

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 1, 2019

FORTY-EIGHTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 1, 2019, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Dr. Jason Link, First Presbyterian Church of Chillicothe in Chillicothe, 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 honored the St. Marys Memorial High School girls bowling team on securing the 2019 Division II State Championship.

Senator McColley honored the St. Marys Memorial High School boys bowling team as the 2019 Division II State Champion.

Senator McColley honored the St. Marys Memorial High School girls powerlifting team as the 2019 State Champion.

Senator Kunze honored the Bluffsview Elementary School archery team as the 2019 Ohio National Archery in Schools Program Tournament Champion.

Senator Hottinger honored Sydney Bradley as a 2019 State Gymnastics Champion.

Senator Eklund honored Black United Students at Kent State University on its contributions to the citizens of the State of Ohio.

Senator Gavarone honored Tara J. Barnhart as the 2018 Dispatcher of the Year.

Senator Kunze honored Seth Shumate as the 2019 Division I State Wrestling Champion in the 195-pound weight class.

Senator Kunze honored Make-A-Wish Day in Ohio, April 29, 2019.

Senator Kunze recognized Galloway Ridge Intermediate School students on their visit to the Statehouse.

Senator Brenner recognized Keith Watt on his visit to the Statehouse.

Senator Brenner recognized Polaris Christian Academy students and their teacher Fred Stetz on their mock session and visit to the Statehouse.

Senator Burke recognized Brian Weiker on his involvement in the legislative process and visit to the Statehouse.

Senator Hackett recognized Judge Denise Moody on her participation in the Judicial-Legislative Exchange and visit to the Statehouse.

Senator Kunze recognized Judge James A. Shriver on his participation in the Judicial-Legislative Exchange and visit to the Statehouse.

Senator Roegner recognized Judge Tim Vansickle on his participation in the Judicial-Legislative Exchange and visit to the Statehouse.

Senator Eklund recognized Judge Terri Stupica on her participation in the Judicial-Legislative Exchange and visit to the Statehouse.

Senator Rulli recognized Judge Molly Johnson on her participation in the Judicial-Legislative Exchange and visit to the Statehouse.

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. 18 -Representatives Vitale, Crawley, et al.

To amend section 5747.01 of the Revised Code to exempt from the income tax disability severance payments received by honorably discharged veterans.

To the Committee on Ways and Means.

H. B. No. 59 -Representative Wiggam, et al.

To enact section 5.2514 of the Revised Code to designate the month of April as "Ohio Native Plant Month."

To the Committee on Agriculture and Natural Resources.

H. B. No. 61 -Representatives Lanese, Liston, et al.

To amend section 149.43 of the Revised Code to include forensic mental health providers, mental health evaluation providers, and regional psychiatric hospital employees as individuals whose residential and familial information is exempt from disclosure under the Public Records Law.

To the Committee on Judiciary.

Sub. H. B. No. 66 -Representative Merrin, et al.

To amend sections 2929.01, 2929.18, and 2929.28 of the Revised Code to enact the "Theft Victims' Restitution Act" to allow restitution for the cost of accounting or auditing done to determine the extent of a victim's economic loss.

To the Committee on Government Oversight and Reform.

S. C. R. No. 3 -Senator Williams.

To declare the intent of the State of Ohio to secure a Memorial monument from the National Memorial for Peace and Justice Monument Placement Initiative to be installed on the grounds of the Statehouse.

To the Committee on Government Oversight and Reform.

S. B. No. 121 -Senators Sykes, Kunze, et al.

To amend sections 3301.0718 and 3313.6011 and to enact section 3301.0727 of the Revised Code to require the State Board of Education to adopt health education standards and to require that only statewide venereal disease education standards and curriculum be approved by the General Assembly.

To the Committee on Education.

S. B. No. 126 -Senator Manning.

To amend section 5122.04 of the Revised Code and to amend Section 265.10 of Am. Sub. H.B. 49 of the 132nd General Assembly and Section 265.210 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended, to authorize a mental health professional to provide a crisis assessment, without parental consent, to a minor who is or is believed to be suicidal and to make an appropriation to support the employment of social workers or mental or behavioral health professionals at educational service centers.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 127 -Senators Uecker, Yuko, et al.

To amend sections 119.12, 121.084, 4105.01, 4105.10, and 4105.15 and to enact sections 4105.101, 4105.30, 4785.01, 4785.02, 4785.03, 4785.04, 4785.041, 4785.05, 4785.051, 4785.06, 4785.07, 4785.08, 4785.09, 4785.091,

4785.092, and 4785.99 of the Revised Code to revise the Elevator Law.

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 128 -Senator Huffman, M., et al.

To amend sections 3310.01, 3310.02, 3310.03, 3310.032, 3310.08, 3310.09, 3313.978, 3317.02, and 3317.03 and to repeal sections 3310.035 and 3310.16 of the Revised Code to make changes to the Educational Choice Scholarship Program and the Cleveland Scholarship Program.

To the Committee on Finance.

S. B. No. 129 -Senator Rulli, et al.

To enact section 5534.897 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. 130 -Senator Maharath.

To enact sections 4723.93, 4731.92, 4732.34, 4743.09, and 4757.46 of the Revised Code to prohibit certain health care professionals from engaging in conversion therapy when treating minor patients.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 132 -Senator Williams.

To amend sections 5735.05, 5735.051, and 5735.27 of the Revised Code to modify the amount of revenue derived from any increase in the motor fuel tax rate that is allocated to local governments and to change the manner in which that revenue is divided between municipal corporations, counties, and townships.

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 133 -Senators O'Brien, Manning, et al.

To amend sections 181.21, 181.26, 5120.021, 5120.038, 5120.113, and 5149.04 of the Revised Code to modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to

require the Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee.

To the Committee on Judiciary.

S. B. No. 137 -Senators Peterson, Hoagland.

To amend sections 122.24 and 122.25 and to enact section 122.26 of the Revised Code to reinstate the rural industrial park loan fund and to make an appropriation.

To the Committee on Finance.

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 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 **S. B. No. 123**-Senators Dolan, Manning, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Coley, Uecker, Roegner, Huffman, M..

YES - 11: HEARCEL F. CRAIG, CECIL THOMAS, KRISTINA D. ROEGNER, MATT HUFFMAN, FRANK HOAGLAND, JOE UECKER, THERESA GAVARONE, WILLIAM P. COLEY, II, BOB PETERSON, TERESA FEDOR, ROB MCCOLLEY

NO - 0.

Senator Eklund submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 33**-Senator Hoagland, et al., having had the same under consideration, reports it back and recommends its passage.

YES - 8: PEGGY LEHNER, JOHN EKLUND, NATHAN H. MANNING, WILLIAM P. COLEY, II, ROB MCCOLLEY, MATT HUFFMAN, THERESA GAVARONE, SEAN J. O'BRIEN

NO - 2: CECIL THOMAS, TERESA FEDOR

Senator Kunze submitted the following report:

The standing committee on Higher Education, to which was referred **S. B. No. 120**-Senators McColley, Rulli, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Kunze.

YES - 8: STEPHANIE KUNZE, SANDRA R. WILLIAMS, TINA MAHARATH, ROB MCCOLLEY, STEVE WILSON, THERESA GAVARONE, NATHAN H. MANNING, HEARCEL F. CRAIG

NO - 0.

The question being, "Shall the reports of the committees be accepted?"
The reports of the committees were accepted.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Obhof submitted the following report:

The standing committee on Rules and Reference to which were referred the appointments by the Governor of:

Timothy J. Cosgrove, J.D., Republican, from Kirtland, Lake County, Ohio, as a Member of the Capitol Square Review and Advisory Board for a term beginning January 10, 2019 and ending at the close of business April 22, 2020, replacing Robert F. Klaffky, who resigned.

Matthew M. Damschroder, from Franklin County, Ohio, as the Director of the Department of Administrative Services for a term beginning January 14, 2019 and continuing at the pleasure of the Governor.

Dennis P. Deters, from Cincinnati, Hamilton County, Ohio, as a Member of

the Public Utilities Commission of Ohio for a term beginning March 25, 2019 and ending at the close of business April 10, 2021, replacing Asim Z. Haque, who resigned.

Jacqueline Gamblin, MSA, from Englewood, Montgomery County, Ohio, as a Member of the Central State University Board of Trustees for a term beginning January 3, 2019 and ending at the close of business June 30, 2019, replacing Kenneth C. Lumpkin, who resigned.

Beth Hansen, Republican, from Bexley, Franklin County, Ohio, as a Member of the State Racing Commission for a term beginning February 13, 2019, and ending at the close of business March 31, 2019, replacing Gary G. Koch, who resigned.

J. Phillip Holloman, from Cincinnati, Hamilton County, Ohio, as a Member of the University of Cincinnati Board of Trustees for a term beginning January 4, 2019 and ending at the close of business January 1, 2028, replacing Thomas D. Cassady, whose term expired.

J. Patrick McDonald, from Cuyahoga County, Ohio, as the Director of the State Lottery Commission for a term beginning March 1, 2019, and continuing at the pleasure of the Governor.

Lydia L. Mihalik, from Hancock County, Ohio, as Director of the Development Services Agency for a term beginning January 14, 2019 and continuing at the pleasure of the Governor.

Kimberly A. Murnieks, from Delaware County, Ohio, as the Director of the Office of Budget and Management for a term beginning January 14, 2019 and continuing at the pleasure of the Governor.

Brian M. Perera, from Upper Arlington, Franklin County, Ohio, as a Member of the Sunset Review Committee for a term beginning March 13, 2019 and ending at the close of business December 31, 2020, replacing Brian M. Perera, whose term expired.

James V. Shindler, Jr., J.D., from Sylvania, Lucas County, Ohio, as a Member of the Ohio Higher Educational Facility Commission for a new term beginning January 4, 2019 and ending at the close of business January 1, 2027, replacing James V. Shindler, Jr., J.D., whose term expired.

Erik F. Yassenoff, M.A., from Upper Arlington, Franklin County, Ohio, as a Member of the Sunset Review Committee for a term beginning March 13, 2019 and ending at the close of business December 31, 2020, replacing Linda Woggon, 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	Hackett	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

S. B. No. 33-Senator Hoagland.

Cosponsors: Senators Maharath, Peterson, Coley, Terhar, Wilson, Huffman, M., Rulli.

To amend sections 2909.07, 2909.10, 2911.21, 2911.211, 2917.21, and 2917.32 and to enact section 2307.67 of the Revised Code to modify certain criminal offenses with respect to critical infrastructure facilities and to impose fines and civil liability for damage to a critical infrastructure facility, was considered the third time.

The question being, "Shall the bill, **S. B. No. 33**, pass?"

Senator Antonio moved to amend as follows:

In line 351, after "(c)" insert "Any office or facility at which abortions are performed or induced;

(d)"

In line 352, delete "(d)" and insert "(e)"

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

Senator Peterson moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

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	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Kunze
Lehner	Manning	McColley	Peterson
Roegner	Rulli	Schuring	Terhar
Uecker	Wilson		Obhof-23

Those who voted in the negative were: Senators

Antonio	Craig	Fedor	Maharath
O'Brien	Sykes	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **S. B. No. 33**, pass?"

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	Hackett	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 bill passed.

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

Senator Hoagland moved to amend the title as follows:

Add the names: "Senators Brenner, Burke, Eklund, Gavarone, Hackett, Huffman, S., McColley, O'Brien, Roegner, Schuring, Uecker."

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

The motion was agreed to and the title so amended.

Senator Maharath moved to amend the title as follows:

Remove the name: "Senator Maharath"

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

The motion was agreed to and the title so amended.

S. B. No. 45-Senator Hackett.

Cosponsors: Senators Brenner, Fedor, Hill, Hoagland, Kunze, Lehner, Maharath, Roegner, Rulli, Sykes, Thomas, Wilson.

To enact section 5.2514 of the Revised Code to designate the month of April as "Ohio Native Plant Month", was considered the third time.

The question being, "Shall the bill, **S. B. No. 45**, 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	Hackett	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 Hackett moved to amend the title as follows:

Add the names: "Senators Antonio, Burke, Coley, Craig, Eklund, Huffman, S., Manning, Obhof, O'Brien, Peterson, Schuring, Terhar, Uecker, Yuko."

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

The motion was agreed to and the title so amended.

S. B. No. 120-Senators McColley, Rulli.

Cosponsors: Senators Brenner, Huffman, M., Huffman, S., Roegner, Kunze.

To amend section 117.46 of the Revised Code to authorize the Auditor of State to conduct performance audits of any and all state institutions of higher education, was considered the third time.

The question being, "Shall the bill, **S. B. No. 120**, 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	Hackett	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 McColley moved to amend the title as follows:

Add the names: "Senators Antonio, Burke, Coley, Craig, Eklund, Gavarone, Hackett, Hoagland, Maharath, Manning, Obhof, O'Brien, Peterson, Sykes, Terhar, Uecker, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

S. B. No. 123-Senators Dolan, Manning.

Cosponsors: Senators Obhof, Peterson, Craig, Thomas, Antonio, Fedor, Coley, Uecker, Roegner, Huffman, M.

To enact section 5.078 of the Revised Code to designate the *Dunkleosteus terrelli* as the official state fossil fish, was considered the third time.

The question being, "Shall the bill, **S. B. No. 123**, 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	Hackett	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 Manning moved to amend the title as follows:

Add the names: "Senators Burke, Eklund, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Kunze, Lehner, Maharath, O'Brien, Rulli, Sykes, Terhar, Wilson, Yuko."

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 bill was introduced and considered for the first time:

S. B. No. 140 - Senator Uecker.

Cosponsors: Senators Roegner, Huffman, M., Obhof.

To amend sections 2923.12, 2923.18, and 2923.20 of the Revised Code to exempt knives not used as weapons from the prohibition against carrying concealed weapons and to eliminate the prohibition against manufacturing, possessing for sale, selling, or furnishing certain weapons other than firearms or dangerous ordnance.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 182 - Senator Peterson.

Honoring Lawson Adkins on receiving the French Legion of Honor.

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

So the resolution was adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4981.02(A) of the Ohio Revised Code, the President of the Senate appoints the following to serve as a public member on the Ohio Rail Development Commission, for a term of six years.

Mr. Allen Biehl (Medina county)

Pursuant to Section 4981.02(A) of the Ohio Revised Code, the Minority Leader of the Senate appoints the following to serve as a non-voting member on the Ohio Rail Development Commission.

Senator Vernon Sykes

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4928.58 of the Ohio Revised Code, the President of the Senate appoints Senator Hearcel Craig as a non-voting member to the Public Benefits Advisory Board for the 133rd General Assembly.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 105.41 (A)(1) of the Ohio Revised Code, the President of the Senate appoints the following members to the Capitol Square Review and Advisory Board for the 133rd General Assembly:

Senator Bob Peterson

Senator Hearcel Craig

On the motion of Senator Peterson, the Senate adjourned until Thursday, May 2, 2019 at 9:00 a.m.

Attest:

VINCENT L. KEERAN,

Clerk.