155.24, 1155.25, 1155.26, 1155.27, 1155.28, 1155.31, 1155.35, 1155.37, 1155.41, 1155.42, 1155.43, 1155.44, 1155.45, 1155.46, 1155.47, 1157.01, 1157.03, 1157.04, 1157.05, 1157.06, 1157.09, 1157.10, 1157.11, 1157.12, 1157.13, 1157.14, 1157.17, 1157.18, 1157.19, 1157.20, 1157.21, 1157.22, 1157.23, 1157.24, 1157.25, 1157.26, 1157.27, 1157.28, 1157.29, 1157.30, 1157.33, 1161.01, 1161.02, 1161.03, 1161.04, 1161.05, 1161.06, 1161.07, 1161.071, 1161.08, 1161.09, 1161.10, 1161.11, 1161.111, 1161.12, 1161.13, 1161.14, 1161.15, 1161.16, 1161.17, 1161.18, 1161.19, 1161.20, 1161.21, 1161.22, 1161.23, 1161.24, 1161.25, 1161.26, 1161.27, 1161.28, 1161.29, 1161.30, 1161.31, 1161.32, 1161.33, 1161.34, 1161.35, 1161.36, 1161.37, 1161.38, 1161.39, 1161.40, 1161.41, 1161.42, 1161.43, 1161.44, 1161.441, 1161.45, 1161.46, 1161.47, 1161.48, 1161.49, 1161.50, 1161.51, 1161.52, 1161.53, 1161.54, 1161.55, 1161.56, 1161.57, 1161.58, 1161.59, 1161.60, 1161.601, 1161.61, 1161.62, 1161.63, 1161.631, 1161.64, 1161.65, 1161.66, 1161.67, 1161.68, 1161.69, 1161.70, 1161.71, 1161.72, 1161.73, 1161.74, 1161.75, 1161.76, 1161.77, 1161.78, 1161.79, 1161.80, 1161.81, 1163.01, 1163.02, 1163.03, 1163.04, 1163.05, 1163.07, 1163.09, 1163.10, 1163.11, 1163.12, 1163.121, 1163.13, 1163.14, 1163.15, 1163.19, 1163.20, 1163.21, 1163.22, 1163.24, 1163.25, 1163.26, 1163.27, 1165.01, 1165.03, 1165.04, 1165.05, 1165.06, 1165.09, 1165.10, 1165.11, 1165.12, 1165.13, 1165.14, 1165.17, 1165.18, 1165.19, 1165.20, 1165.21, 1165.22, 1165.23, 1165.24, 1165.25, 1165.26, 1165.27, 1165.28, 1165.29, 1165.30, 1165.33, 1181.16, 1181.17, and 1181.18 of the Revised Code for the purpose of enacting a new banking law for the State of Ohio.

To the Committee on Insurance and Financial Institutions.

YES - 13: EDNA BROWN, DAVE BURKE, JOHN EKLUND, RANDY GARDNER, CLIFF HITE, MATT HUFFMAN, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, BOB PETERSON, JOSEPH SCHIAVONI, CHARLETA B. TAVARES, CECIL THOMAS

NO - 0.

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

The report of the committee was accepted.

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

OFFERING OF RESOLUTIONS

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

S. R. No. 25 - Senator Peterson.

Honoring the Clinton County Agricultural Society on receiving three OFMA Communication Awards.

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

So the resolution was adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rules No. 19 and 20, the President of the Senate makes the following appointment changes to these Senate standing committees for the 132nd General Assembly:

Remove Senator O'Brien from the Transportation, Commerce and Workforce Committee, and replace with Senator Brown.

Remove Senator Tavares from the Ways and Means Committee, and replace with Senator O'Brien.

On the motion of Senator Bacon, the Senate adjourned until Monday, February 6, 2017 at 11:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.