

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, NOVEMBER 14, 2018

TWO HUNDRED THIRTY-FOURTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, November 14, 2018, 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.

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 Brown recognized Mona Al-Hayani as the 2019 Ohio Teacher of the Year.

Senator Kunze recognized Kiera Toliver.

Senator Lehner recognized Shea McHugh.

Senators O'Brien and Obhof recognized the Ashtabula County YMCA on its One Hundred Fiftieth Anniversary.

Senator O'Brien the Club O.N.E. 12 black volleyball team as the 2018 Girls 12 Regional Champion.

Senator Peterson recognized the McClain High School FFA livestock judging team as the 2018 State FFA Livestock Judging Champion.

Senators Hoagland and Peterson recognized Allison Davis on receiving grand champion honors at the 2018 Ohio State Fair.

Senator Bacon recognized Gahanna Lincoln High School girls 3,200-meter relay team on earning the 2018 Division I State Championship.

Senator Bacon recognized the Gahanna Lincoln High School girls 1,600-meter relay team on securing the 2018 Division I State Championship title.

Senator Bacon recognized Madison Martinez on winning the 2018 Division I State Track and Field Championship in the 800-meter run.

Senator Bacon recognized the Gahanna Lincoln High School girls track and field team on winning the 2018 Division I State Championship.

Senator Uecker recognized Jenny Seas as a 2018 Division III State track and field champion.

Senator Yuko requested a moment of silence to honor the memory of the recent victims of mass shootings.

### **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. Sub. H. B. No. 36** -Representative Vitale, et al.

To amend sections 3101.08 and 4112.02 of the Revised Code to provide that an ordained or licensed minister or religious society is not required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial, and to make changes to the law governing unlawful discriminatory practices.

To the Committee on Judiciary.

**Sub. H. B. No. 92** -Representative Schaffer, et al.

To amend sections 2907.09 and 2950.01 of the Revised Code to require an offender who knowingly commits the offense of public indecency under certain circumstances involving exposure of private parts likely to be viewed by minors and for the purpose of sexual arousal or gratification to register as a Tier I sex offender/child-victim offender if the judge orders registration.

To the Committee on Judiciary.

**Sub. H. B. No. 126** -Representatives Boyd, Rezabek, et al.

To amend sections 5101.85, 5101.851, and 5101.853; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5101.852 (5101.856) and 5101.853 (5101.854); and to enact new sections 5101.852 and 5101.853 and section 5101.855 of the Revised Code to require a region-based kinship care navigator program, and to make an appropriation.

To the Committee on Finance.

**Sub. H. B. No. 156** -Representative Schuring, et al.

To amend sections 1739.05, 1753.09, 3901.21, 3963.01, 3963.02, 3963.03, 4725.19, and 4731.22 and to enact sections 1751.85 and 3923.86 of the Revised Code regarding limitations imposed by health insurers on vision care services.

To the Committee on Insurance and Financial Institutions.

**Sub. H. B. No. 211** -Representative Hughes, et al.

To amend sections 109.572, 121.08, 2925.01, 4735.181, 4735.99, 4776.10, and 4776.20 and to enact sections 4735.22, 4764.01 to 4764.21, and 4764.99 of the Revised Code to require the licensure of home inspectors, to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors, and to require realtors who recommend home inspectors to provide a list of home inspectors.

To the Committee on Transportation, Commerce and Workforce.

**Sub. H. B. No. 231** -Representatives Ginter, Sprague, et al.

To require the State Board of Pharmacy to operate a pilot program for dispensing schedule II controlled substances in lockable or tamper-evident containers.

To the Committee on Health, Human Services and Medicaid.

**Sub. H. B. No. 342** -Representative Merrin, et al.

To amend sections 133.18, 306.32, 306.322, 345.01, 345.03, 345.04, 505.48, 505.481, 511.27, 511.28, 511.34, 1545.041, 1545.21, 3311.50, 3318.01, 3318.06, 3318.061, 3318.062, 3318.063, 3318.361, 3318.45, 3381.03, 4582.024, 4582.26, 5705.01, 5705.03, 5705.192, 5705.195, 5705.196, 5705.197, 5705.199, 5705.21, 5705.213, 5705.215, 5705.218, 5705.219, 5705.233, 5705.25, 5705.251, 5705.261, 5705.55, 5748.01, 5748.02, 5748.03, 5748.04, 5748.08, and 5748.09 of the Revised Code to modify the information conveyed in election notices and ballot language for property tax levies.

To the Committee on Ways and Means.

**Sub. H. B. No. 349** -Representative LaTourette, et al.

To amend sections 2921.321 and 2929.18 of the Revised Code to include search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal.

To the Committee on Judiciary.

**Sub. H. B. No. 355** -Representatives Hill, Rezabek, et al.

To enact section 2907.324 of the Revised Code to generally prohibit sexting by a person under 19 years of age.

To the Committee on Judiciary.

**Sub. H. B. No. 365** -Representatives Hughes, Boggs, et al.

To amend sections 109.42, 121.22, 149.43, 181.21, 181.26, 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, 2967.14, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 5120.113, 5120.53, 5120.66, and 5149.04 and to enact sections 2901.011, 2929.144, 2967.271, 2967.272, and 5120.038 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 with approval of the sentencing court 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; to require the Department 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; to require the

Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee; and to name the act's provisions the Reagan Tokes Act.

To the Committee on Government Oversight and Reform.

**H. B. No. 407** -Representatives Dever, Seitz, et al.

To amend sections 2103.02, 2103.09, and 2106.24 of the Revised Code to abolish the estate by dower.

To the Committee on Judiciary.

**Sub. H. B. No. 456** -Representative Sprague, et al.

To amend section 3727.53 and to enact section 3727.58 of the Revised Code to prohibit a hospital from requiring a registered nurse or licensed practical nurse to work overtime as a condition of continued employment.

To the Committee on Health, Human Services and Medicaid.

**H. B. No. 479** -Representatives Lipps, West, et al.

To amend sections 1739.05 and 3959.12 and to enact sections 1751.90, 3923.87, 3959.20, and 4729.47 of the Revised Code regarding pharmacy benefit managers, pharmacists, and the disclosure to patients of drug price information.

To the Committee on Health, Human Services and Medicaid.

**Am. H. B. No. 491** -Representative Edwards, et al.

To enact section 3319.2210 of the Revised Code to require the State Board of Education to issue a substitute license to specified pupil services personnel.

To the Committee on Education.

**Sub. H. B. No. 497** -Representatives Rogers, Manning, et al.

To amend sections 2907.01, 2907.31, 2981.02, and 2981.04 and to enact sections 9.74, 2307.66, 2917.211, and 3345.49 of the Revised Code to prohibit the nonconsensual dissemination of private sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and protections of a victim of the offense.

To the Committee on Judiciary.

**Sub. H. B. No. 511** -Representatives Lanese, Rogers, et al.

To amend sections 3101.01, 3101.04, and 3101.05, to enact new section 3101.02 and sections 3101.041, 3101.042, and 3109.011, and to repeal sections 3101.02 and 3101.03 of the Revised Code to make changes to the laws governing the ages at which persons may marry.

To the Committee on Judiciary.

**H. B. No. 513** -Representatives Brenner, Ginter, et al.

To amend sections 323.151, 323.152, 323.153, 4503.064, 4503.065, and 4503.066 of the Revised Code to enhance the homestead exemption for surviving spouses of peace officers, firefighters, and emergency medical personnel killed in the line of duty.

To the Committee on Ways and Means.

**H. B. No. 548** -Representative McClain, et al.

To amend section 4511.84 of the Revised Code to permit a person to wear earplugs for hearing protection while operating a motorcycle.

To the Committee on Transportation, Commerce and Workforce.

**Am. H. B. No. 552** -Representative LaTourette, et al.

To amend sections 955.16, 959.06, 4729.01, 4729.531, 4729.532, 4729.54, and 4729.55 and to enact sections 955.151, 959.134, 3719.091, 4729.533, 4729.534, 4729.535, 4729.542, 4729.991, and 4741.201 of the Revised Code to establish requirements governing the chemical capture of animals, prohibit the use of gas chambers when euthanizing an animal, and to make changes to the law governing euthanasia of an animal by lethal injection.

To the Committee on Agriculture.

**Sub. H. B. No. 595** -Representatives Cupp, Rezabek, et al.

To amend sections 313.14, 2101.24, 2105.19, 2107.01, 2107.05, 2107.07, 2107.08, 2107.09, 2107.10, 2107.11, 2107.12, 2107.16, 2107.18, 2107.20, 2107.22, 2107.33, 2107.52, 2107.71, 2137.01, 2721.03, 5802.03, 5806.04, and 5808.19, to enact sections 2111.182, 2111.52, 2113.032, 5802.05, 5817.01, 5817.02, 5817.03, 5817.04, 5817.05, 5817.06, 5817.07, 5817.08, 5817.09, 5817.10, 5817.11, 5817.12, 5817.13, and 5817.14, and to repeal sections 2107.081, 2107.082, 2107.083, 2107.084, and 2107.085 of the Revised Code relative to procedures for a testator to file a declaratory judgment action to declare the validity of a will prior to death and the settlor

of a trust to file such an action to declare its validity, exceptions to antilapse provisions in class gifts in wills and trusts, incorporation of a written trust into a will, trusts for a minor, arbitration of trust disputes, the creation of county and multicounty guardianship services boards, the coroner's disposition of person dying of suspicious or unusual death, an application for the release of medical records and medical billing records, and adding involuntary manslaughter not resulting from a felony vehicular homicide offense to the list of offenses excluding an individual from inheriting from a decedent.

To the Committee on Judiciary.

**S. C. R. No. 26** -Senators Thomas, Yuko, et al.

To urge the Congress of the United States to enact legislation to prohibit the practice of separating families at our nation's border.

To the Committee on Government Oversight and Reform.

**S. C. R. No. 27** -Senators Yuko, Brown, et al.

To urge the Congress of the United States to enact the Butch Lewis Act of 2017.

To the Committee on Insurance and Financial Institutions.

**S. B. No. 328** -Senator LaRose

To amend sections 3509.04, 3509.05, and 3511.04 of the Revised Code and to amend Section 395.20 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended, to require boards of elections to prepay postage for the return of completed absent voter's ballots, to require the Secretary of State to reimburse the boards of elections for the prepaid postage, and to make an appropriation.

To the Committee on Finance.

**S. B. No. 329** -Senator Bacon, et al.

To amend section 2903.31 of the Revised Code to expand the definition of hazing and increase the penalty from a fourth degree misdemeanor to a first degree misdemeanor.

To the Committee on Government Oversight and Reform.

**S. B. No. 330** -Senator Schiavoni, et al.



To amend sections 3301.0718 and 3313.60 of the Revised Code and to amend Sections 265.10 and 265.80 of Am. Sub. H.B. 49 of the 132nd General Assembly to require the State Board of Education to adopt standards for mental health education, to require school districts to include mental health education in their curriculum, and to make an appropriation.

To the Committee on Education.

**S. B. No. 331** -Senators Terhar, Hoagland

To amend sections 4501.01 and 4503.181 of the Revised Code to add "high-mobility multipurpose wheeled vehicle manufactured for military purposes" to the definition of "historical motor vehicle."

To the Committee on Transportation, Commerce and Workforce.

**S. B. No. 332** -Senator Schiavoni, et al.

To enact section 5534.896 of the Revised Code to designate a portion of State Route 224 in Mahoning County as the "Joseph K. Vrabel 'Ohio Veterans Hall of Fame' Memorial Highway."

To the Committee on Transportation, Commerce and Workforce.

**S. B. No. 333** -Senator Hackett

To amend sections 3905.30, 3905.33, 3955.05, and 3960.11 and to enact section 3905.332 of the Revised Code to authorize domestic surplus lines insurers.

To the Committee on Insurance and Financial Institutions.

**S. B. No. 334** -Senator Schiavoni, et al.

To amend section 175.05 and to enact section 175.35 of the Revised Code to provide financial assistance to first-time homebuyers with student loan debt and to make an appropriation.

To the Committee on Finance.

YES - 14: EDNA BROWN, DAVE BURKE, WILLIAM P. COLEY, II, JOHN EKLUND, RANDY GARDNER, MATT HUFFMAN, STEPHANIE KUNZE, 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 Bacon submitted the following report:

The standing committee on Judiciary, to which was referred **H. B. No. 309-** Representatives Gonzales, Rezabek, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Coley.

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

NO - 0.

Senator Obhof submitted the following report:

Pursuant to Senate Rule No. 37 the Standing Committee on Rules and Reference, recommends that **H. B. No. 338**, having been reported by the Standing Committee on Government Oversight and Reform, be re-referred to the Standing Committee on Rules and Reference.

YES - 14: EDNA BROWN, DAVE BURKE, WILLIAM P. COLEY, II,  
JOHN EKLUND, RANDY GARDNER, MATT HUFFMAN,  
STEPHANIE KUNZE, GAYLE MANNING, LARRY  
OBHOF, SCOTT OELSLAGER, BOB PETERSON,  
CHARLETA B. TAVARES, CECIL THOMAS, KENNY  
YUKO

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:

**Canise Y. Bean, DMD, MPH**, from Columbus, Franklin County, Ohio, as a Member of the State Dental Board for a term beginning May 10, 2018 and ending at the close of business April 6, 2022, replacing Martin J. Chambers, Jr., who resigned.

**Michael Salvatore Bisesi, Ph.D**, from Westerville, Delaware County, Ohio, as a Member of the Radiation Advisory Council for a term beginning April 3, 2018 and ending at the close of business September 6, 2019, replacing Timothy B. Angel, whose term expired.

**Lisa Dodge Burton**, from Powell, Delaware County, Ohio, as a Member of the State Speech and Hearing Professionals Board for a term beginning March 15, 2018 and ending at the close of business March 22, 2021.

**Trisha D'leeFarrar**, Republican, from Logan, Hocking County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning April 11, 2018 and ending at the close of business December 23, 2020, replacing Robert Lloyd Yurisko, whose term expired.

**Michael C. Fair, DDS**, from Upper Arlington, Franklin County, Ohio, as a Member of the Radiation Advisory Council for a term beginning April 19, 2018 and ending at the close of business September 6, 2020, replacing David R. Kimberly, who resigned.

**Kristen Laura Jackson, MSN, FNP-BC**, from Cincinnati, Hamilton County, Ohio, as a Member of the Maternity and Newborn Advisory Council for a term beginning March 22, 2018 and ending at the close of business October 31, 2022, replacing Natasha L. Renault, whose term expired.

**Sherry Lynn Johnson, DO**, from Cincinnati, Hamilton County, Ohio, as a Member of the State Medical Board for a term beginning May 3, 2018 and ending at the close of business April 25, 2023, replacing Anita M. Steinbergh, whose term expired .

**Deborah A. Knueve, LPN**, from Columbus Grove, Putnam County, Ohio, as a Member of the Board of Nursing for a term beginning March 30, 2018 and ending at the close of business December 31, 2021, replacing Janet C. Arwood, whose term expired.

**Daniel Lehmann, LPN**, from Dayton, Montgomery County, Ohio, as a Member of the Board of Nursing for a term beginning March 27, 2018 and ending at the close of business December 31, 2020, replacing J. Jane McFee, whose term expired.

**James J. Mermis**, Republican, from Columbus, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning March 14, 2018 and ending at the close of business December 23, 2018, replacing Paul Schoonover, who resigned.

**James G. Minikowski**, Independent, from Solon, Cuyahoga County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning March 30, 2018 and ending at the close of business October 10, 2020, replacing John E. Heaton, who resigned.

**Faisal A. Quereshy, MD, DDS**, from Richfield, Summit County, Ohio, as a Member of the State Dental Board for a term beginning May 10, 2018 and ending at the close of business April 6, 2022, replacing Burton W. Job, who resigned.

**Michael Schottenstein, MD**, from Columbus, Franklin County, Ohio, as a Member of the State Medical Board for a new term beginning March 19, 2018 and ending at the close of business March 18, 2023, replacing Michael Schottenstein, MD, whose term expired.

**Amol Soin, MD, MBA**, from Dayton, Montgomery County, Ohio, as a Member of the State Medical Board for a new term beginning March 19, 2018 and ending at the close of business March 18, 2023, replacing Amol Soin, MD, MBA, whose term expired.

**Andrew W. Zucker, DDS**, from Sandusky, Erie County, Ohio, as a Member of the State Dental Board for a new term beginning May 10, 2018 and ending at the close of business April 6, 2022, replacing Andrew W. Zucker, DDS, 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, MATT HUFFMAN, STEPHANIE KUNZE, 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	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	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. 86-Senator Hackett**

Cosponsors: Senators Brown, Eklund, Schiavoni, Skindell, Sykes, Tavares, Terhar, Williams, Yuko, Uecker, Bacon, Balderson, Beagle, Burke, Coley, Dolan, Gardner, Hite, Hoagland, Hottinger, Huffman, Jordan, Kunze, Lehner, Manning, Obhof, O'Brien, Oelslager, Peterson, Thomas, Wilson  
Representatives Hambley, Anielski, Holmes, Becker, Carfagna, Hill, Hoops, O'Brien, Perales, Ryan, Antani, Antonio, Arndt, Ashford, Boggs, Boyd, Brown, Celebrezze, Cera, Clyde, Craig, Dever, Faber, Gavarone, Gonzales, Green, Greenspan, Hagan, Howse, Huffman, Hughes, Landis, Lanese, Lang, Leland, Lepore-Hagan, Manning, McClain, Miller, Patterson, Patton, Ramos, Reineke, Retherford, Riedel, Roegner, Rogers, Romanchuk, Schaffer, Scherer, Schuring, Sheehy, Stein, Strahorn, Sweeney, Sykes, Thompson, West, Wilkin, Young, Speaker Smith

To amend sections 4501.21 and 4503.772 and to enact sections 5.036, 5.074, 5.2315, 5.243, 5.244, 5.245, 5.2512, 5.2571, 5.262, 5.263, 5.264, 5.481, 5.49, 5.50, 4503.567, 4503.595, 4503.723, 4503.734, 4503.765, 4503.872, 4503.909, 4503.941, 4503.952, 4503.953, 4503.954, 4503.955, 5534.152, 5534.39, 5534.403, 5534.404, 5534.481, 5534.492, 5534.493, 5534.77, 5534.805, 5534.806, 5534.808, 5534.81, 5534.82, 5534.83, 5534.85, 5534.891, 5534.892, 5534.96, and 5534.98 of the Revised Code to designate multiple memorial highways and bridges, to create multiple nonstandard license plates, to create multiple special designations, and to designate John Glenn's childhood home as a state historic site, having been informally passed, 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 0, nays 32, as follows:

Those who voted in the negative were: Senators

Bacon	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So, the Senate did not concur in the amendments of the House of Representatives.

**RESOLUTIONS REPORTED BY COMMITTEE**

**S. C. R. No. 18-Senator Yuko**

Cosponsors: Senators Lehner, Sykes, Tavares, Beagle

To urge Congress to amend the Americans with Disabilities Act and adopt an international symbol of access that includes a dynamic character leaning forward with a sense of movement.

WHEREAS, The international symbol of access in current use depicts those with disabilities as inanimate; and

WHEREAS, A new symbol that includes a dynamic character leaning forward with a sense of movement promotes a more active and positive image of a person with a disability; and

WHEREAS, The Greater Cleveland Regional Transit Authority has adopted this new symbol; and

WHEREAS, The State of New York also has adopted this new symbol; now therefore be it

RESOLVED, That we, the members of the 132nd General Assembly of the State of Ohio, urge the Congress of the United States to amend the Americans with Disabilities Act and adopt an international symbol of access that includes a dynamic character leaning forward with a sense of movement; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the President of the United States, the members of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 18**, be adopted?

The question being, "Shall the resolution, S. C. R. No. 18, be adopted?

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the resolution was adopted.

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

Senator Yuko moved to amend the title as follows:

Add the names: "Senators Bacon, Brown, Burke, Dolan, Eklund, Gardner, Hackett, Hoagland, Jordan, Kunze, LaRose, McColley, Obhof, O'Brien, Oelslager, Peterson, Schiavoni, Skindell, Thomas."

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. 202**-Representatives Thompson, Lanese

Cosponsors: Representatives Johnson, Ramos, Stein, Retherford, Arndt, Rogers, Duffey, Goodman, Riedel, Howse, Smith, K., Romanchuk, Greenspan, Lepore-Hagan, Conditt, Anielski, Hill, Miller, Boccieri, Gavarone, Hambley, Scherer, Ginter, Sweeney, Sprague, West, Dean, Brenner, Kent, Cupp, Keller, Reece, Faber, Landis, Young, Zeltwanger, Antani, Antonio, Ashford, Blessing, Boggs, Boyd, Brown, Butler, Carfagna, Celebrezze, Cera, Clyde, Craig, Dever, DeVitis, Edwards, Fedor, Galonski, Green, Hagan, Henne, Holmes, Hughes, Ingram, Kelly, Kick, Koehler, Lang, LaTourette, Leland, Lipps, Manning, Patterson, Patton, Pelanda, Perales, Reineke, Roegner, Ryan, Schaffer, Sheehy, Strahorn, Sykes, Wiggam, Rosenberger Senators Uecker, Terhar, Sykes, Wilson, Hackett, O'Brien

To enact section 5.481 of the Revised Code to designate the first Saturday of May as "Veterans Suicide Awareness Day", was considered the third time.

The question being, "Shall the bill, **H. B. No. 202**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	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 Uecker moved to amend the title as follows:

Add the names: "Senators Bacon, Beagle, Brown, Burke, Coley, Dolan, Eklund, Gardner, Hoagland, Huffman, Jordan, Kunze, LaRose, Lehner, Manning, McColley, Obhof, Oelslager, Peterson, Schiavoni, Skindell, Tavares, Thomas, Williams, Yuko."

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

The motion was agreed to and the title so amended.

**Sub. H. B. No. 329**-Representative Pelandia

Cosponsors: Representatives Dever, Anielski, Antonio, Arndt, Ashford, Blessing, Boyd, Brown, Craig, Galonski, Ginter, Green, Greenspan, Hambley, Holmes, Householder, Johnson, Koehler, Lanese, Lepore-Hagan, Manning, O'Brien, Patterson, Patton, Rogers, Ryan, Schaffer, Smith, K., Sweeney, Sykes, West, Young Senator Coley

To amend sections 1333.91, 1333.92, 1333.93, and 1333.94 of the Revised Code to modify the law governing pyramid promotional schemes, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 329**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	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 Coley moved to amend the title as follows:

Add the names: "Senators Brown, Dolan, Eklund, Gardner, Hackett, Hoagland, Kunze, Manning, O'Brien, Oelslager, Schiavoni, Tavares, Terhar, Thomas, Uecker, Yuko."

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

The motion was agreed to and the title so amended.

**S. B. No. 243**-Senator Dolan

Cosponsors: Senators Tavares, Brown

To amend section 5162.20 of the Revised Code regarding Medicaid copayment requirements, was considered the third time.

The question being, "Shall the bill, **S. B. No. 243**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner



Manning	McColley	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, Beagle, Eklund, Gardner, Hoagland, Hottinger, Kunze, LaRose, Lehner, Manning, Obhof, O'Brien, Oelslager, Schiavoni, Skindell, Sykes, Terhar, Thomas, Uecker, Williams, Yuko."

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

The motion was agreed to and the title so amended.

The President handed down the following communication from the Governor:

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

Pursuant to Article II, Section 16 of the Ohio Constitution, which states that the Governor may disapprove of any bill, I hereby disapprove Substitute Senate Bill 221 (SB 221) and set forth below the reasons for so doing.

The established process by which state agencies promulgate administrative rules already has multiple opportunities for interested parties and the public to have input on proposed rules before the rules become final. During my administration, we added another level of review and input to proposed rules before they become final - the Common Sense Initiative (CSI). The implementation of CSI was part of a collaborative process with the General Assembly that advanced the shared goal of reducing or streamlining regulations. In furtherance of this shared goal, CSI reviews any proposed administrative rule that has a potential impact on businesses. Since CSI became operational in 2012, approximately 60% of the proposed rules submitted to CSI-for analysis were either amended before they became final or were rescinded and never implemented. By adding this front-end, stakeholder-centric engagement to Ohio's administrative rule-making process, CSI heightened the already robust review of proposed rules performed by the General Assembly's Joint Committee on Agency Rule Review (JCARR).

Substitute Senate Bill 221 (SB 221) undermines this existing process by providing JCARR with new, open-ended; undefined -powers to question the effect of a rule after multiple rounds of public comment, after CSI's review, after JCARR's scrutiny, and after the rule has begun being implemented. This eliminates any sense of finality crucial to the effective enforcement of laws and denies the private sector stakeholders subject to laws any certainty regarding the regulations and requirements the General Assembly is imposing on them. Moreover, these new powers the General Assembly is giving itself are based on wholly undefined concepts. Neither the bill nor the Ohio Revised Code contains any definition or explanation as to what constitutes a "principle of law or policy" or what rises to the level of "having an unintended or unexpected effect on business".

Because SB 221 would in effect never allow an administrative rule to be "final" because it could always be re-opened in JCARR even after JCARR had already approved the supposedly final version of the rule, the bill will create uncertainty among stakeholders and the public on whether the rule should be followed. That uncertainty will cause additional burdens and impose additional costs on those who are subject to the rule. Moreover, the General Assembly already has the power and authority to pass legislation that specifically addresses any concerns it may have with already promulgated rules, and the attempt to use JCARR to supplant the natural legislative process represents an erosion of the separation of powers. Therefore, this veto is in the public interest.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 2nd day of August in the year of our Lord, Two Thousand and Eighteen.

[Seal]

John R. Kasich,  
Governor.

This will acknowledge the receipt of a copy of this veto Message of Substitute Senate Bill 221 that was disapproved by Governor John R. Kasich on August 2, 2018.

The question being, "Shall the bill, **Sub. S. B. No. 221**, pass notwithstanding the objections of the Governor?"

The yeas and nays were taken and resulted – yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Bacon  
Dolan

Beagle  
Gardner

Burke  
Hackett

Coley  
Hoagland

Hottinger  
LaRose  
Oelslager  
Uecker

Huffman  
Manning  
Peterson  
Williams

Jordan  
McColley  
Sykes  
Wilson

Kunze  
O'Brien  
Terhar  
Obhof-24

Senators Brown, Eklund, Lehner, Schiavoni, Skindell, Tavares, Thomas, and Yuko voted in the negative-8.

So the bill, having received the required constitutional majority, passed notwithstanding the objections of the Governor.

### **INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bill was introduced and considered for the first time:

**S. B. No. 335** - Senator Tavares.

To request the Supreme Court to adopt a rule regarding the disqualification of a Supreme Court justice.

On the motion of Senator Peterson, the Senate adjourned until Monday, November 19, 2018 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.