

JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

OHIO

SENATE

JOURNAL

WEDNESDAY, DECEMBER 4, 2019

ONE HUNDRED THIRTY-SECOND DAY
Senate Chamber, Columbus, Ohio
Wednesday, December 4, 2019, 9:30 a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Hoagland was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

Senator David Burke was also in attendance.

The following guests were recognized by the Senate prior to the commencement of business:

Senator Hoagland recognized students from East and West Elementary in Athens County who were on a school visit.

**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:

Am. H. B. No. 17 -Representative Ginter, et al.

To amend sections 323.151, 323.152, 323.153, 4503.064, 4503.065, and 4503.066 of the Revised Code to allow an enhanced homestead exemption for surviving spouses of public safety personnel killed in the line of duty.

To the Committee on Ways and Means.

Sub. H. B. No. 81 -Representative Perales, et al.

To amend sections 4113.21, 4123.026, 4123.52, 4123.56, 4123.58, 4123.65, and 4123.66 and to enact section 4121.471 of the Revised Code regarding employee medical examinations and changes to the Worker's Compensation Law.

To the Committee on Insurance and Financial Institutions.

H. B. No. 164 -Representative Ginter, et al.

To amend sections 3313.601, 3314.03, 3326.11, and 3328.24 and to enact sections 3320.01, 3320.02, and 3320.03 of the Revised Code regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2019."

To the Committee on Education.

Sub. H. B. No. 251 -Representatives Lang, Hillyer, et al.

To amend sections 2305.03, 2305.06, and 2305.07 of the Revised Code to shorten the period of limitations for actions upon a contract and to make changes to the borrowing statute pertaining to applicable periods of limitations.

To the Committee on Judiciary.

S. B. No. 238 -Senators Yuko, Brenner, et al.

To amend sections 109.572, 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 4725.33, 4729.161, 4731.07, 4731.224, 4731.226, 4731.24, 4731.25, 4731.65, 4732.28, 4734.17, 4743.05, 4755.111, 4755.471, 4757.37, 4776.01, and 4776.20 and to enact sections 4785.01, 4785.02, 4785.03, 4785.04, 4785.05, 4785.06, 4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 4785.12, 4785.13, 4785.14, 4785.99, 4787.01, 4787.02, 4787.03, 4787.04, 4787.05, 4787.06, 4787.07, 4787.08, 4787.09, 4787.10, 4787.11, 4787.12, 4787.13, 4787.14, 4787.15, and 4787.99 of the Revised Code to license and regulate art therapists and music therapists.

To the Committee on Transportation, Commerce and Workforce.

S. B. No. 239 -Senator Manning

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.

S. B. No. 240 -Senators Antonio, Dolan, et al.

To amend sections 2950.034, 5103.13, and 5103.131; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5103.131 (5103.133) and 5103.132 (5103.134); and to enact new sections 5103.131 and 5103.132 and section 5101.136 of the Revised Code regarding children's crisis care facilities.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 242 -Senator Schaffer, et al.

To enact section 5.266 of the Revised Code to designate August 21 as "Robert G. Heft Day."

To the Committee on General Government and Agency Review.

S. B. No. 244 -Senator Rulli

To amend sections 319.27, 321.06, 503.28, and 3313.28 and to enact section 117.171 of the Revised Code to require fiscal officers of certain political subdivisions to provide certificates of transition to their successors when leaving office.

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

S. B. No. 246 -Senators Roegner, McColley, et al.

To amend sections 109.73, 109.77, 109.771, 109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 956.05, 956.06, 1315.04, 1315.13, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.07, 1322.10, 1322.21, 1513.07, 1513.161, 1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 1561.07, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1565.06, 1565.15, 1707.15, 1707.151, 1707.16, 1707.161, 1707.163, 1707.165, 1717.06, 3101.10, 3301.071, 3301.074, 3319.088, 3319.22, 3319.226, 3319.229, 3319.26, 3319.261, 3319.262, 3319.27, 3319.28, 3319.301, 3319.303, 3319.361, 3327.10, 3703.01, 3703.21, 3704.14, 3713.05, 3717.09, 3723.03, 3723.06, 3737.83, 3737.881, 3742.05, 3743.40, 3743.51, 3745.14, 3748.07, 3748.12, 3769.03, 3770.05, 3772.13, 3772.131, 3773.36, 3773.421, 3774.02, 3781.10, 3781.102, 3781.105, 3905.041, 3905.062, 3905.063, 3905.07, 3905.071, 3905.072, 3905.08, 3905.09, 3905.30, 3905.471, 3905.72, 3905.81, 3905.85, 3916.03, 3951.03, 3951.05, 3951.09, 4104.07, 4104.101, 4104.19, 4104.35, 4105.02, 4169.03, 4301.10, 4508.03, 4508.04, 4508.08, 4511.763, 4701.06, 4701.07, 4701.10, 4703.08, 4703.10, 4703.33, 4703.35, 4703.37, 4707.07, 4707.072, 4707.09, 4709.07, 4709.08, 4709.10, 4712.02, 4713.10, 4713.28, 4713.30, 4713.31, 4713.34, 4713.37, 4713.69, 4715.03, 4715.09, 4715.10, 4715.16, 4715.27, 4715.362, 4715.363, 4715.39, 4715.42, 4715.421, 4715.43, 4715.53, 4715.62, 4717.05, 4717.051, 4717.10, 4723.08, 4723.09, 4723.26, 4723.32, 4723.41, 4723.651, 4723.75, 4723.76, 4723.85, 4725.13, 4725.18, 4725.26, 4725.48, 4725.52, 4725.57, 4725.591, 4727.03, 4728.03, 4729.09, 4729.11, 4729.15, 4729.901, 4729.921, 4730.10, 4731.151, 4731.19, 4731.291, 4731.293, 4731.294, 4731.295, 4731.297, 4731.299, 4731.30, 4731.52, 4731.572, 4731.573, 4732.10, 4732.12, 4732.22, 4733.18, 4733.19, 4734.23, 4734.27, 4734.283, 4735.023, 4735.07, 4735.08, 4735.09, 4735.10, 4735.27, 4735.28, 4736.10, 4736.14, 4740.08, 4741.12, 4741.13, 4741.14, 4741.15, 4741.19, 4743.04, 4747.04, 4747.05, 4747.10, 4749.12, 4751.01, 4751.15, 4751.20, 4751.201, 4751.202, 4751.21, 4751.32, 4752.05,

4752.12, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.12, 4755.08, 4755.09, 4755.411, 4755.44, 4755.441, 4755.45, 4755.451, 4755.48, 4755.482, 4755.62, 4755.65, 4757.18, 4758.25, 4759.05, 4759.06, 4760.03, 4760.031, 4761.04, 4761.05, 4762.03, 4763.05, 4764.10, 4765.10, 4765.11, 4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 4774.03, 4775.07, 4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 4781.08, 4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 6109.04, and 6111.30; to enact sections 9.79 and 3746.041; and to repeal sections 921.08, 1322.24, 3905.081, 4707.12, and 4757.25 of the Revised Code to require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances.

To the Committee on General Government and Agency Review.

YES - 12: 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, 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 Burke submitted the following report:

The standing committee on Health, Human Services and Medicaid, to which was referred **Sub. H. B. No. 12**-Representatives Manning, D., West, et. al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

Co-Sponsors: Hackett, Maharath.

YES - 11: KRISTINA D. ROEGNER, JAY HOTTINGER, PEGGY LEHNER, STEPHANIE KUNZE, BOB D. HACKETT, DAVE BURKE, STEPHEN A. HUFFMAN, THERESA GAVARONE, NICKIE J. ANTONIO, TINA MAHARATH, CECIL THOMAS

NO - 0.

In line 32, after "(c)" insert "The Ohio Children's Alliance;

(d)"

In line 33, delete "(d)" and insert "(e)"

In line 34, delete "(e)" and insert "(f)"

In line 35, delete "(f)" and insert "(g)"

In line 37, delete "(g)" and insert "(h)"

Senator Eklund submitted the following report:

The standing committee on Judiciary, to which was referred **Am. H. C. R. No. 10**-Representatives Wiggam, Plummer, et. al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Eklund, Manning, Coley.

YES - 9: JOHN EKLUND, NATHAN H. MANNING, WILLIAM P. COLEY, II, THERESA GAVARONE, PEGGY LEHNER, MATT HUFFMAN, CECIL THOMAS, SEAN J. O'BRIEN, TERESA FEDOR

NO - 0.

Senator Hoagland submitted the following report:

The standing committee on Agriculture and Natural Resources, to which was referred **H. B. No. 168**-Representative Arndt, et. al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

Co-Sponsors: Hackett, Hoagland, Schaffer.

YES - 10: BOB D. HACKETT, STEPHEN A. HUFFMAN, TERESA FEDOR, TINA MAHARATH, SEAN J. O'BRIEN, FRANK HOAGLAND, TIM SCHAFFER, STEPHANIE KUNZE, BOB PETERSON, TERRY JOHNSON

NO - 0.

In line 1 of the title, delete "section" and insert "sections"; after "3746.02" insert "and 3746.05"

In line 6, delete "section" and insert "sections"; after "3746.02" insert "and 3746.05"

Between lines 63 and 64, insert:

"Sec. 3746.05. (A) A remedy or remedial activity conducted under this chapter may attain applicable standards otherwise established in this chapter and rules adopted under it through the use of institutional controls or activity and use limitations that restrict the use of a property or through the removal of, treatment of, transportation for treatment or disposal of, disposal of, or use of engineering controls that contain or control the release of hazardous substances or petroleum at or from a property. Any such institutional controls or activity and use limitations that restrict the use of a property shall ensure that the property is used only for purposes that comply with the applicable standards established in this chapter and rules adopted under it pertaining to the intended use of the property after the completion of the voluntary action, as the intended use is specified in the documents establishing the institutional controls or activity and use limitations. †

(B)(1) If a property is subject to institutional controls or activity and use limitations and is put to a use that does not comply with the institutional controls or activity and use limitations specified in the documents establishing the institutional controls or activity and use limitations, the director of environmental protection may issue an order voiding the covenant not to sue issued under section 3746.12 of the Revised Code for the property in connection with the voluntary action for which the institutional controls or activity and use limitations were established is hereby declared to be void on and after the date of the commencement of the noncomplying use.

(2) An order issued by the director under division (B)(1) of this section is a final action appealable under Chapter 3745. of the Revised Code."

In line 81, delete "section" and insert "sections"; after "3746.02" insert "and 3746.05"

In line 82, delete "is" and insert "are"

Senator Hoagland submitted the following report:

The standing committee on Agriculture and Natural Resources, to which was referred **S. B. No. 195**-Senator Schaffer having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

Co-Sponsors: Fedor, Maharath, Hoagland, Kunze.

YES - 9: STEPHEN A. HUFFMAN, TERESA FEDOR, TINA
 MAHARATH, SEAN J. O'BRIEN, FRANK HOAGLAND,
 TIM SCHAFFER, STEPHANIE KUNZE, BOB PETERSON,
 TERRY JOHNSON

NO - 0.

In line 170, delete "has been issued an A-2 permit under"

Delete lines 171 and 172

In line 173, delete "wine, and"; strike through "serves" and insert "has been issued an A-2 permit under section 4303.03 of the Revised Code or an A-2f permit under section 4303.031 of the Revised Code, annually produces ten thousand gallons or less of wine, and sells"; after "wine" insert "in accordance with Chapter 4303. of the Revised Code"

In line 174, after "serves" insert "unopened"

In line 175, delete the second underlined comma; strike through "in a form that prevents direct human"

In line 176, strike through "contact prior to and during service"; reinsert ";

In line 178, delete "and in an amount that does not exceed"; strike through "five per cent of the total"

In line 179, strike through "gross receipts of the establishment"

In line 180, reinsert "(iii) The"

In line 183, after "wine;" insert "amount of the establishment's commercially prepackaged food sales, other than wine sales, for the previous calendar year did not exceed five per cent of the establishment's total gross receipts"

In line 187, strike through "disclose to customers that the"

In line 188, strike through "establishment is exempt from licensure" and insert "display a notice in a place conspicuous to all of its guests informing them that the establishment is not required to be licensed as a retail food establishment"

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

The reports of the committee were accepted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives accedes to the request of the Senate for a committee of conference on matters of

difference between the two Houses on:

Am. Sub. H. B. No. 2-Representatives Cross, Lepore-Hagan – et al.

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Oelslager, Cross, Sobecki

Attest:

Bradley J. Young,
Clerk.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3781.34 (B)(7) of the Ohio Revised Code, the President of the Senate reappoints the following member of the public to serve on the Underground Technical Committee for a 4-year term:

Frank Ward (Hamilton county), representing cable service providers

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the conference committee for **Am. Sub. H. B. No. 2**:

Senator Matt Dolan

Senator Matt Huffman

Senator Vernon Sykes

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the conference committee for **Sub. H. B. No. 276**:

Senator Rob McColley

Senator Terry Johnson

Senator Nickie J. Antonio

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On the motion of Senator Obhof, the Senate adjourned until Monday,
December 9, 2019 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.