

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MARCH 6, 2019

TWENTY-SECOND DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, March 6, 2019, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Dr. Stephen Swisher, Etna United Methodist Church in Etna, 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 McColley recognized Shannon Hale, Katilyn Zeedyk, and Courtney Luderman for their participation in the Youth Capitol Challenge with the Farm Bureau, 4H, and Future Farmers of America.

Senator Lehner recognized former Senator Tom Roberts and Sinclair Community College Fellows.

Senator Yuko recognized Bethany Sanders for her work in the Ohio Senate.

Senator Sykes honored Representative Thomas M. Seese for his service to the community of Akron and the State of Ohio as a member of the Ohio General Assembly.

President Obhof honored Senator Randy Gardner for outstanding service to the 2<sup>nd</sup> Senate District and State of Ohio as a member of the Ohio Senate.

President Obhof honored Shelby Hartley for outstanding service to the State of Ohio.

President Obhof honored Cade Stover on being named the 2018 Ohio Mr. Football.

President Obhof honored Kyle Johnston on winning the 2018 Division II State Championship in boys cross country.

President Obhof honored the Lexington High School girls cross country team as the 2018 Division II State Champion.

Senators Yuko and Obhof honored the Ohio Association of Professional Fire Fighters on its One Hundredth Anniversary.

Senators Coley and Wilson honored Conant Smith as the 2018 Division I State Boys Cross Country Champion.

## **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:

**S. C. R. No. 2** -Senators Yuko, O'Brien, et al.

To urge Congress to enact legislation requiring commercial trucks to use side guards and establishing side guard technical specifications.

To the Committee on Transportation, Commerce and Workforce.

**S. B. No. 60** -Senator Burke, et al.

To amend sections 5163.01, 5166.01, and 5167.03, to enact sections 5166.38, 5166.381, 5166.382, 5166.383, and 5166.384, and to repeal sections 5166.37, 5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 5166.405, 5166.406, 5166.407, 5166.408, and 5166.409 of the Revised Code and to repeal Section 333.280 of H.B. 49 of the 132nd General Assembly to establish a waiver component for the Medicaid expansion eligibility group and to abolish the Healthy Ohio Program.

To the Committee on Finance.

**S. B. No. 67** -Senator Williams, et al.

To amend sections 169.13 and 169.14 of the Revised Code regarding payment to a registered finder of unclaimed funds.

To the Committee on General Government and Agency Review.

**S. B. No. 68** -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. 69** -Senator Williams, et al.

To amend sections 3333.122 and 3333.20 and to enact section 3333.167 of the Revised Code to qualify students in noncredit community college and career and technical programs for Ohio College Opportunity Grants and to require the awarding of academic credit for community colleges' career certification programs.

To the Committee on Higher Education.

**S. B. No. 74** -Senators O'Brien, Rulli, et al.

To amend section 4501.21 and to enact section 4503.724 of the Revised Code to create the "American Foundation for Suicide Prevention" license plate.

To the Committee on Transportation, Commerce and Workforce.

**S. B. No. 76** -Senators Lehner, Maharath, et al.

To enact section 5.2521 of the Revised Code to designate the first week of May as "Tardive Dyskinesia Awareness Week."

To the Committee on Health, Human Services and Medicaid.

**S. B. No. 77** -Senators Hoagland, Williams, et al.

To enact section 5.52 of the Revised Code to designate June 12 as "Women Veterans' Day."

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

YES - 14: DAVE BURKE, WILLIAM P. COLEY, II, MATT DOLAN, JOHN EKLUND, JAY HOTTINGER, MATT HUFFMAN, STEPHANIE KUNZE, LARRY OBHOF, SEAN J. O'BRIEN, BOB PETERSON, CECIL THOMAS, SANDRA R. WILLIAMS, STEVE WILSON, 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 Coley submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **Am. H. B. No. 86**-Representative Plummer, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Coley, Hoagland, Uecker, McColley, Gavarone.

YES - 8: BOB PETERSON, KRISTINA D. ROEGNER, MATT HUFFMAN, WILLIAM P. COLEY, II, FRANK HOAGLAND, JOE UECKER, THERESA GAVARONE, ROB MCCOLLEY

NO - 3: TERESA FEDOR, CECIL THOMAS, HEARCEL F. CRAIG

Senator Eklund submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 5**-Senators Kunze, Dolan, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Coley, Gavarone.

YES - 10: JOHN EKLUND, NATHAN H. MANNING, WILLIAM P. COLEY, II, THERESA GAVARONE, PEGGY LEHNER, MATT HUFFMAN, CECIL THOMAS, SEAN J. O'BRIEN, TERESA FEDOR, ROB MCCOLLEY

NO - 0.

The question being, "Shall the reports of the committee be accepted?"

The reports of the committee 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:

**Merom Brachman, MA**, Republican, from Bexley, Franklin County, Ohio, as a Member of the Ethics Commission for a new term beginning January 2, 2019 and ending at the close of business January 1, 2025, replacing Merom Brachman, whose term expired.

**David A. Brinegar, BSM**, from Fayette, Fulton County, Ohio, as a Member of the State Board of Education for a term beginning January 2, 2019 and ending at the close of business December 31, 2022, replacing Kara Michelle Morgan, whose term expired.

**Gary W. Cates, MBA**, from West Chester, Butler County, Ohio, as a

Member of the Midwestern Higher Education Compact Commission for a term new beginning January 9, 2019 and ending at the close of business January 8, 2023, replacing Gary W. Cates, MBA, whose term expired.

**Cindy L. Collins**, from Amanda, Fairfield County, Ohio, as a Member of the State Board of Education for a term beginning January 2, 2019 and ending at the close of business December 31, 2022, replacing Cathye J. Flory, whose term expired.

**Randy Gardner**, from Wood County, Ohio, as Chancellor of the Department of Higher Education for a term beginning January 14, 2019, and continuing at the pleasure of the Governor.

**Michael Giarrizzo, Jr.**, from Chagrin, Geauga County, Ohio, as a Member of the Ohio Board of Motor Vehicle Repair for a term beginning January 2, 2019, and ending at the close of business January 1, 2022, replacing Christopher S. Sterwerf, whose term expired.

**Ryan Gies**, from Delaware County, Ohio, as Director of the Department of Youth Services for a term beginning January 14, 2019, and continuing at the pleasure of the Governor.

**Mark A. Lamoncha**, from Leetonia, Columbiana County, Ohio, as a Member of the State Board of Education for a term beginning January 2, 2019, and ending at the close of business December 31, 2022, replacing Joseph L. Farmer, whose term expired.

**Anthony J. Macisco, MS**, from Lewis Center, Delaware County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a new term beginning January 4, 2019, and ending at the close of business December 31, 2024, replacing Anthony J. Macisco, MS, whose term expired.

**Christopher A. Macisco**, from Delaware, Delaware County, Ohio, as a Member of the Ohio Board of Motor Vehicle Repair for a term beginning January 2, 2019, and ending at the close of business January 1, 2022, replacing Scott Murray, whose term expired.

**Jack R. Marchbanks**, from Franklin County, Ohio, as Director of the Department of Transportation for a term beginning January 14, 2019, and continuing at the pleasure of the Governor.

**Sheryl Maxfield**, from Franklin County, Ohio, as Director of the Department of Commerce for a term beginning January 14, 2019, and continuing at the pleasure of the Governor.

**Terry L. Myer, Sr.**, from Reynoldsburg, Licking County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a new term beginning January 4, 2019, ending at the close of business December 31, 2024, replacing Terry L. Myer, Sr., whose term expired.

**Michael A. Toal**, from Sidney, Shelby County, Ohio, as a Member of the

State Board of Education for a term beginning January 2, 2019 and ending at the close of business December 31, 2022, replacing Teresa Elshoff, whose term expired.

**Annette Chambers-Smith**, from Franklin County, Ohio, as Director of the Department of Rehabilitation and Correction for a term beginning February 18, 2019, and continuing at the pleasure of the Governor.

**Christopher K. Speck**, from Johnstown, Licking County, Ohio, as a Member of the Ohio Board of Motor Vehicle Repair for a term beginning January 2, 2019 and ending at the close of business January 1, 2022, replacing Jeffrey Neal Wagner, whose term expired.

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

YES – 14: DAVE BURKE, WILLIAM P. COLEY, II, MATT DOLAN, JOHN EKLUND, JAY HOTTINGER, MATT HUFFMAN, STEPHANIE KUNZE, SEAN J. O'BRIEN, LARRY OBHOF, BOB PETERSON, CECIL THOMAS, SANDRA R. WILLIAMS, STEVE WILSON, 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

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	Hill	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Kunze	Lehner
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schuring
Sykes	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the Senate advised and consented to said appointments.

### BILLS FOR THIRD CONSIDERATION

#### **Am. H. B. No. 86**-Representative Plummer

Cosponsors: Representatives Becker, Koehler, Antani, Baldrige, Blessing, Butler, Callender, Carfagna, Carruthers, Cera, Cross, Cupp, Dean, Ginter, Green, Hambley, Holmes, A., Hood, Hoops, Jones, Jordan, Keller, Kick, Lang, Lipps, Manning, D., Manning, G., Merrin, Oelslager, Patton, Perales, Powell, Richardson, Riedel, Roemer, Rogers, Romanchuk, Ryan, Schaffer, Seitz, Smith, R., Smith, T., Stein, Stoltzfus, Vitale, Wiggam, Wilkin Senators Coley, Hoagland, Uecker, McColley, Gavarone

To amend section 2923.11 of the Revised Code to correct a drafting error in

the definition of "dangerous ordnance" that resulted from Am. Sub. H.B. 228 of the 132nd General Assembly and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 6, setting forth the emergency features of the bill, stand as a part of the bill?"

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

Those who voted in the affirmative were: Senators

Brenner	Burke	Coley	Dolan
Eklund	Gavarone	Hill	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Kunze
Lehner	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schuring
Terhar	Uecker	Wilson	Obhof-24

Senators Antonio, Craig, Fedor, Maharath, Sykes, Thomas, Williams, and Yuko voted in the negative-8.

So the section, Section 6, 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 23, nays 9, as follows:

Those who voted in the affirmative were: Senators

Brenner	Burke	Coley	Dolan
Eklund	Gavarone	Hill	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Kunze
Manning	McColley	O'Brien	Peterson
Roegner	Rulli	Schuring	Terhar
Uecker	Wilson		Obhof-23

Those who voted in the negative were: Senators

Antonio	Craig	Fedor	Lehner
Maharath	Sykes	Thomas	Williams
			Yuko-9

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Roegner moved to amend the title as follows:

Add the names: "Senators Brenner, Eklund, Hill, Hottinger, Huffman, M., Huffman S., Obhof, Peterson, Roegner, Rulli, Schuring, Terhar, Wilson."

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

The motion was agreed to and the title so amended.

**S. B. No. 5**-Senators Kunze, Dolan

Cosponsors: Senators Huffman, M., Hottinger, Roegner, Craig, Fedor, Obhof, Coley, Gavarone

To amend section 2907.22 of the Revised Code to amend the penalties for promoting prostitution, was considered the third time.



The question being, "Shall the bill, **S. B. No. 5**, pass?"

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

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	Hill	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Kunze	Lehner
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schuring
Sykes	Terhar	Thomas	Uecker
Williams	Wilson	Yuko	Obhof-32

So the bill passed.

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

Senator Kunze moved to amend the title as follows:

Add the name: "Antonio, Brenner, Burke, Eklund, Hill, Hoagland, Huffman S., Lehner, Maharath, McColley, O'Brien, Peterson, Rulli, Schuring, Terhar, Thomas, Uecker, Williams, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

#### **Am. S. B. No. 21**-Senator Dolan

Cosponsors: Senators Brenner, Thomas, Hackett, Maharath, Coley

To amend sections 1701.01, 1701.03, 1701.04, 1701.05, 1701.38, 1701.59, 1701.591, and 1701.94 and to enact section 1701.96 of the Revised Code to allow a corporation to become a benefit corporation, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 21**, pass?"

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

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	Hill	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Kunze	Lehner
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schuring
Sykes	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 Antonio, Burke, Craig, Eklund, Gavarone, Hill, Hoagland, Huffman, M., Huffman, S., Kunze, Manning, McColley, O'Brien,

Obhof, Peterson, Rulli, Schuring, Sykes, Terhar, Uecker, Williams, Wilson, Yuko"

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

The motion was agreed to and the title so amended.

### **MOTIONS**

Senator Hottinger moved that Senators absent the week of Sunday, March 03, 2019, 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.

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

The following bills were introduced and considered for the first time:

**S. B. No. 78** - Senator Maharath

To enact section 4511.80 of the Revised Code to prohibit smoking in a motor vehicle if a child under six is a passenger.

**S. B. No. 79** - Senator Maharath

To enact section 5534.79 of the Revised Code to designate a portion of the eastbound lanes of I-70 in Franklin County as the "Judge Robert Duncan Memorial Highway."

**S. B. No. 80** - Senator Maharath

To enact section 5.246 of the Revised Code to designate the last week of September as "Diaper Need Awareness Week."

**S. B. No. 81** - Senator Maharath

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

**S. B. No. 82** - Senator Maharath

To enact section 5.2521 of the Revised Code to designate March 31 as "Cesar E. Chavez Day" in Ohio.

**S. B. No. 83** - Senator Maharath

To enact section 5534.90 of the Revised Code to designate the entrance ramp from West Broad Street onto Interstate Highway 70 in Franklin County as the "G. Thomas Turner, Sr. I-70 East Entrance Ramp."

**S. B. No. 84** - Senator Maharath

To enact section 3313.675 of the Revised Code to allow an individual enrolling a student to voluntarily state if student's parent or guardian is a member of the Armed Forces.

**S. B. No. 85** - Senator Maharath

To amend section 4511.21 of the Revised Code to establish signage requirements for indicating school zones for speed limit purposes, and to make an appropriation.

**S. B. No. 86** - Senator Maharath

To enact sections 4934.01, 4934.02, 4934.03, 4934.031, 4934.05, 4934.07, 4934.09, 4934.11, 4934.30, and 4934.32 of the Revised Code to regulate certain resellers of utility service.

**S. B. No. 87** - Senator Maharath

To amend sections 4507.50 and 4507.52 of the Revised Code to allow any veteran and any unemployed mobility impaired person to obtain a free identification card that is valid for eight years.

**S. B. No. 88** - Senator Maharath

To amend section 4743.08 of the Revised Code to require certain health care professionals to complete instruction in cultural competency.

**S. B. No. 89** - Senator Huffman, M.

Cosponsors: Senators Brenner, Rulli, Huffman, S.

To amend sections 3302.03, 3313.14, 3313.482, 3313.618, 3313.903, 3317.023, 3319.226, 3326.032, 3333.162, 3333.94, 3365.01, 3365.02, 5709.62, 5709.63, 5709.632, 5709.82, and 5709.83, to enact sections 3301.0730, 3317.037, and 3319.2211, and to repeal section 3313.6113 of the Revised Code with regard to career-technical education and the compensation of joint vocational school districts located in enterprise zones.

**S. B. No. 90** - Senators Thomas, Craig

Cosponsors: Senators Antonio, Williams, Fedor

To amend sections 4111.02, 4111.09, and 4111.14 and to repeal section 4111.07 of the Revised Code to increase the state minimum wage and to allow

municipalities, townships, and counties to establish higher minimum wage requirements.

### OFFERING OF RESOLUTIONS

Senators Huffman, M. and Obhof offered the following resolution:

**S. R. No. 41**-Senators Huffman, M., Obhof

To urge the Congress of the United States, as expeditiously as possible, to enact a Born-Alive Abortion Survivors Protection Act.

The question being, "Shall the resolution, **S. R. No. 41**, be adopted?"

Senator Peterson moved that, **S. R. No. 41**, be referred to the Committee on Health, Human Services and Medicaid.

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

The motion was agreed to.

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

**S. R. No. 42** - Senators Obhof, Coley, Eklund, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Kunze, Lehner, Roegner, Terhar, Uecker, Wilson, Antonio, Craig, Fedor, Maharath, O'Brien, Sykes, Thomas, Yuko

Honoring Colonel Paul A. Pride on his retirement as superintendent of the Ohio State Highway Patrol

**S. R. No. 43** - Senators Thomas, Terhar, Wilson, Uecker

Honoring the University of Cincinnati on its Two Hundredth Anniversary

**S. R. No. 44** - Senator Huffman, M.

Honoring Shelby County on its Bicentennial

**S. R. No. 45** - Senators Yuko, Thomas, O'Brien, Williams, Antonio, Craig, Fedor, Maharath, Sykes

Honoring Bethany E. Sanders for outstanding service to the State of Ohio

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

### MESSAGE FROM THE PRESIDENT

Pursuant to Section 171.01(A) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Ohio Retirement

Study Council:

Senator Jay Hottinger

Senator Kirk Schuring

Senator Hearcel Craig

On the motion of Senator Peterson, the Senate adjourned until Thursday, March 7, 2019 at 11:00 a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.