

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 24, 2017

FIFTY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 24, 2017, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Thomas Wise, Valleyview Church in Dayton, 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 the American Red Cross North Central Ohio Chapter on its Centennial.

Senator Thomas recognized Chad Thomas.

The Capitol Square Review and Advisory Board presented President Obhof with a Capitol Cannons baseball uniform.

Senator LaRose requested a moment of silence for the victims of the Manchester, England bombing.

Senator Peterson recognized members from the Ohio Nurses Association.

Senator Skindell recognized the Polaris Career Center culinary arts team on winning the 2017 Ohio ProStart Invitational Championship.

**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:

Sub. H. B. No. 27 -Representative Brinkman, et al.

To amend sections 742.38, 2743.02, 2744.02, 4113.21, 4121.125, 4121.44, 4123.01, 4123.29, 4123.343, 4123.511, 4123.512, 4123.53, 4123.54, 4123.56, 4123.57, 4123.66, 4123.68, 4123.71, 4123.84, 4125.07, 4167.01, 4167.02, and 4167.10, to enact sections 1.481, 2307.82, and 4123.513, and to repeal sections 4123.72 and 4167.19 of the Revised Code to make changes to the Workers' Compensation Law, to prohibit a public employer from requiring an employee to pay for a medical examination as a condition of continued

employment, to prohibit state agencies from taking actions that have retrospective effects, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs.

To the Committee on Insurance and Financial Institutions.

Sub. H. B. No. 38 -Representative Greenspan, et al.

To amend sections 2903.01, 2903.11, and 2923.02 of the Revised Code to provide that purposely causing the death of a first responder or military member is aggravated murder and to require an offender to serve a mandatory prison term for certain types of felonious assault or attempted aggravated murder when the victim is a first responder or military member.

To the Committee on Judiciary.

Sub. H. B. No. 115 -Representatives Gavarone, Wiggam, et al.

To enact sections 3304.23 and 5502.08 of the Revised Code to require the Department of Public Safety to establish a database of persons who are diagnosed with a communication disability and to require the Opportunities for Ohioans with Disabilities Agency to establish a verification form for persons to voluntarily register for inclusion in the database.

To the Committee on Government Oversight and Reform.

Sub. H. B. No. 124 -Representatives Brenner, Carfagna, et al.

To authorize a joint vocational school district to submit the question of a renewal tax levy to voters who did not have an opportunity to vote on the levy at an election held in November of 2015 because the levy was only placed on the ballot in one of several counties in which the district has territory and to declare an emergency.

To the Committee on Ways and Means.

S. C. R. No. 7 -Senator Skindell, et al.

To urge the United States Congress and the President of the United States to enact legislation that would reinstate the separation of commercial and investment banking function that was in effect under the Glass- Steagall Act.

To the Committee on Insurance and Financial Institutions.

S. C. R. No. 8 -Senators O'Brien, Eklund, et al.

A resolution to urge the United States Missile Defense Agency to select Camp Ravenna Joint Military Training Center in Ravenna, Ohio, as the preferred site for a future east coast Missile Defense system.

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

S. C. R. No. 9 -Senator Balderson.

To recognize May 25, 2017, as Red Nose Day.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 151 -Senator Hite.

To amend section 3309.374 of the Revised Code to permit, rather than require, the School Employees Retirement System to grant annual cost-of-living adjustments to retirement, disability, and survivor benefit recipients and to reduce the maximum amount of the adjustment.

To the Committee on Insurance and Financial Institutions.

S. B. No. 152 -Senator Dolan.

To amend sections 2323.58, 2323.581, 2323.582, 2323.583, 2323.584, 2323.585, 2323.586, and 2323.587 of the Revised Code relative to transfers of structured settlement payment rights.

To the Committee on Judiciary.

S. B. No. 153 -Senators Hite, Burke.

To amend section 3772.03 and to enact sections 3774.01, 3774.02, 3774.03, 3774.04, 3774.05, 3774.06, 3774.07, 3774.08, and 3774.09 of the Revised Code to grant the Ohio Casino Control Commission the authority to regulate fantasy contests and to exempt fantasy contests from the gambling laws.

To the Committee on Finance.

S. B. No. 154 -Senators Schiavoni, Yuko, et al.

To amend sections 109.90, 1739.05, 1751.01, 3715.89, 4729.54, 4729.69, 4729.99, 5119.49, and 5167.12 and to enact sections 1751.692, 1751.76, 3301.97, 3707.60, 3901.80, 3901.801, 3923.046, 3923.852, 5119.368, 5164.092, and 5164.7512 of the Revised Code to provide for the prevention and treatment of opioid addiction, to make an appropriation, and to declare an

emergency.

To the Committee on Finance.

S. B. No. 155 -Senators Terhar, Peterson.

To amend sections 4928.01, 4928.02, 4928.141, 4928.142, and 4928.143 of the Revised Code to allow electric distribution utilities to recover costs for a national security generation resource.

To the Committee on Public Utilities.

S. B. No. 156 -Senators Schiavoni, Yuko, et al.

To enact sections 4113.87, 4113.88, 4113.89, 4113.90, 4113.91, and 4113.92 of the Revised Code to enact the Consumer Protection Call Center Act of 2017 to require the Department of Job and Family Services to compile a list of all employers that relocate a call center to a foreign country and to disqualify employers on that list from state grants, loans, and other benefits.

To the Committee on Government Oversight and Reform.

YES - 13: EDNA BROWN, WILLIAM P. COLEY, II, JOHN EKLUND, RANDY GARDNER, CLIFF HITE, MATT HUFFMAN, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, BOB PETERSON, CHARLETA B. TAVARES, CECIL THOMAS, KENNY YUKO

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.

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. 131**-Senator Dolan, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 9: SANDRA WILLIAMS, SEAN O'BRIEN, CECIL THOMAS,

JOHN EKLUND, LOU TERHAR, BILL BEAGLE, PEGGY
LEHNER, BOB PETERSON, STEVE WILSON

NO - 0.

Senator LaRose submitted the following report:

The standing committee on Transportation, Commerce and Workforce, to which was referred **S. B. No. 78**-Senator Hoagland, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Beagle, LaRose, Kunze, Tavares, Uecker, Hottinger, Manning.

YES - 11: BILL BEAGLE, EDNA BROWN, MATT DOLAN, BOB D.
HACKETT, JOSEPH SCHIAVONI, FRANK LAROSE,
STEPHANIE KUNZE, JAY HOTTINGER, GAYLE
MANNING, CHARLETA B. TAVARES, JOE UECKER

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:

Dennis M. Bartels, Republican, from Gahanna, Franklin County, Ohio, as a Member of the State Board of Career Colleges and Schools for a new term beginning March 20, 2017 and ending at the close of business November 20, 2021.

Gerald J. Bensman, from Minster, Shelby County, Ohio, as a Member of the Edison State Community College Board of Trustees for a term beginning April 7, 2017 and ending at the close of business January 17, 2019, replacing Robinson W. Joslin, who passed away.

James David Benson, Republican, from Dublin, Franklin County, Ohio, as a Member of the Ohio Tuition Trust Authority Investment Board for a term beginning March 24, 2017 and ending at the close of business January 30, 2021, replacing Vineeta Jindal, whose term expired.

Jeffrey T. Caswell, Republican, from Columbus, Franklin County, Ohio, as a Member of the Board of Tax Appeals for a term beginning February 10, 2017 and ending at the close of business February 8, 2023, replacing James Robert Williamson, whose term expired.

Bruce Alan Edwards, from Westerville, Delaware County, Ohio, as a Member of the Transportation Review Advisory Council for a term beginning March 15, 2017 and ending at the close of business June 29, 2019, replacing Jack R. Marchbanks, who resigned.

Srikanth Reddy Gaddam, from Dublin, Delaware County, Ohio, as a Member of the State Board of Career Colleges and Schools for a term beginning March 31, 2017 and ending at the close of business November 20, 2021, replacing Dr. Kenneth R. Searfoss, whose term expired.

Thomas W. Gunlock, from Centerville, Montgomery County, Ohio, as a Member of the Miami University Board of Trustees for a term beginning March 24, 2017 and ending at the close of business February 28, 2023, replacing Stephen P. Wilson, who resigned.

Mark G. Johnson, Republican, from Chillicothe, Ross County, Ohio, as a Member of the Ohio Rail Development Commission for a term beginning March 17, 2017 and ending at the close of business October 20, 2021, replacing Timothy R. Hanely, whose term expired.

Mary Esther Katris, from Columbus, Franklin County, Ohio, as a Member of the Ohio Board of Motor Vehicle Repair for a term beginning March 24, 2017 and ending at the close of business January 1, 2020, replacing Matthew T. Penney, whose term expired.

Pearl Kathryn Mills, from Steubenville, Jefferson County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a term beginning April 11, 2017 and ending at the close of business October 16, 2021, replacing Dante J. Zambrini, whose term expired.

James Christopher Oda, from Piqua, Miami County, Ohio, as a Member of the Edison State Community College Board of Trustees for a term beginning March 23, 2017 and ending at the close of business January 17, 2023, replacing Tony Wendeln, whose term expired.

David Michael Reynolds, from Solon, Cuyahoga County, Ohio, as a Member of the Cleveland State University Board of Trustees for a term beginning March 23, 2017 and ending at the close of business May 1, 2025, replacing Todd C. Davidson, who resigned.

Dell Robinson, from Lorain, Cuyahoga County, Ohio, as a Member of the Ohio University Board of Trustees for a term beginning March 24, 2017 and ending at the close of business May 13, 2019, replacing Kevin B. Lake, who resigned.

Gregory H. Simpson, Republican, from Milford, Clermont County, Ohio, as a Member of the State Racing Commission for a term beginning April 14, 2017 and ending at the close of business March 31, 2021, replacing Mark Munroe, whose term expired.

Lynn Slaby, Republican, from Copley, Summit County, Ohio, as a Member

of the Ohio Casino Control Commission for a term beginning April 21, 2017 and ending at the close of business February 21, 2021, replacing Martin R. Hoke, whose term expired.

Thomas R. Winters, Democrat, from Columbus, Franklin County, Ohio, as a Member of the State Racing Commission for a new term beginning April 14, 2017 and ending at the close of business March 31, 2021, replacing Thomas R. Winters, whose term expired.

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

YES – 13: EDNA BROWN, WILLIAM P. COLEY, II, JOHN EKLUND, RANDY GARDNER, CLIFF HITE, MATT HUFFMAN, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, BOB PETERSON, CHARLETA B. TAVARES, CECIL THOMAS, KENNY YUKO

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 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
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-32

So the Senate advised and consented to said appointments.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 24-Senator Terhar.

Cosponsors: Senators Beagle, Hackett, Bacon, Coley, Eklund, Gardner, Hite, Hoagland, Hottinger, Huffman, Jordan, LaRose, Lehner, Manning, Peterson, Thomas, Wilson. Representatives Dever, Arndt, Blessing, Brenner, Conditt, Ginter, Green, Hambley, Johnson, Koehler, Leland, Manning, Reineke, Rogers, Seitz, Sheehy, Smith, K., Smith, R., Stein, Sweeney, West, Young.

To amend sections 1321.02, 1321.53, and 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., were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

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
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-32

So the Senate concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

H. B. No. 32-Representative Seitz.

Cosponsors: Representatives Greenspan, Riedel, Hughes, Young, Kent, Bishoff, Blessing, Manning, McColley, Rogers, Miller, Patton, Reece, Retherford, Rezabek, Sheehy, Speaker Rosenberger. Senator Huffman.

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, was considered the third time.

The question being, "Shall the bill, **H. B. No. 32**, 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
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-32

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 Eklund, Hackett, Hoagland, O'Brien, Schiavoni, Terhar, Thomas, Uecker."

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

The motion was agreed to and the title so amended.

S. B. No. 131-Senator Dolan.

Cosponsors: Senators Terhar, Peterson, Manning, Beagle, Eklund.

To amend section 122.17 of the Revised Code to provide that compensation paid to certain home-based employees may be counted for purposes of an employer qualifying for and complying with the terms of a Job Creation Tax Credit, was considered the third time.

The question being, "Shall the bill, **S. B. No. 131**, 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
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-32

So the bill passed.

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

Senator Dolan moved to amend the title as follows:

Add the names: "Senators Bacon, Balderson, Brown, Coley, Gardner, Hackett, Hite, Hoagland, Hottinger, Huffman, Kunze, Lehner, Obhof, O'Brien, Oelslager, Schiavoni, Sykes, Tavares, Thomas, Uecker, Wilson."

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, May 21, 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.

OFFERING OF RESOLUTIONS

Senator Thomas offered the following concurrent resolution:

S. C. R. No. 10-Senator Thomas.

Cosponsors: Senators Brown, Schiavoni, Tavares, Sykes, Eklund.

To recognize 2017 as the fiftieth anniversary of In re Gault.

The question being, "Shall the concurrent resolution, **S. C. R. No. 10**, be adopted?"

On the motion of Senator Peterson, **S. C. R. No. 10**, was referred to the Committee on Rules and Reference.

On the motion of Senator Peterson, the Senate recessed until 2:23 p.m.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. 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, Brown, Burke, Dolan, Oelslager, Sykes, Thomas Representatives Schaffer, Scherer, Rogers, Cera, Green, Hambley, Patmon, Retherford, Ryan, Anielski, Antani, Antonio, Arndt, Barnes, Brenner, Carfagna, Celebrezze, Clyde, Conditt, Craig, DeVitis, Duffey, Edwards, Faber, Gavarone, Ginter, Greenspan, Hagan, Hill, Holmes, Householder, Huffman, Hughes, Ingram, Johnson, Keller, Kelly, Kick, Koehler, Landis, Lanese, LaTourette, Leland, Lepore-Hagan, Manning, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Reece, Reineke, Rezabek, Roegner, Romanchuk, Schuring, Seitz, Sheehy, Slaby, Sprague, Stein, Strahorn, Sweeney, Thompson, West, Wiggam, Young, Speaker Rosenberger

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 and to declare an emergency.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 4 of the title, after "taxes" insert "and to declare an emergency"

After line 61, insert:

"Section 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to enable consumers to take advantage of the sales tax holiday authorized by the act. Therefore, this act shall go into immediate effect."

Attest:

Bradley J. Young,
Clerk.

Senator Peterson moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Am. S. B. No. 9**, be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the section, Section 2, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted – yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
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-30

Senator Skindell voted in the negative-1.

So the section, Section 2, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
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-30

Senator Skindell voted in the negative-1.

So the Senate concurred in the amendments of the House of Representatives.

On the motion of Senator Peterson, the Senate recessed until 4:00 p.m.

The Senate met pursuant to the recess.

On the motion of Senator Gardner, the Senate adjourned until Thursday, May 25, 2017 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.