

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 22, 2017

TWENTIETH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 22, 2017, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Homer Harden, First Presbyterian Church in St. Clairsville, 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 Hoagland recognized Reverend Homer Harden and Boy Scout Troop 59.

Senator Sykes recognized Malaya Owens for receiving the Boys and Girls Club Youth of the Year Award.

Senator Coley recognized Francisco Gonzalez for being awarded the Ohio Environmental Service Industries Scholarship.

Senator Obhof recognized Hunter Blessing and Savannah Keetle for being awarded the Ohio Environmental Service Industries Scholarship.

Senator Tavares recognized Tiffany Tynes Curry as a 2016 Milken Educator Award recipient.

Senator Yuko requested a moment of silence in memory of Alec F. Kornet from South Euclid.

**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:

Am. H. B. No. 4 -Representatives Cupp, Rogers, et al.

To amend sections 2925.03 and 2925.11 of the Revised Code to provide that in determining the amount of cocaine for trafficking and possession offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, and to declare an emergency.

To the Committee on Judiciary.

H. B. No. 11 -Representative Scherer, et al.

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.

H. B. No. 32 -Representative Seitz, et al.

To amend section 3772.99 of the Revised Code to specify that the criminal penalty related to casino operators and employees participating in casino gaming applies at their casino facility or an affiliated casino facility.

To the Committee on Government Oversight and Reform.

S. J. R. No. 1 -Senator Huffman, et al.

Application to the Congress of the United States for a Convention of the States under Article V of the Constitution of the United States that is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress.

To the Committee on Government Oversight and Reform.

S. B. No. 57 -Senator Kunze, et al.

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

To the Committee on Health, Human Services and Medicaid.

S. B. No. 58 -Senator Skindell, et al.

To enact section 5.259 of the Revised Code to designate the last Saturday of September as "Ohio Public Lands Day."

To the Committee on Energy and Natural Resources.

S. B. No. 59 -Senator Skindell, et al.

To enact section 4511.531 of the Revised Code to require bicycle operators and passengers under 18 years of age to wear protective helmets when the bicycle is operated on a roadway and to establish the Bicycle Safety Fund to be used by the Department of Public Safety to assist low-income families in the purchase of bicycle helmets.

To the Committee on Local Government, Public Safety and Veterans

Affairs.

S. B. No. 60 -Senators Skindell, Jordan, et al.

To enact sections 2933.67, 2933.68, 2933.69, and 2933.70 of the Revised Code to regulate the use of drones for gathering evidence and information by law enforcement officers in Ohio.

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

S. B. No. 61 -Senator Skindell, et al.

To make appropriations related to public transportation.

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 62 -Senator Yuko, et al.

To enact section 5.236 of the Revised Code to designate July 8 as "Harrison Dillard Day."

To the Committee on Government Oversight and Reform.

S. B. No. 63 -Senator Thomas, et al.

To amend section 2152.18 of the Revised Code to revise the procedures for determining the delinquent child confinement credit.

To the Committee on Judiciary.

S. B. No. 64 -Senator Thomas, et al.

To amend sections 109.57, 2151.23, 2152.02, 2152.021, 2152.10, 2152.12, 2152.13, 2152.14, 2152.26, and 2505.02 and to repeal section 2152.121 of the Revised Code to eliminate mandatory bindovers and reverse bindovers, and modify the rules and procedures regarding a discretionary bindover, of an alleged juvenile offender from a juvenile court to a criminal court.

To the Committee on Judiciary.

S. B. No. 65 -Senator Brown, et al.

To amend sections 5739.02 and 5739.05 of the Revised Code to provide a three-day sales tax "holiday" each April during which sales of qualifying Energy Star products are exempt from sales and use taxes.

To the Committee on Ways and Means.

S. B. No. 66 -Senators Eklund, Tavares, et al.

To amend sections 2929.11, 2929.13, 2929.15, 2929.16, 2929.19, 2951.041, 2953.31, 2967.16, and 2967.28 of the Revised Code to modify criminal sentencing and corrections law by including rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation.

To the Committee on Judiciary.

S. B. No. 67 -Senators Gardner, Hite.

To enact section 109.561 of the Revised Code to require the Attorney General to establish a violent offender registry and to name this act "Sierah's Law."

To the Committee on Judiciary.

S. B. No. 68 -Senators LaRose, Hite, et al.

To amend section 1345.99 and to enact section 1345.022 of the Revised Code to prohibit the installation of unsafe used tires on certain motor vehicles.

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

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.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Burke submitted the following report:

The standing committee on Health, Human Services and Medicaid, to which was referred **S. B. No. 23**-Senator Terhar, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 1 of the title, delete "5.240" and insert "5.2510"

In line 4, delete "5.240" and insert "5.2510"

In line 6, delete "**5.240**" and insert "**5.2510**"

Co-Sponsors: Tavares, Brown.

YES - 12: JAY HOTTINGER, PEGGY LEHNER, MATT HUFFMAN, STEPHANIE KUNZE, BOB D. HACKETT, DAVE BURKE, BILL BEAGLE, CHARLETA B. TAVARES, EDNA BROWN, VERNON SYKES, SCOTT OELSLAGER, RANDY GARDNER

NO - 0.

Senator Eklund submitted the following report:

The standing committee on Ways and Means, to which was re-referred **S. B. No. 9**-Senator Bacon, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: O'Brien, Hackett, Wilson, Peterson.

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

NO - 0.

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

Senator Obhof submitted the following report:

The standing committee on Rules and Reference to which were referred the appointments by the Governor of:

Martha A. Manchester, from Lakeview, Auglaize County, Ohio, as a Member of the State Board of Education for a term beginning January 6, 2017 and ending at the close of business December 31, 2020, replacing Melanie Payne Bolender, whose term expired.

Charlotte D. McGuire, from Centerville, Montgomery County, Ohio, as a Member of the State Board of Education for a term beginning January 6, 2017 and ending at the close of business December 31, 2018, replacing A.J. Wagner, whose term expired.

Eric A. Poklar, from Worthington, Franklin County, Ohio, as a Member of the State Board of Education for a term beginning January 6, 2017 and ending at the close of business December 31, 2020, replacing Frank E. Pettigrew, whose term expired.

Rebecca Vazquez-Skillings, from Westerville, Delaware County, Ohio, as a Member of the State Board of Education for a new term beginning January 6, 2017 and ending at the close of business December 31, 2020, replacing Rebecca Vazquez-Skillings, whose term expired.

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

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 Senate advise and consent to the appointments by the Governor?"

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 Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

S. B. No. 9-Senator Bacon.

Cosponsors: Senators Hottinger, Manning, Obhof, Eklund, Hoagland, Balderson, Uecker, Gardner, Beagle, Yuko, Hite, Lehner, LaRose, Williams, Schiavoni, O'Brien, Hackett, Wilson, Peterson.

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, 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 32, nays 1, 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	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

Senator Skindell voted in the negative-1.

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Senators Brown, Burke, Dolan, Oelslager, Sykes, Thomas."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 23-Senator Terhar, Tavares, Brown.

To enact section 5.2510 of the Revised Code to designate January 31 as "Omphalocele Awareness Day", was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 23**, pass?"

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
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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 passed.

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

Senator Terhar moved to amend the title as follows:

Add the names: "Senators Balderson, Beagle, Burke, Coley, Eklund, Gardner, Hackett, Hite, Hoagland, Huffman, Jordan, Kunze, LaRose, Lehner, Manning, Obhof, O'Brien, Oelslager, Peterson, Sykes, Thomas, Uecker, Williams, Wilson, 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 bills were introduced and considered for the first time:

S. B. No. 69 - Senators Gardner, Manning.

Cosponsors: Senators Sykes, Hackett, Brown, Eklund, Skindell, Yuko, Schiavoni.

To enact section 5.47 of the Revised Code to designate June as "Ohio Goes Boating Month."

S. B. No. 70 - Senator Coley.

Cosponsors: Senators Bacon, Eklund, Terhar, Beagle, Huffman.

To amend sections 3111.29, 3111.38, 3111.46, 3111.49, 3111.78, 3111.80, 3111.81, 3111.84, 3119.06, 3119.30, 3119.38, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 3119.76, 3119.77, 3119.82, 3119.87, 3119.88, 3119.89, 3119.90, 3119.91, 3119.92, 3121.01, 3121.02, 3121.035, 3121.12, 3121.29, 3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 3123.25, 3123.27, 3123.30, 3123.31, 3123.34, 3123.35, 3123.72, 3123.821, and 3123.822, to enact sections 3111.801 and 3119.631 and to repeal section 3121.11 of the Revised Code to amend the child support laws.

OFFERING OF RESOLUTIONS

Senator Gardner offered the following joint resolution:

S. J. R. No. 2-Senator Gardner.

Authorizing a joint session of the Ohio General Assembly to meet at the Sandusky State Theatre in Sandusky, Ohio, for the purpose of receiving a message from the Governor as to the State of the State and calling for a committee to wait upon the Governor in anticipation of his address.

WHEREAS, The Ohio General Assembly annually convenes a joint session of the Senate and the House of Representatives for the purpose of receiving a message from the Governor as to the State of the State; and

WHEREAS, It is a tradition of courtesy for the Ohio General Assembly to appoint a committee to wait upon the Governor; now therefore be it

RESOLVED, That we, the members of the 132nd General Assembly of the State of Ohio, authorize a joint session of the legislature to be held at the Sandusky State Theatre, 107 Columbus Avenue, Sandusky, Ohio, on Tuesday, April 4, 2017, at 7:00 o'clock p.m. for the purpose of welcoming the Governor, the Honorable John Kasich, and receiving his message on the State of the State; and be it further

RESOLVED, That we, the members of the 132nd General Assembly of the State of Ohio, call for a committee of nine on the part of the House of Representatives and nine on the part of the Senate to be appointed to wait upon the Governor; and be it further

RESOLVED, That the rules and customs of the House of Representatives shall be observed during the joint session; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to Governor John Kasich and to the news media of Ohio.

The question being, "Shall the joint resolution, **S. J. R. No. 2**, be adopted?"

The yeas and nays were taken and resulted – yeas 31, nays 2, 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	Sykes
Terhar	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

Senators Skindell and Tavares voted in the negative-2.

So the joint resolution was adopted.

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

Senator Gardner moved to amend the title as follows:

Add the names: "Senators Bacon, Beagle, Eklund, Hackett, Hite, Huffman, Lehner, Manning, Obhof, Wilson."

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 Monday, February 27, 2017 at 11:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.