

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, FEBRUARY 15, 2017

SEVENTEENTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, February 15, 2017, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Dr. Stephen Swisher, Etna United Methodist Church in Etna, 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 Hite recognized Mark Moats Ford, Inc., on its Centennial.

Senator Lehner recognized Richard Palmer as the 2016 Ohio Certified Public Manager of the Year.

Senator Coley requested a moment of silence to honor Middletown Municipal Court Judge Mark Wall.

Senator Skindell and Senator Eklund recognized individuals from the Beck Center for the Arts.

Senator Hite recognized Brooke Mangas on winning a 2016 Division III State Track and Field Championship.

Senator Schiavoni requested a moment of silence for Secretary-Treasurer of the Ohio Association of Professional Fire Fighters Mark Horton.

**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:

**S. R. No. 37** -Senator Skindell, et al.

To call on legislators at the state and federal level and other communities and jurisdictions to support an amendment to the United States Constitution that would abolish corporate personhood and the doctrine of money as speech.

To the Committee on Transportation, Commerce and Workforce.

**S. B. No. 39** -Senator Schiavoni, et al.

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.

To the Committee on Education.

**S. B. No. 40** -Senators Eklund, Williams, et al.

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.

To the Committee on Judiciary.

**S. B. No. 41** -Senator Eklund, et al.

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.

To the Committee on Judiciary.

**S. B. No. 42** -Senator Eklund, et al.

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.

To the Committee on Judiciary.

**S. B. No. 43** -Senator Bacon.

To amend sections 504.04 and 504.13 of the Revised Code to enable limited home rule townships to adopt building codes regardless of any similar codes adopted by the county in which the township resides.

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

**S. B. No. 44** -Senator LaRose, et al.

To amend sections 3517.10, 3517.105, 3517.106, 3517.1011, and 3517.11 of the Revised Code to allow certain campaign committees and other 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. 45** -Senator Williams, et al.

To amend sections 169.13 and 169.14 of the Revised Code regarding payment to a registered finder of unclaimed funds.

To the Committee on Finance.

**S. B. No. 46** -Senator Williams, et al.

To enact section 5534.60 of the Revised Code to designate portions of United States Route 422 within the municipal corporations of Cleveland and Youngstown as the "Arnold R. Pinkney Memorial Way."

To the Committee on Transportation, Commerce and Workforce.

**S. B. No. 47** -Senator Williams, et al.

To enact section 4113.66 of the Revised Code to prohibit the use of noncompete provisions in employment contracts in the broadcasting industry.

To the Committee on Transportation, Commerce and Workforce.

**S. B. No. 48** -Senator Williams, et al.

To amend sections 4506.07, 4506.11, 4507.06, 4507.13, 4507.51, and 4507.52 and to enact section 4503.441 of the Revised Code to create a special license plate for hearing-impaired individuals and to require the Registrar to include an identifying symbol on a driver's license, commercial driver's license, or state-issued identification card of a hearing-impaired individual, if

requested.

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

**S. B. No. 49** -Senator Williams, et al.

To enact section 4113.13 of the Revised Code to prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.

To the Committee on Transportation, Commerce and Workforce.

**S. B. No. 50** -Senator Skindell.

To amend sections 1509.01, 1509.02, 1509.03, 1509.05, 1509.06, 1509.08, 1509.21, 1509.22, 1509.222, 1509.223, 1509.224, and 1509.99, to enact section 1509.051, and to repeal section 1509.226 of the Revised Code to to prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law.

To the Committee on Energy and Natural Resources.

**S. B. No. 51** -Senators Skindell, Eklund, et al.

To amend sections 1710.01 and 1710.02 of the Revised Code to authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.

To the Committee on Energy and Natural Resources.

**S. B. No. 52** -Senator Skindell, et al.

To amend sections 3101.08, 3101.10, 3101.11, and 3101.12 of the Revised Code to allow any person or entity that registers with the secretary of state to solemnize marriages.

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

**S. B. No. 53** -Senator Skindell.

To amend section 1505.07 of the Revised Code to ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

To the Committee on Energy and Natural Resources.

**S. B. No. 54** -Senators Brown, Lehner, et al.

To amend section 3313.813 of the Revised Code to require school districts to allow approved summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions.

To the Committee on Government Oversight and Reform.

**S. B. No. 55** -Senator Skindell, et al.

To amend sections 3727.50, 3727.51, 3727.52, and 3727.53 and to enact sections 3727.80 to 3727.88 of the Revised Code to establish minimum ratios of direct-care registered nurses to patients in hospitals, to specify rights of registered nurses working in hospitals, and to prohibit retaliatory actions by hospitals against registered nurses.

To the Committee on Health, Human Services and Medicaid.

**S. B. No. 56** -Senators Lehner, Tavares, et al.

To amend section 5167.12 and to enact sections 3901.82, 3901.821, 3901.822, 3901.823, 5164.7512, 5164.7513, and 5164.7514 of the Revised Code to adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid.

To the Committee on Health, Human Services and Medicaid.

YES - 14: EDNA BROWN, DAVE BURKE, WILLIAM P. COLEY, II, 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 resolution were considered a second time and referred to committee as recommended.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 25**-Senator Hottinger.

Cosponsors: Senators Coley, Bacon.

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 and to amend Section 729.10 of Am. Sub. H.B. 483 of the 130th General Assembly, as subsequently amended, 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, to provide for the election for the Perry County Municipal Court of one full-time judge in 2017, to modify the provisions regarding the membership of the Criminal Justice Recodification Committee, and to declare an emergency, was considered the third time.

The question being, “Shall the section, Section 8, setting forth the emergency features of the bill, stand as a part of the bill?”

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	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-33

So the section, Section 8, 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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	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-33

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Hottinger moved to amend the title as follows:

Add the names: "Senators Balderson, Dolan, Eklund, Gardner, Hoagland, Skindell, Thomas, Yuko."

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

The motion was agreed to and the title so amended.

### **INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

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

**S. B. No. 57** - Senator Kunze.

Cosponsors: Senators Coley, Brown, Beagle, Eklund, Schiavoni, Oelslager, Yuko, Hackett.

To enact section 5.291 of the Revised Code to designate the seventeenth day of May as "Diffuse Intrinsic Pontine Glioma Awareness Day."

### **OFFERING OF RESOLUTIONS**

Senator Peterson offered the following concurrent resolution:

**S. C. R. No. 4**-Senator Peterson.

To delegate to the President of the Senate and the Speaker of the House of Representatives authority to designate groups of members to prepare arguments for and against amendments to the Ohio Constitution proposed by the General Assembly, a person or persons to prepare an argument for any law, section, or item submitted to the electors by referendum petition, and a person or persons to prepare an argument against any constitutional amendment proposed by initiative petition.

WHEREAS, When the General Assembly adopts a joint resolution proposing an amendment to the Ohio Constitution under Ohio Constitution, Article XVI, Section 1, it may designate, under section 3505.063 of the Revised Code, a group of members who voted in support of the joint resolution to prepare arguments for the proposed amendment and, unless no members voted in opposition, a group of members who voted in opposition to the joint resolution to prepare arguments against the proposed amendment; and

WHEREAS, The General Assembly, if in session, is required to name the person or persons who will prepare the argument, explanation, or both, for any law, section, or item submitted to the electors by referendum petition, under Ohio Constitution, Article II, Section 1g; now therefore be it

RESOLVED, That, when the 132nd General Assembly adopts a joint resolution proposing an amendment to the Ohio Constitution, the President of the Senate and the Speaker of the House of Representatives, on behalf of the 132nd General Assembly, may designate a group of members who voted in



support of the joint resolution to prepare arguments for the proposed amendment and, unless no members voted in opposition, a group of members who voted in opposition to the joint resolution to prepare arguments against the proposed amendment; and be it further

RESOLVED, That the President of the Senate and the Speaker of the House of Representatives, on behalf of the 132nd General Assembly, may designate the person or persons who will prepare the argument, explanation, or both, for any law, section, or item submitted to the electors by referendum petition during the 132nd General Assembly; and be it further

RESOLVED, That the President of the Senate and the Speaker of the House of Representatives, on behalf of the 132nd General Assembly, may designate the person or persons who will prepare the argument against any constitutional amendment proposed by initiative petition during the 132nd General Assembly; and be it further

RESOLVED, That the President of the Senate and the Speaker of the House of Representatives make their designations so as to leave the designated group or groups of members, person, or persons with sufficient time to prepare and file their arguments with the Secretary of State not later than the eightieth day before the day of the election at which the issue will be submitted to the electors.

The question being, "Shall the concurrent resolution, **S. C. R. No. 4**, be adopted?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:  
Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	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-33

So the concurrent 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 Coley, Hackett, Hite, Hoagland, Obhof, Oelslager."

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 adjourned until Thursday, February 16, 2017 at 11:00 a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.