

OHIO

SENATE

JOURNAL

THURSDAY, JUNE 15, 2017

SIXTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Thursday, June 15, 2017, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Grace Baptist Church in Cedarville, 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 Manning recognized Juan "Ray" Santiago as the 2016 Ohio State Highway Patrol Trooper of the Year.

Senator Yuko requested a moment of silence in honor of Beachwood Fire Captain Michael Palumbo.

**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:

Am. H. B. No. 8 -Representatives Hambley, Rezabek, et al.

To amend section 149.43 and to enact section 149.436 of the Revised Code to exempt from the Public Records Law certain information concerning a minor that is included in a record related to a traffic accident involving a school vehicle in which the minor was an occupant at the time of the accident and to allow the parent or guardian of the minor to request a record of the accident containing the exempted information.

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

Am. H. B. No. 46 -Representative Sprague, et al.

To amend section 135.35 of the Revised Code to modify the qualifications regarding notes eligible for investment of county inactive moneys.

To the Committee on Government Oversight and Reform.

Sub. H. B. No. 63 -Representative Hughes, et al.

To amend sections 2903.11, 2929.01, 2929.13, and 2929.14 and to enact section 2941.1425 of the Revised Code to require an additional prison term of 6 years for felonious assault if the offender also is convicted of a specification that charges that the offender used an accelerant in committing the offense and that the harm caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity and to name the act's provisions "Judy's Law."

To the Committee on Judiciary.

Sub. H. B. No. 68 -Representative Anielski, et al.

To amend sections 2907.321, 2907.322, 2907.323, 2929.13, and 2929.14 of the Revised Code to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance.

To the Committee on Judiciary.

Sub. H. B. No. 132 -Representatives Dever, McColley, et al.

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. C. R. No. 10 -Senator Thomas, et al.

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

To the Committee on Judiciary.

S. C. R. No. 11 -Senators Yuko, Tavares, et al.

To urge the Congress of the United States, and in particular the Ohio Congressional Delegation, to vote against the American Health Care Act of 2017.

To the Committee on Insurance and Financial Institutions.

S. C. R. No. 12 -Senator Brown, et al.

To urge Congress and the President of the United States to support a federal budget that retains Amtrak passenger service in Ohio.

To the Committee on Transportation, Commerce and Workforce.

S. R. No. 175 -Senators Bacon, Kunze, et al.

To express support for the Hyperloop Transportation Initiative.

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 157 -Senator Bacon

To enact sections 4781.401, 5311.082, 5321.061, 5325.01, 5325.02, 5325.021, 5325.04, 5325.05, 5325.06, 5325.07, 5325.08, 5325.081, 5325.09, 5325.10, 5325.13, 5325.14, 5325.15, 5325.17, and 5325.18 of the Revised Code to regulate the reselling of public utility service.

To the Committee on Public Utilities.

S. B. No. 158 -Senator Wilson, et al.

To amend sections 2913.02, 2913.21, 2913.31, 2913.43, 2913.49, and 5101.61 and to enact sections 109.67 and 173.95 of the Revised Code to develop best practices and educational opportunities to combat elder fraud and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly.

To the Committee on Judiciary.

S. B. No. 159 -Senator Williams, et al.

To amend sections 2953.51, 2953.52, and 2953.55 of the Revised Code to permit a person to apply for the sealing of the official records pertaining to a case in which the person was convicted of an offense for which the person is granted a pardon.

To the Committee on Judiciary.

S. B. No. 160 -Senator Williams, et al.

To amend section 4510.10 of the Revised Code to allow a court to authorize completion of a community service program in lieu of payment of driver's license reinstatement fees when the court determines that an offender cannot reasonably pay the fees.

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

S. B. No. 161 -Senator Yuko, et al.

To enact section 5534.491 of the Revised Code to designate a portion of I-271 in Cuyahoga County as the "Captain Michael Palumbo Memorial Highway."

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 162 -Senator Jordan

To amend sections 9.63 and 5747.502 of the Revised Code to withhold local government fund payments to municipal corporations that have enacted an ordinance, policy, directive, rule, or resolution that hinders or prevents municipal employees from cooperating with state or federal immigration services or from complying with executive orders pertaining to immigration.

To the Committee on Finance.

S. B. No. 163 -Senator Wilson, et al.

To amend section 135.35 of the Revised Code to modify the qualifications regarding notes eligible for investment of county inactive moneys.

To the Committee on Government Oversight and Reform.

S. B. No. 164 -Senator LaRose, et al.

To amend section 3701.79 and to enact sections 2919.10 and 2919.101 of the Revised Code to prohibit a person from performing, inducing, or attempting to perform or induce an abortion on a pregnant woman who is seeking the abortion because an unborn child has or may have Down Syndrome.

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, 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 Oelslager submitted the following report:

The standing committee on Finance, to which was referred **S. B. No. 5-** Senators Hottinger, Eklund, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Co-Sponsors: Manning, Coley, Beagle.

YES - 9: BILL BEAGLE, PEGGY LEHNER, GAYLE MANNING,
SCOTT OELSLAGER, WILLIAM P. COLEY, II, JOHN
EKLUND, KEVIN BACON, CHARLETA B. TAVARES,
MATT DOLAN

NO - 2: MICHAEL J. SKINDELL, VERNON SYKES

In line 4 of the title, delete "\$10,000" and insert "\$4,000"

In line 22, delete "ten" and insert "four"

In line 25, delete "ten" and insert "four"

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 were referred the appointments by the Governor of:

William George Brantingham, from Winona, Columbiana County, Ohio, as a Member of the Emergency Response Commission for a new term beginning March 29, 2017 and ending at the close of business January 13, 2019, replacing William George Brantingham, whose term expired.

Karen L. Gillmor, Ph.D, Republican, from Tiffin, Seneca County, Ohio, as a Member of the Industrial Commission of Ohio for a new term beginning July 1, 2017 and ending at the close of business June 30, 2023, replacing Karen L. Gillmor, Ph.D, whose term expired.

Edward D. Good, Democrat, from Shadyside, Belmont County, Ohio, as a Member of the Unemployment Compensation Review Commission for a new

term beginning May 15, 2017 and ending at the close of business February 26, 2023, replacing Edward D. Good, whose term expired.

Larry L. Lindrose, Jr., from Mentor, Lake County, Ohio, as a Member of the State Emergency Response Commission for a new term beginning March 29, 2017 and ending at the close of business January 13, 2019, replacing Larry L. Lindrose, Jr., whose term expired.

Dennis J. Mintus, Democrat, from Warren, Trumbull County, Ohio, as a Member of the Waterways Safety Council for a new term beginning March 29, 2017 and ending at the close of business January 30, 2022, replacing Dennis J. Mintus, whose term expired.

J. Randal Van Dyne, from Findlay, Hancock County, Ohio, as a Member of the Emergency Response Commission for a new term beginning March 29, 2017 and ending at the close of business January 13, 2019, replacing J. Randal Van Dyne, 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, 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 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

H. B. No. 28-Representative Brinkman.

Cosponsors: Representatives Anielski, Antonio, Henne, Leland, Rogers, Sweeney, Thompson, West Senator LaRose.

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs, was considered the third time.

The question being, "Shall the bill, **H. B. No. 28**, 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 LaRose moved to amend the title as follows:

Add the names: "Senators Eklund, Hackett, Hoagland, O'Brien, Oelslager, Schiavoni."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 5-Senators Hottinger, Eklund.

Cosponsors: Senators Gardner, LaRose, Manning, Coley, Beagle.

To amend section 5747.70 of the Revised Code to increase the maximum income tax deduction for contributions to college savings accounts and disability expense savings accounts to \$4,000 annually for each beneficiary, to create the Joint Committee on Ohio College Affordability, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

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
Williams

Terhar
Wilson

Thomas
Yuko

Uecker
Obhof-32

Senator Skindell voted in the negative-1.

So the section, Section 5, 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 Bacon, Balderson, Burke, Dolan, Hackett, Hite, Hoagland, Huffman, Jordan, Lehner, Obhof, O'Brien, Oelslager, Peterson, Sykes, Tavares, Terhar, Uecker, Wilson."

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

The motion was agreed to and the title so amended.

S. B. No. 86-Senator Hackett.

Cosponsors: Senators Brown, Eklund, Schiavoni, Skindell, Sykes, Tavares, Terhar, Williams, Yuko, Uecker.

To enact section 5.291 of the Revised Code to designate the twenty-fifth day of May as "Ohio National Missing Children's Day", was considered the third time.

The question being, "Shall the bill, **S. B. No. 86**, 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 Hackett moved to amend the title as follows:

Add the names: "Senators Bacon, Balderson, Beagle, Burke, Coley, Dolan, Gardner, Hite, Hoagland, Hottinger, Huffman, Jordan, Kunze, Lehner, Manning, Obhof, O'Brien, Oelslager, Peterson, Thomas, 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 Tuesday, June 20, 2017 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.