

JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

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SENATE

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WEDNESDAY, APRIL 5, 2017

THIRTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 5, 2017, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brad Jury, Providence Baptist Church in Westerville, Ohio, followed by the Pledge of Allegiance to the Flag, lead by fourth graders Chloe Sommer and Ben Morath from Mercy Montessori School.

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 Obhof recognized the fourth graders from Mercy Montessori School in Cincinnati.

Senator Schiavoni recognized Claire Linkhart for outstanding service to the State of Ohio.

Senator Kunze recognized Pete Lupiba, Ohio Commissioner at the Military Interstate Children's Compact Commission.

**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:

H. B. No. 6 -Representative Barnes, et al.

To enact section 2927.22 of the Revised Code to prohibit a person who publishes or disseminates criminal record information from soliciting or accepting a fee to remove, correct, modify, or refrain from publishing or otherwise disseminating the information and to provide criminal and civil remedies for a violation of the prohibition.

To the Committee on Judiciary.

Am. H. B. No. 80 -Representatives LaTourette, Smith, K., 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.

H. B. No. 84 -Representatives Arndt, Patton, et al.

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

To the Committee on Energy and Natural Resources.

H. B. No. 100 -Representative Lipps, et al.

To enact section 5534.93 of the Revised Code to designate a portion of State Route 73 in Warren County as the "Officer Bill Johnson Memorial Highway."

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 102 -Senator Yuko, et al.

To amend sections 3707.48, 3707.99, 3721.04, and 3721.99 and to enact sections 3707.061 and 3721.026 of the Revised Code regarding outbreaks of *Clostridium difficile* in nursing homes.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 104 -Senator Tavares, et al.

To amend section 3319.46 of the Revised Code to prohibit the use of seclusion on students in public schools.

To the Committee on Education.

YES - 13: 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

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 LaRose submitted the following report:

The standing committee on Transportation, Commerce and Workforce, to which was referred **S. B. No. 3**-Senators Beagle, Balderson, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: LaRose, Hottinger, Manning, Uecker.

YES - 10: BILL BEAGLE, EDNA BROWN, MATT DOLAN, FRANK HOAGLAND, CHARLETA B. TAVARES, FRANK LAROSE, JAY HOTTINGER, GAYLE MANNING, JOE UECKER, STEPHANIE KUNZE

NO - 0.

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

Senator Obhof submitted the following report:

The Standing Committee on Rules and Reference to which was referred the appointment by the Governor of:

Brandon Michael Calhoun, from Uniontown, Summit County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning February 28, 2017 and ending at the close of business January 31, 2020, replacing Steven L. Grose, whose term expired.

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

YES – 13: 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

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 appointment.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 20-Senator Hackett.

Cosponsors: Senators Gardner, Uecker, Yuko, Wilson, Bacon, O'Brien.

To amend sections 2903.11, 2919.22, 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 in specified circumstances of a felony offense of endangering children or felonious assault of a child if the offender also is convicted of a specification that the victim suffered permanent disabling harm and to name the act "Destiny's Law", was considered the third time.

The question being, "Shall the bill, **S. B. No. 20**, pass?"

Senator Skindell moved to amend as follows:

In line 2 of the title, delete "2929.13,"

In line 3 of the title, delete "require" and insert "authorize"

In line 4 of the title, delete "3 to" and insert "not more than"

In line 12, delete "2929.13,"

In line 83, delete "shall" and insert "may"; delete "a"

In line 84, delete "mandatory" and insert "an additional"; delete "(B)(9)" and insert "(H)(3)"

In line 357, delete "shall" and insert "may"; delete "a"

In line 358, delete "mandatory" and insert "an additional"; delete "(B)(9)" and insert "(H)(3)"

Delete lines 955 through 1503

In line 1505, delete "(B)(9)."

Delete lines 1981 through 1997

In line 2106, delete all after "(6)"

Delete lines 2107 through 2113

In line 2114, delete "(7)"

In line 2115, reinsert "or"; delete ", or (6)"

In line 2116, strike through "or" and insert an underlined comma; after "(2)" insert ", or (3)"

Between lines 2254 and 2255, insert:

"(3) If an offender is convicted of or pleads guilty to a felony violation of division (A) or (B) of section 2903.11 of the Revised Code in which the victim was of an age specified in division (D)(3) of that section or a felony violation of division (A), (B)(1), or (B)(2) of section 2919.22 of the Revised Code, and also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense, in addition to any other sanction imposed for the underlying felony violation of section 2903.11 or 2919.22 of the Revised Code, the court may impose on the offender an additional definite prison term, consisting of a specified number of years, that shall not exceed eight years. A prison term imposed on an offender under division (H)(3) of this section shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967, or Chapter 5120, of the Revised Code. If a prison term is imposed on an offender under division (H)(3) of this section, the offender shall serve the prison term consecutively to and prior to any prison term imposed for the underlying felony violation of section 2903.11 or 2919.22 of the Revised Code and consecutively to and prior to any other prison term or mandatory prison term previously or subsequently imposed on the offender."

In line 2325, delete "a mandatory" and insert "an additional"

In line 2326, delete "of three, four, five, six, seven, or" and insert "that does not exceed"; delete "upon" and insert "on"

In line 2327, delete "(B)(9)" and insert "(H)(3)"

In line 2348, delete "2929.13,"

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 24, nays 9, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hite	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **S. B. No. 20**, pass?"

The yeas and nays were taken and resulted – yeas 30, nays 3, 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	Wilson
Yuko			Obhof-30

Senators Skindell, Tavares, and Williams voted in the negative-3.

So the bill passed.

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

Senator Hackett moved to amend the title as follows:

Add the names: "Senators Balderson, Beagle, Burke, Hite, Hoagland, Hottinger, Huffman, Kunze, LaRose, Manning, Obhof, Oelslager, Peterson, Terhar."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 33-Senator Eklund.

Cosponsors: Senators Huffman, Terhar, Yuko, Williams, Skindell, Hoagland, Hite, Bacon, Coley, Thomas, O'Brien.

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, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 33**, 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
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 Eklund moved to amend the title as follows:

Add the names: "Senators Burke, Hackett, Lehner, Manning, Obhof, Oelslager, Schiavoni, Tavares, Uecker, Wilson."

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

The motion was agreed to and the title so amended.

S. B. No. 88-Senator Terhar.

Cosponsors: Senators Eklund, Huffman, Coley.

To amend sections 118.05, 118.06, 118.11, 118.12, 118.13, and 118.99 and to repeal the version of section 118.023 of the Revised Code that is scheduled to take effect September 29, 2017, to modify the composition and powers of the financial planning and supervision commission of a political subdivision that is in a state of fiscal emergency and to clarify the duties of that political subdivision, was considered the third time.

The question being, "Shall the bill, **S. B. No. 88**, 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
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 Burke, Hackett, Hite, Hoagland, Obhof, O'Brien, Peterson, Thomas, 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. 123 - Senator Coley.

Cosponsors: Senators Eklund, Huffman.

To amend sections 307.699, 3735.67, 5715.19, 5715.27, and 5717.01 of the Revised Code to limit the right to initiate most types of property tax complaints to the property owner and the county recorder of the county in which the property is located.

S. B. No. 124 - Senator Williams.

Cosponsors: Senators Thomas, Brown, Beagle.

To amend sections 3333.122 and 3333.20 and to enact section 3333.166 of the Revised Code to qualify students in noncredit community college and career and technical programs for Ohio College Opportunity Grants and to require the awarding of academic credit for community colleges' career certification programs.

S. B. No. 125 - Senator Beagle.

Cosponsors: Senators Eklund, Hite, Manning, Terhar, Wilson.

To amend sections 3119.01, 3119.02, 3119.021, 3119.04, 3119.05, 3119.06, 3119.22, 3119.23, 3119.24, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3119.61, 3119.63, 3119.76, 3119.79, 3119.89, 3121.36, and 3123.14 and to enact new sections 3119.022 and 3119.023 and sections 3119.051, 3119.231, and 3119.303, and to repeal sections 3119.022, 3119.023, and 3119.024 of the Revised Code to make changes to the laws governing child support.

S. B. No. 126 - Senator Tavares.

Cosponsors: Senators Thomas, Yuko, Schiavoni, Skindell, Williams.

To enact sections 4723.93, 4731.92, 4732.34, 4743.09, and 4757.46 of the Revised Code to prohibit certain health care professionals from engaging in conversion therapy when treating minor patients.

S. B. No. 127 - Senator LaRose.

Cosponsors: Senators Beagle, Gardner, Manning, Hottinger, Yuko, Hite.

To amend sections 4511.01, 4511.213, and 4513.17 of the Revised Code to require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

OFFERING OF RESOLUTIONS

Senators Kunze and Terhar offered the following resolution:

S. R. No. 92-Senators Kunze, Terhar.

Cosponsors: Senators Obhof, LaRose, Hackett, Tavares, Uecker, Coley, Yuko, Beagle, Bacon, Hottinger, Hoagland, Wilson, Peterson, Gardner, Oelslager, Sykes, Jordan, Lehner, Skindell, Schiavoni, Burke, Dolan, Balderson, Hite, Eklund, Manning, Brown, O'Brien, Thomas, Williams, Huffman.

Recognizing the Month of the Military Child in Ohio, April 2017.

WHEREAS, The members of the Senate of the 132nd General Assembly of Ohio are pleased to recognize April 2017 as the Month of the Military Child in Ohio; and

WHEREAS, In 1986, then U.S. Secretary of Defense Caspar Weinberger designated the month of April as the Month of the Military Child in an effort to increase public knowledge and understanding of the issues surrounding children who have a parent in the military. The dependents of U.S. armed forces members are, indeed, deserving of profound admiration for their strength, honor, and sacrifices; and

WHEREAS, According to the Military Child Education Coalition, there are approximately 2 million U.S. military children under the age of eighteen, 1.1 million of whom are school-aged. As military postings frequently change, personnel reassignments and deployments can be difficult for children of armed forces members, especially regarding educational transitions. The average military student attends between six and nine different school systems from kindergarten through high school graduation, including two changes during high school alone; and

WHEREAS, The State of Ohio is committed to easing educational transitions for children of military families so that they are afforded the same opportunities for educational success as other children and are not delayed in achieving their educational goals. By observing the Month of the Military Child and participating in related activities, including Purple Up! For Military Kids Day on April 25, Ohioans demonstrate their support of the children of our armed forces members; therefore be it

RESOLVED, That we, the members of the Senate of the 132nd General Assembly of Ohio, in adopting this Resolution, recognize April 2017 as the Month of the Military Child in Ohio and applaud military children for their dignity and courage; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to the news media of Ohio.

The question being, "Shall the resolution, **S. R. No. 92**, 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 resolution was adopted.

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

The title was agreed to.

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

S. R. No. 91 - Senators Schiavoni, Brown, O'Brien, Skindell, Sykes, Tavares, Thomas, Williams, Yuko.

Honoring Claire Linkhart for outstanding service to the State of Ohio.

S. R. No. 93 - Senators Bacon, Tavares.

Honoring Dr. Peter Cimboric on his retirement as president of Ohio Dominican University.

S. R. No. 94 - Senator O'Brien.

Honoring Jacob Lagoa on winning the 2017 Division III State Wrestling Championship in the 152-pound weight class.

S. R. No. 95 - Senator Jordan.

Honoring the Westerville Central High School boys bowling team on winning the 2017 Division I State Championship.

S. R. No. 96 - Senator Kunze.

Honoring Dom Demas as a 2017 Division I State Wrestling Champion.

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 bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 73 -Representatives Rezabek, Koehler
Cosponsors: Representatives Bishoff, Ginter, Johnson, LaTourette, Anielski,

Antonio, Arndt, Ashford, Barnes, Conditt, Craig, Duffey, Fedor, Green, Greenspan, Kent, Landis, Leland, Manning, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Reineke, Rogers, Scherer, Schuring, Smith, R., Sweeney, West, Young

To enact section 2925.62 of the Revised Code to prohibit sales of dextromethorphan without a prescription to persons under age 18.

H. B. No. 111 -Representatives Carfagna, Ryan

Cosponsors: Representatives Brenner, Butler, Cupp, Dever, Duffey, Goodman, Hambley, LaTourette, Riedel, Schaffer, Seitz, Stein, Wiggam, Young, Holmes, O'Brien, Bishoff, Anielski, Antonio, Arndt, Blessing, Bocchieri, Boyd, Celebrezze, Clyde, Craig, Edwards, Fedor, Gavarone, Ginter, Green, Greenspan, Householder, Howse, Huffman, Ingram, Keller, Kent, Kick, Landis, Leland, Lepore-Hagan, Manning, Miller, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Rogers, Scherer, Sprague, Strahorn, Sweeney, West

To amend sections 5122.01 and 5122.10 of the Revised Code to authorize certain advanced practice registered nurses to have a person involuntarily transported to a hospital for a mental health examination.

Sub. H. B. No. 114 -Representative Blessing

Cosponsors: Representative Seitz, Speaker Rosenberger, Representatives Schuring, Pelanda, McColley, Hill, Conditt, Hambley, Retherford, Brinkman, Koehler, Johnson, Green, Stein, Thompson, Roegner, Schaffer, Slaby, Scherer, Wiggam, Huffman, Becker, Riedel, Zeltwanger, Vitale, Hood, Keller, Dean, Butler, Householder, Hughes, Brenner, Dever, DeVitis, Goodman, Kick, Landis, LaTourette, Lipps, Rezabek, Romanchuk, Ryan, Smith, R., Young, Patton, Ginter, Cupp, Carfagna, Cera, Greenspan, Perales, Arndt, Faber, Sprague, Gavarone, Henne, Reineke

To amend sections 4928.01, 4928.142, 4928.143, 4928.20, 4928.61, 4928.62, 4928.64, 4928.641, 4928.643, 4928.644, 4928.645, 4928.65, 4928.66, 4928.662, 4928.6610, 4928.6611, and 5727.75 and to enact sections 4928.647, 4928.664, 4928.665, 4928.666, 4928.667, 4928.6620, and 4928.6621 of the Revised Code and to amend Section 257.80 of Am. Sub. H.B. 64 of the 132nd General Assembly and to repeal Sections 5, 6, 7, 8, 9, 10, and 11 of Sub. S.B. 310 of the 130th General Assembly to revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.

Attest: Bradley J. Young,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Am. H. B. No. 9 - Representative Koehler – et al.

Attest: Bradley J. Young,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

Sub. H. B. No. 26 - Representative McColley – et al.

Am. S. B. No. 23 - Senator Terhar – et al.

Attest: Bradley J. Young,
Clerk.

The President signed said bills.

Senator Yuko requested a moment of silence to honor former Maple Heights Mayor Jeffrey Lansky.

On the motion of Senator Peterson, the Senate adjourned until Thursday, April 6, 2017 at 11:00 a.m.

Attest: VINCENT L. KEERAN,
Clerk.