

OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 10, 2019

FORTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 10, 2019, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Jessica Shimberg, The Little Minyan Kehilah in Columbus, Ohio, a guest of Senator Antonio, 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 Lehner honored the Vandalia-Butler High School boys bowling team on winning the 2019 Division I State Championship.

Senator Lehner honored Drew Sacks on winning the 2019 Division I State Championship in boys bowling.

Senator Craig honored the Columbus Africentric Early College High School girls basketball team as the 2019 Division III State Champion.

Senator Peterson honored the Chillicothe Fire Department on its One Hundred Fortieth Anniversary.

Senator Peterson recognized participants from the Council of Smaller Enterprises Day at the Capitol program on their visit to the Statehouse.

Senator Antonio recognized Rabbi Jessica Shimberg on her visit to the Statehouse to give prayer at session and for her community service.

Senators Rulli and O'Brien recognized the Youngstown Regional Chamber on their visit to the Statehouse.

Senator Gavarone recognized Caroline Thomas on being named the YMCA Youth Governor.

Senator Schuring recognized Ellen Linz, the Director of Altecure Nursing Home, on her visit to the Statehouse.

Senator Antonio recognized Shawna Florio on finishing her internship with Senator Antonio's office.

REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION

Senator Obhof reports for the standing committee on Rules and Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

H. B. No. 85 -Representatives Wilkin, Rogers, et al.

To amend section 127.19 and to enact sections 109.47, 120.56, 127.20, 307.451, 307.452, and 307.453 of the Revised Code to allow the Controlling Board to transfer money to the Attorney General and State Public Defender to defray county costs associated with certain capital cases and to declare an emergency.

To the Committee on Finance.

S. B. No. 122 -Senator Wilson.

To amend sections 125.66 and 125.661; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 125.66 (113.60) and 125.661 (113.61); and to enact section 113.62 of the Revised Code; and to amend Section 207.71 of Am. Sub. H.B. 49 of the 132nd General Assembly to require the Treasurer of State to administer the Pay for Success Contracting Program and to expand the purposes of the Program.

To the Committee on Finance.

S. B. No. 124 -Senator Williams, et al.

To enact section 5501.91 of the Revised Code to create the Ohio Maritime Assistance Program and to make an appropriation.

To the Committee on Finance.

S. B. No. 125 -Senators Hottinger, Brenner, et al.

To amend sections 5747.01 and 5747.70 of the Revised Code to expand the income tax deduction allowed for contributions to Ohio's 529 education savings plans to include contributions to 529 plans established by other states.

To the Committee on Ways and Means.

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 report of the committee be accepted?"

The report of the committee was accepted.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Eklund submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 47-** Senator Eklund, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Manning, Coley, Gavarone.

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

NO - 0.

Senator Eklund submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 48-** Senator Eklund, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Coley.

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

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:

Dr. Amy Stearns Acton, from Franklin County, Ohio, as the Director of the Department of Health for a term beginning March 4, 2019 and continuing at the pleasure of the Governor.

McKinley E. Brown, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Casino Control Commission for a term beginning February 28, 2019 and ending at the close of business February 21, 2023, replacing McKinley E. Brown, whose term expired.

Laurel Dawson, from Columbus, Franklin County, Ohio, as a Member of the Capitol Square Review and Advisory Board for a term beginning February 15, 2019, and continuing at the pleasure of the Governor, replacing Beth Hansen.

Jeffrey A. McClain, from Wyandot, Wyandot County, Ohio, as the Commissioner of the Department of Taxation for a term beginning January 14, 2019 and continuing at the pleasure of the Governor.

John S. Steinhauer, J.D., Republican, from Akron, Summit County, Ohio, as a Member of the Ohio Casino Control Commission for a term beginning February 28, 2019 and ending at the close of business February 21, 2023, replacing John S. Steinhauer, J.D., whose term expired.

June E. Taylor, M.A., Democrat, from Beachwood, Cuyahoga County, Ohio, as a Member of the Ohio Casino Control Commission for a term beginning February 28, 2019 and ending at the close of business February 21, 2023, replacing June E. Taylor, M.A., 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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	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-31

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Am. S. B. No. 24-Senators Wilson, Yuko.

Cosponsors: Senators Eklund, Kunze, Hackett, Terhar, Antonio, Fedor, Thomas, Williams.

To establish the Alzheimer's Disease and Related Dementias Task Force, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 24**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	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-31

So the bill passed.

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

Senator Wilson moved to amend the title as follows:

Add the names: "Senators Brenner, Burke, Coley, Craig, Dolan, Gavarone, Hoagland, Hottinger, Huffman, M., Huffman, S., Lehner, Maharath, Manning, McColley, Obhof, O'Brien, Roegner, Rulli, Sykes, Uecker."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 31-Senator Roegner.

Cosponsor: Senator Coley.

To amend sections 149.43 and 5913.01 of the Revised Code to include emergency service telecommunicators and certain Ohio National Guard members as individuals whose residential and familial information is exempt from disclosure under the Public Records Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 31**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	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-31

So the bill passed.

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

Senator Roegner moved to amend the title as follows:

Add the names: "Senators Antonio, Craig, Eklund, Hoagland, Huffman, M., Huffman, S., Kunze, Lehner, O'Brien, Rulli, Sykes, Terhar, Thomas, Uecker, Wilson."

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

The motion was agreed to and the title so amended.

S. B. No. 48-Senator Eklund.

Cosponsors: Senators Huffman, M., Fedor, Williams, Coley.

To amend sections 2945.71 and 2945.73 of the Revised Code to narrow the scope of speedy trial rules, was considered the third time.

The question being, "Shall the bill, **S. B. No. 48**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	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-31

So the bill passed.

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

Senator Eklund moved to amend the title as follows:

Add the names: "Senators Antonio, Brenner, Burke, Craig, Gavarone, Hoagland, Huffman, S., Kunze, Lehner, O'Brien, Rulli, Wilson."

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

The motion was agreed to and the title so amended.

S. B. No. 77-Senators Hoagland, Williams.

Cosponsors: Senators Lehner, Terhar, Sykes, Maharath, Thomas, Fedor, Craig, Antonio, Hackett, Eklund, Rulli, Uecker, Wilson, Brenner.

To enact section 5.52 of the Revised Code to designate June 12 as "Women

Veterans' Day", was considered the third time.

The question being, "Shall the bill, **S. B. No. 77**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	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-31

So the bill passed.

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

Senator Hoagland moved to amend the title as follows:

Add the names: "Senators Burke, Coley, Dolan, Gavarone, Hottinger, Huffman, M., Huffman, S., Kunze, Manning, McColley, Obhof, O'Brien, Peterson, Roegner, Schuring, Yuko."

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

The motion was agreed to and the title so amended.

S. B. No. 108-Senator Obhof.

Cosponsors: Senators Eklund, Hoagland, Huffman, S., Roegner, Terhar, Wilson, Coley.

To repeal section 1.49 of the Revised Code to eliminate the rule of construction regarding a court's considerations in determining the intention of the legislature when a statute is ambiguous, was considered the third time.

The question being, "Shall the bill, **S. B. No. 108**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	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-31

So the bill passed.

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

Senator Obhof moved to amend the title as follows:

Add the names: "Senators Brenner, Burke, Craig, Dolan, Gavarone, Hottinger, Huffman, M., Kunze, Lehner, Manning, McColley, O'Brien, Peterson, Rulli, Schuring, Thomas, Uecker, Williams."

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, April 7, 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.

OFFERING OF RESOLUTIONS

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

S. R. No. 138 - Senator Gavarone.

Honoring Lucas Salmon on winning a 2019 Division II State Wrestling Championship.

S. R. No. 139 - Senator Gavarone.

Honoring Malakii Pinkelton as a 2019 Ohio Athletic Committee Wrestling Champion.

S. R. No. 140 - Senator McColley.

Honoring the Crestview High School boys basketball team as the 2019 Division IV State Champion.

S. R. No. 141 - Senator Maharath.

Recognizing Asian American Pacific Islander Heritage Month, May 2019.

S. R. No. 142 - Senators Dolan, Eklund.

Honoring the Hawken School girls swim team as the 2019 Division II State Champion.

S. R. No. 143 - Senator Dolan.

Honoring the University School swim team on earning the 2019 Division II State Championship crown.

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

So the resolutions were adopted.

On the motion of Senator Peterson, the Senate recessed until 4:01 p.m.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

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

Sub. S. B. No. 23 -Senator Roegner

Cosponsors: Senators Burke, Uecker, Hackett, Wilson, Hoagland, Huffman, S., Huffman, M., Hottinger, Lehner, Brenner, Schuring, Obhof, McColley, Peterson, Terhar, Coley, Hill, Gavarone Representatives Merrin, Antani, Butler, Baldrige, Becker, Blessing, Brinkman, Carruthers, Cross, Dean, DeVitis, Ghanbari, Ginter, Green, Hambley, Hillyer, Hoops, Jones, Jordan, Keller, Kick, Koehler, Lanese, Lang, LaTourette, Lipps, Manchester, McClain, Oelslager, Perales, Plummer, Powell, Reineke, Richardson, Riedel, Roemer, Romanchuk, Schaffer, Smith, R., Smith, T., Stein, Stoltzfus, Vitale, Wiggam, Wilkin, Zeltwanger

To amend sections 2317.56, 2919.171, 2919.19, 2919.191, 2919.192, 2919.193, and 4731.22; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2919.191 (2919.192), 2919.192 (2919.194), and 2919.193 (2919.198); and to enact new sections 2919.191 and 2919.193 and sections 2919.195, 2919.196, 2919.197, 2919.199, 2919.1910, 2919.1912, 2919.1913, and 5103.11 of the Revised Code to enact the Human Rights and Heartbeat Protection Act.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Bradley J. Young,
Clerk.

Senator Peterson moved that the amendments of the House of Representatives to **Sub. S. B. No. 23**, be brought up for consideration.

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

The motion was agreed to.

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

The yeas and nays were taken and resulted – yeas 18, nays 13, as follows:

Those who voted in the affirmative were: Senators

Brenner	Burke	Coley	Gavarone
Hoagland	Hottinger	Huffman, M.	Huffman, S.
Lehner	McColley	Peterson	Roegner
Rulli	Schuring	Terhar	Uecker
Wilson			Obhof-18

Those who voted in the negative were: Senators

Antonio	Craig	Dolan	Eklund
Fedor	Kunze	Maharath	Manning
O'Brien	Sykes	Thomas	Williams
			Yuko-13

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

On the motion of Senator Peterson, the Senate adjourned until Thursday, April 11, 2019 at 9:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.