

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 8, 2017

FOURTEENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 8, 2017, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brad Jury, Providence Baptist in Westerville, 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:

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Senator Beagle recognized the Troy High School girls cross country team as the 2016 Division I State runner-up.

Senator Beagle recognized the Miami East High School girls volleyball team as the 2016 Division III State Champion.

Senator Lehner recognized the BONDS robotics team as the 2016 FIRST Robotics Competition World Rookie All Star.

Senator Williams and Senator Yuko recognized the Youth Technology Academy Team 120: Cleveland's Team on winning the 2016 FIRST Robotics World Championship.

Senator Lehner recognized the Archbishop Alter High School girls soccer team as the 2016 Division II State Champion.

Senator Lehner recognized the Archbishop Alter High School boys soccer team on winning the 2016 Division II State Championship.

Senator Lehner recognized the Centerville High School girls cross country team on winning the 2016 Division I State Championship.

Senator Bacon recognized Ronette "Roni" Burkes as the Ohio Warden of the Year.

Senator Obhof recognized Ashland University students Daivon Barrow, Joey Barretta, Logan Alexander, and Morgan Tucker.

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

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

S. B. No. 8 -Senators Gardner, Terhar, et al.

To enact section 3318.39 of the Revised Code to require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security.

To the Committee on Education.

S. B. No. 30 -Senator Eklund, et al.

To enact section 305.50 of the Revised Code to authorize counties to adopt resolutions regulating motor vehicle traffic on county and township roads.

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

S. B. No. 31 -Senator Eklund, et al.

To enact section 3718.026 of the Revised Code to authorize a board of county commissioners or municipal legislative authority to elect to withdraw the county or municipal corporation from the application of any rule adopted by the Department of Health after January 1, 2014, that governs the design of household sewage treatment systems.

To the Committee on Energy and Natural Resources.

S. B. No. 32 -Senator Eklund, et al.

To amend sections 2945.71 and 2945.73 of the Revised Code to provide a prosecutor an additional fourteen days to commence a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time and to authorize the court to release the person from detention in connection with those charges pending trial.

To the Committee on Judiciary.

S. B. No. 33 -Senator Eklund, et al.

To amend sections 2913.04 and 2923.129 and to enact section 5503.101 of

the Revised Code to allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case.

To the Committee on Judiciary.

S. B. No. 34 -Senator Manning, et al.

To amend sections 3314.03, 3317.01, 3326.11, and 3328.24 and to enact section 3313.621 of the Revised Code to generally require public and chartered nonpublic schools to open for instruction after Labor Day.

To the Committee on Education.

S. B. No. 35 -Senator Skindell, et al.

To amend sections 5747.71 and 5747.98 of the Revised Code to remove the income restriction on the earned income tax credit and to make the credit refundable beginning in 2017.

To the Committee on Ways and Means.

S. B. No. 36 -Senator Hite, et al.

To amend sections 5713.31, 5713.34, and 5715.01 of the Revised Code to require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.

To the Committee on Ways and Means.

S. B. No. 37 -Senator Hite, et al.

To amend sections 505.49, 737.052, and 737.15 and to enact section 109.804 of the Revised Code to require the Ohio Peace Officer Training Commission to develop and conduct a chief of police training course for newly appointed village, city, and township chiefs of police.

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

S. B. No. 38 -Senator Yuko, et al.

To amend sections 119.14, 121.083, 1349.61, 4111.02, 4111.03, 4111.09,

4111.13, 4111.14, 4113.15, 4115.03, 4121.01, 4123.01, 4123.026, 4141.01, and 5747.01 and to enact sections 4177.01, 4177.02, 4177.03, 4177.04, 4177.05, 4177.06, 4177.07, 4177.08, 4177.09, 4177.10, 4177.11, 4177.12, 4177.13, 4177.14, 4177.15, 4177.16, 4177.17, 4177.18, and 4177.99 of the Revised Code to raise the minimum wage; to eliminate the prohibition against political subdivisions establishing a different minimum wage; to raise the salary threshold above which certain employees are exempt from the overtime law; and to create a uniform standard to determine whether an individual performing services for an employer is an employee of that employer.

To the Committee on Transportation, Commerce and Workforce.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Eklund submitted the following report:

The standing committee on Ways and Means, to which was referred **S. B. No. 22**-Senator Peterson, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Co-Sponsors: Beagle, Wilson.

YES - 11: JOHN EKLUND, LOU TERHAR, SEAN O'BRIEN, BOB D. HACKETT, BILL BEAGLE, KRIS JORDAN, PEGGY LEHNER, BOB PETERSON, STEVE WILSON, SANDRA WILLIAMS, CECIL THOMAS

NO - 0.

In line 8, reinsert "S.B."

In line 9, delete ".B." and insert "22"

Senator Obhof submitted the following report:

Pursuant to Senate Rule No. 37 the Standing Committee on Rules and Reference, recommends that **S. B. No. 7**, having been referred to the Standing Committee on Ways and Means, be re-referred to the Standing Committee on Local Government, Public Safety and Veterans Affairs.

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.

Senator Obhof submitted the following report:

Pursuant to Senate Rule No. 37 the Standing Committee on Rules and Reference, recommends that **S. B. No. 9**, having been referred to the Standing Committee on Local Government, Public Safety and Veterans Affairs, be re-referred to the Standing Committee on Ways and Means.

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 reports of the committees be accepted?"

The reports of the committees were accepted.

BILLS FOR THIRD CONSIDERATION

Am. S. B. No. 22-Senator Peterson.

Cosponsors: Senators Beagle, Wilson.

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, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 22**, 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 | Dolan | Eklund | Gardner |
| Hackett | Hite | Hoagland | Hottinger |
| Huffman | Jordan | Kunze | LaRose |
| Lehner | Manning | O'Brien | Oelslager |
| Peterson | Schiavoni | Skindell | Sykes |
| Tavares | Terhar | Thomas | Uecker |
| Williams | Wilson | Yuko | Obhof-32 |

So the bill passed.

The question being, “Shall the title be agreed to?”

Senator Peterson moved to amend the title as follows:

Add the names: "Senators Balderson, Dolan, Eklund, Gardner, Hackett, Hite, Hoagland, Huffman, Jordan, LaRose, Manning, Obhof, Oelslager, Schiavoni, Tavares, Terhar, Thomas, Uecker."

The question being, “Shall the motion be agreed to?”

The motion was agreed to and the title so amended.

MOTIONS

Senator Manning moved that Senators absent the week of Sunday, February 5, 2017, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered for the first time:

S. B. No. 39 - Senator Schiavoni.

Cosponsors: Senators Thomas, Brown, Skindell, Yuko, O'Brien, Williams, Tavares.

To amend sections 3302.01, 3302.03, 3302.41, 3314.03, 3314.032, 3314.08, 3314.23, 3314.27, and 3314.271 and to enact sections 3302.038, 3314.088, 3314.241, 3314.242, and 3314.52 of the Revised Code regarding community school operator contracts, the operation of Internet- and computer-based community schools, and performance metrics for blended learning schools.

S. B. No. 40 - Senators Eklund, Williams.

Cosponsors: Senators LaRose, Schiavoni, Brown, Thomas, Coley, Yuko, Terhar.

To amend sections 2929.02, 2929.022, 2929.024, 2929.03, 2929.04, 2929.06, 2953.21, and 2953.23 and to enact section 2929.025 of the Revised Code to provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense.

S. B. No. 41 - Senator Eklund.

Cosponsors: Senators Schiavoni, Hoagland, Coley, Yuko.

To amend sections 2151.421, 2317.02, and 2921.22 of the Revised Code to provide generally a testimonial privilege for communications between a qualified advocate rendering advocacy services and a victim of sexual violence, menacing by stalking, or domestic violence, to exempt the nondisclosure of that privileged communication from the offense of failure to report a crime, to require a qualified advocate to report knowledge or reasonable suspicion of child abuse or neglect of the victim except for privileged communications, and to specify circumstances in which the victim is considered to have waived the privilege.

S. B. No. 42 - Senator Eklund.

Cosponsors: Senators LaRose, Gardner, Bacon, Huffman, Brown, Hoagland, Coley, Oelslager, Hite, Terhar, Peterson.

To amend sections 2925.02, 2925.03, 2925.04, 2925.05, 2925.11, 2925.12, 2925.14, 2925.141, 2925.22, 2925.23, 2925.36, 2925.51, 2929.14, 3719.99, and 4729.99 of the Revised Code to expressly provide that drug offense penalties that refer to a particular type of drug also apply to a compound, mixture, preparation, or substance containing a detectable amount of that drug and to declare an emergency.

OFFERING OF RESOLUTIONS

Senator Peterson offered the following resolution:

S. R. No. 31-Senator Peterson.

Permitting the use of the Ohio Senate Chambers by the Western Ohio National Speech and Debate Association District on March 18, 2017.

WHEREAS, The members of the Senate of the 131st General Assembly of Ohio are pleased to grant permission for the Ohio Senate Chambers to be used by the Western Ohio National Speech and Debate Association District for its Student Congress competition on March 18, 2017; and

WHEREAS, As part of its annual Student Congress competition, the Western Ohio National Speech and Debate Association District will use the Ohio Senate Chambers on March 18, 2017, for a mock legislative debate. This activity will provide a unique opportunity for participants to experience firsthand rules and procedures similar to those of the state legislature and will help them to better understand the democratic process that is the cornerstone of our nation; and

WHEREAS, The knowledge that participants will gain through their involvement with the Western Ohio National Speech and Debate Association District's Student Congress competition will not only enrich their total educational experience but will also prepare them to take a more active role in fulfilling their responsibilities as citizens of this great state and nation; and

WHEREAS, The Senate Chambers are an appropriate location for the Western Ohio National Speech and Debate Association District's Student Congress activities. Following a true legislative format and held within the setting in which the lawmaking process normally takes place, the mock debates will provide the group's members with an excellent opportunity to engage in a simulation of government in action; therefore be it

RESOLVED, That we, the members of the Senate of the 131st General Assembly of Ohio, in adopting this Resolution, authorize the use of the Ohio Senate Chambers on March 18, 2017, by the Western Ohio National Speech and Debate Association District for its Student Congress competition, contingent upon the availability of those facilities, and commend all those involved with this event on their civic responsibility; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the Western Ohio National Speech and Debate Association District.

The question being, "Shall the resolution, **S. R. No. 31**, be adopted?"

So the resolution was adopted.

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

Senator Peterson moved to amend the title as follows:

Add the names: "Senators Manning, Obhof."

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

The motion was agreed to and the title so amended.

Senator Peterson offered the following resolution:

S. R. No. 32-Senator Peterson.

Authorizing the Youth Leadership Association to use the Ohio Senate Chambers on April 6-8, 2017.

WHEREAS, The members of the Senate of the 132nd General Assembly of Ohio have learned that the Youth Leadership Association has requested permission to use the Ohio Senate Chambers for its Ohio Youth in Government, April 6-8, 2017; and

WHEREAS, Since its inception, the Youth Leadership Association has provided students with the opportunity to better appreciate and understand government and its components, and the knowledge gained through this event will certainly be of value to participants in the years to come; and

WHEREAS, By utilizing the facilities that accommodate those involved in the state legislative process, the Youth Leadership Association will offer students an accurate depiction of state government and the manner in which legislation is created and processed; and

WHEREAS, Through participation in the Ohio Youth in Government, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 132nd General Assembly of Ohio, in adopting this Resolution, permit the Youth Leadership Association to use the Ohio Senate Chambers, contingent upon the availability of those facilities, and salute the participants as some of Ohio's finest young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the Youth Leadership Association.

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

Senator Peterson moved to amend the title as follows:

Add the name: "Senators Manning, Obhof."

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

The motion was agreed to and the title so amended.

Senator Peterson offered the following resolution:

S. R. No. 33-Senator Peterson.

Authorizing Ohio YMCA Youth in Government to use the Ohio Senate Chambers on March 30-31, 2017 and April 20-21, 2017.

WHEREAS, The members of the Senate of the 132nd General Assembly of Ohio are pleased to have learned that Ohio YMCA Youth in Government has requested permission to use the Ohio Senate Chambers for its model legislative event, March 30-31, 2017 and April 20-21, 2017; and

WHEREAS, Sponsored by the Ohio-West Virginia Youth Leadership Association, Ohio YMCA Youth in Government has provided students with the opportunity to better appreciate and understand government and its components since the endeavor was founded in 1952, and the knowledge gained through this event will certainly be of value to participants in the years to come; and

WHEREAS, By utilizing the facilities that accommodate those involved in the state legislative process, Ohio YMCA Youth in Government will offer students an accurate depiction of state government and the manner in which legislation is created and processed; and

WHEREAS, Through participation in Ohio YMCA Youth in Government, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience participants will gain through their involvement in this program will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 132nd General Assembly of Ohio, in adopting this Resolution, permit Ohio YMCA Youth in Government to use the Ohio Senate Chambers, contingent upon the availability of those facilities, and salute the participants as some of Ohio's finest young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to Ohio YMCA Youth in Government.

The question being, "Shall the resolution, **S. R. No. 33**, be adopted?"

So the resolution was adopted.

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

Senator Peterson moved to amend the title as follows:

Add the names: "Senators Beagle, Brown, Eklund, Gardner, Hackett, Hite, Hoagland, Hottinger, LaRose, Lehner, Manning, Obhof, Schiavoni, Sykes, Tavares, Terhar, Thomas, Wilson."

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 resolution was offered:

S. R. No. 34 - Senator Hite.

Honoring Crista Wortkoetter as the 2017 Ohio State Fairs' Queen.

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 Section 3505.061 of the Ohio Revised Code, the President of the Senate appoints Senator Jay Hottinger as a member of the Ohio Ballot Board, for a term ending February 1, 2021.

On the motion of Senator Peterson, the Senate adjourned until Thursday, February 9, 2017 at 11:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.