

OHIO

SENATE

JOURNAL

WEDNESDAY, SEPTEMBER 27, 2017

NINETY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, September 27, 2017, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Robert Kurtz, Mansfield Baptist Temple in Mansfield, 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 Kunze recognized the Upper Arlington Fire Division on being named the 2017 Ohio Emergency Medical Services Agency of the Year.

Senator Wilson recognized the Springboro High School Air Force Junior ROTC Panther drill team as a 2017 All-Service National High School Drill Team Champion.

Senator Thomas recognized Leia Washington.

Senator Hite recognized members of Ohio's FFA groups.

**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:

H. B. No. 122 -Representatives Hambley, Rogers, et al.

To establish a Regional Economic Development Alliance Study Committee to study the benefits and challenges involved in creating regional economic development alliances.

To the Committee on Government Oversight and Reform.

H. B. No. 159 -Representative Riedel, et al.

To enact section 5.292 of the Revised Code to designate May as "Drive Ohio Byways Month."

To the Committee on Transportation, Commerce and Workforce.

H. B. No. 196 -Representative Lipps, et al.

To enact section 5.2518 of the Revised Code to designate October as "Ohio

Chiropractic Awareness Month."

To the Committee on Health, Human Services and Medicaid.

Am. H. B. No. 215 -Representative Riedel, et al.

To amend sections 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.312, 1901.34, and 1907.11 of the Revised Code to create the Paulding County Municipal Court in Paulding on January 1, 2020, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Paulding County County Court on that date, and to provide for the election for the Paulding County Municipal Court of one full-time judge in 2019.

To the Committee on Judiciary.

H. B. No. 235 -Representative Gavarone, et al.

To amend section 3302.09 of the Revised Code regarding procedures for approval or disapproval of the state education plan for the federal Every Student Succeeds Act.

To the Committee on Education.

H. B. No. 252 -Representative Huffman, et al.

To enact section 5.2519 of the Revised Code to designate the month of January as "Blood Donor Awareness Month."

To the Committee on Health, Human Services and Medicaid.

S. R. No. 288 -Senator Hite

To recognize the existence of two alfalfa products in light of the recent action of the Ingredient Definition Committee of the Association of American Feed Control Officials.

To the Committee on Agriculture.

S. B. No. 190 -Senator Hoagland, et al.

To enact section 124.1312 of the Revised Code to grant full-time state employees paid leave for the purpose of attending medical examinations and appointments provided through the United States Department of Veterans Affairs.

To the Committee on Local Government, Public Safety and Veterans

Affairs.

S. B. No. 195 -Senator Beagle, et al.

To amend sections 109.73, 955.11, 955.12, 955.22, 955.222, 955.44, 955.54, and 955.99 and to enact sections 955.13, 955.223, 955.224, 955.225, and 955.60 of the Revised Code to revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law.

To the Committee on Judiciary.

S. B. No. 196 -Senator Williams, et al.

To enact section 2903.23 of the Revised Code to create the offense of aggravated bullying, a third-degree misdemeanor.

To the Committee on Judiciary.

S. B. No. 197 -Senator Williams, et al.

To amend section 3313.666 and to enact section 2903.23 of the Revised Code to require a tiered disciplinary procedure for harassment, intimidation, or bullying in school; to require annual student instruction about preventing such acts; and to create the offense of aggravated bullying as a third-degree misdemeanor.

To the Committee on Education.

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 resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Bacon submitted the following report:

The standing committee on Judiciary, to which was referred **H. B. No. 6-** Representative Barnes, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Coley, Eklund.

YES - 8: MICHAEL J. SKINDELL, CECIL THOMAS, MATT DOLAN, WILLIAM P. COLEY, II, JOHN EKLUND, MATT HUFFMAN, PEGGY LEHNER, KEVIN BACON

NO - 0.

Senator Bacon submitted the following report:

The standing committee on Judiciary, to which was referred **H. B. No. 94-** Representatives Sykes, Perales, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Eklund.

YES - 8: MICHAEL J. SKINDELL, CECIL THOMAS, MATT DOLAN, WILLIAM P. COLEY, II, JOHN EKLUND, MATT HUFFMAN, PEGGY LEHNER, KEVIN BACON

NO - 0.

Senator Burke submitted the following report:

The standing committee on Health, Human Services and Medicaid, to which was referred **S. B. No. 71-** Senator Manning, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Co-Sponsors: Tavares, Hackett.

YES - 10: DAVE BURKE, SCOTT OELSLAGER, CHARLETA B. TAVARES, EDNA BROWN, VERNON SYKES, BOB D. HACKETT, MATT HUFFMAN, STEPHANIE KUNZE, PEGGY LEHNER, RANDY GARDNER

NO - 0.

In line 6 of the title, delete "\$50,000" and insert "\$25,000"

In line 228, after "(F)" insert "(1)"

In line 230, after "execute" insert "both of the following types of"

In line 231, delete "fifty" and insert "twenty-five"

In line 233, after "approval" insert ":

(a) Emergency contracts for clinical services or recovery support services;

(b) Standard service contracts pertaining to the board's operations.

(2) If a board establishes a rule, operating procedure, standard, or bylaw under division (F)(1) of this section, both of the following shall be the case:

(a) The board shall define the scope of contracts described in divisions (F)(1)(a) and (b) of this section in that rule, operating procedure, standard, or bylaw.

(b) The board shall disclose the existence of a contract executed pursuant to the rule, operating procedure, standard, or bylaw at the first board meeting that occurs after the contract was executed and ensure that a record of that disclosure is included in the written minutes of that meeting"

Senator Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **S. B. No. 144**-Senator Burke, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Coley, Bacon.

YES - 11: FRANK LAROSE, KRIS JORDAN, MATT HUFFMAN,
WILLIAM P. COLEY, II, JOE UECKER, TROY
BALDERSON, JOSEPH SCHIAVONI, EDNA BROWN,
MICHAEL J. SKINDELL, BOB PETERSON, KEVIN
BACON

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:

Paul Timothy Bailey, from Marion, Marion County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning September 7, 2017 and ending at the close of business September 3, 2020, replacing Paul Timothy Bailey, whose term expired.

James F. Dicke, II, from New Bremen, Auglaize County, Ohio, as a Member of the Ohio Arts Council for a new term beginning July 11, 2017 and ending at the close of business July 1, 2022, replacing James F. Dicke, II, whose term expired.

Robert J. Hankins, from Canton, Stark County, Ohio, as a Member of the Ohio Arts Council for a new term beginning July 11, 2017 and ending at the close of business July 1, 2022, replacing Robert J. Hankins, whose term expired.

Jon D. Holt, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Arts Council for a new term beginning July 11, 2017 and ending at the close of business July 1, 2022, replacing Jon D. Holt, whose term expired.

Carol A. Hamilton O'Brien, Republican, from Delaware, Delaware County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a new term beginning September 7, 2017 and ending at the close of business September 3, 2020, replacing Carol A. Hamilton O'Brien, 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.

RESOLUTIONS REPORTED BY COMMITTEE

S. R. No. 59-Senators Dolan, LaRose.

Cosponsors: Senators Skindell, Hite, Brown, Wilson, Gardner, Hottinger.

To encourage the President and the Congress of the United States and the United States Office of Management and Budget to support plans to upgrade the Soo Locks at Sault Ste. Marie, Michigan, and encourage the United States

Army Corps of Engineers to take expeditious action in preparing an Economic Reevaluation Report.

WHEREAS, The Soo Locks at Sault Ste. Marie, Michigan, are of the utmost importance to Ohio and play a critical role in the nation's economy and security. Each year, approximately 10,000 Great Lakes vessels, carrying 80 million tons of iron ore, coal, grain, and other cargo, safely and efficiently traverse the locks; and

WHEREAS, Nearly 80% of all domestic iron ore, the primary material used to manufacture steel, travels from mines in Minnesota and Michigan's Upper Peninsula through the Soo Locks to steel producers in Ohio; and

WHEREAS, Only one of the four Soo Locks, the Poe Lock, is large enough to accommodate the modern vessels that commonly traverse the Great Lakes. 70% of cargo is carried on these large ships that can only pass through the Poe Lock, and the remaining cargo must pass through the smaller MacArthur Lock. The 100-year-old Davis and Sabin Locks are rarely used as they are the smallest locks and cannot accommodate large modern vessels; and

WHEREAS, The continued reliance on only the Poe Lock poses a serious risk to national security and the economies of not only the State of Ohio, but also the entire country. A long-term outage of the Poe Lock due to lock failure or a terrorist attack could cripple the economy and disrupt steel production in the United States. It is estimated that a 30-day outage of the Poe Lock would result in economic losses of \$160 million; and

WHEREAS, Upgrades to the Soo Locks are needed to ensure national security and unfettered commerce through the Great Lakes. The United States Army Corps of Engineers acknowledges that the Soo Locks are a single point of failure for the Great Lakes Navigation System; and

WHEREAS, The United States Congress has authorized the construction of a second Poe-sized lock, but a study that contains crucial errors is preventing the construction from proceeding; now therefore be it

RESOLVED, That we, the members of the Senate of the 132nd General Assembly of the State of Ohio, encourage the President and the Congress of the United States and the United States Office of Management and Budget to support plans to upgrade the Soo Locks at Sault Ste. Marie, Michigan; and be it further

RESOLVED, That we encourage the United States Army Corps of Engineers to take expeditious action in acknowledging the national security need for maintaining the Great Lakes Navigation System in addition to properly accounting for the limitation of transportation resources if a lock outage occurs in the preparation of an Economic Reevaluation Report; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated

copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the members of the Ohio congressional delegation, the Director of the United States Office of Management and Budget, and the Assistant Secretary of the Army for Civil Works.

The question being, "Shall the resolution resolution, **S. R. No. 59**, 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?"

Senator LaRose moved to amend the title as follows:

Add the name: "Senators Bacon Balderson, Beagle, Burke, Coley, Eklund, Hackett, Hoagland, Huffman, Kunze, Lehner, Manning, O'Brien, Oelslager, Sykes, Tavares, Terhar, Thomas, Uecker."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

H. B. No. 6-Representative Barnes.

Cosponsors: Representatives Manning, Rezabek, Cupp, Kent, Rogers, Anielski, Arndt, Craig, Dever, DeVitis, Duffey, Fedor, Gavarone, Ginter, Green, Householder, Howse, Ingram, Landis, McColley, Miller, O'Brien, Patmon, Patterson, Patton, Perales, Ramos, Reece, Reineke, Schaffer, Scherer, Seitz, Smith, R., Sprague, West, Young Senators Coley, Eklund.

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, was considered the third time.

The question being, "Shall the bill, **H. B. No. 6**, 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 Bacon moved to amend the title as follows:

Add the name: "Senators Bacon, Balderson, Beagle, Brown, Dolan, Hackett, Hite, Hoagland, Huffman, Jordan, Kunze, LaRose, Lehner, Manning, O'Brien, Oelslager, Schiavoni, Skindell, Sykes, Tavares, Terhar, Thomas, Uecker, Wilson."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 71-Senator Manning.

Cosponsors: Senators Brown, Hoagland, Huffman, Yuko, Tavares, Hackett.

To amend the versions of sections 340.03 and 340.041 of the Revised Code scheduled to take effect on July 1, 2017, to allow a board of alcohol, drug addiction, and mental health services to authorize its executive director to execute contracts valued at \$25,000 or less without the board's prior approval, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 71**, 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 Manning moved to amend the title as follows:

Add the name: "Senators Beagle, Burke, Coley, Dolan, Eklund, Hite,

Obhof, O'Brien, Oelslager, Terhar, Wilson."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 144-Senator Burke.

Cosponsors: Senators Yuko, Coley, Bacon.

To amend sections 3304.22, 4141.04, and 4765.04, to enact new sections 3304.12, 3304.13, and 3304.14, and to repeal sections 3303.41, 3304.12, 3304.13, 3304.14, and 3304.25 of the Revised Code to abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities and to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 144**, 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 Burke moved to amend the title as follows:

Add the name: "Senators Beagle, Eklund, Hackett, Hite, Hoagland, Huffman, Lehner, Manning, Obhof, O'Brien, Tavares, Terhar, Wilson."

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. 201 - Senators Bacon, O'Brien.

Cosponsors: Senators Kunze, Gardner, Beagle, Manning, Hoagland.

To amend sections 109.42, 121.22, 149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021,

2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 2971.03, 3719.99, 5120.53, and 5120.66 and to enact sections 2901.011, 2929.144, and 2967.271 of the Revised Code to provide for indefinite prison terms for first or second degree felonies and specified third degree felonies, with presumptive release of offenders sentenced to such a term at the end of the minimum term; to generally allow the Department of Rehabilitation and Correction to reduce the minimum term for exceptional conduct or adjustment to incarceration; to allow the Department to rebut the release presumption and keep the offender in prison up to the maximum term if it makes specified findings; and to name the act's provisions the Reagan Tokes Law.

S. B. No. 202 - Senators Bacon, O'Brien.

Cosponsors: Senators Kunze, Gardner, Manning, Hoagland, Lehner.

To amend sections 2967.14, 5120.021, 5120.113, and 5149.04 and to enact section 5120.038 of the Revised Code to require the Department of Rehabilitation and Correction to establish a reentry program for all offenders released from prison who it intends to have reside in a halfway house or similar facility but who are not accepted by any such facility; to require the Adult Parole Authority to establish maximum work-load and case-load standards for its parole and field officers and have enough trained officers to comply with the standards; to require that GPS monitoring used for offenders released from prison under such monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones; to require the Department to establish system requirements for GPS monitoring of such offenders by the Department or third-party contract administrators; to require the Department to operate a statewide database for law enforcement use containing specified information about such offenders; to require that third-party administrators for GPS monitoring under a new contract with the Department provide and use a law enforcement-accessible crime scene correlation program; and to name the act's provisions the Reagan Tokes Law.

On the motion of Senator Peterson, the Senate adjourned until Thursday, September 28, 2017 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.