

JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

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SENATE

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TUESDAY, JANUARY 28, 2020

ONE HUNDRED FORTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, January 28, 2020, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Senator Dave Burke, followed by the Pledge of Allegiance to the Flag.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Kunze submitted the following report:

The standing committee on Higher Education, to which was referred **Sub. H. B. No. 9**-Representatives Jones, Sweeney, et. al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: STEVE WILSON, NATHAN H. MANNING, THERESA GAVARONE, STEPHANIE KUNZE, BOB PETERSON, ROB MCCOLLEY

NO - 3: HEARCEL F. CRAIG, SANDRA R. WILLIAMS, TINA MAHARATH

Senator Lehner submitted the following report:

The standing committee on Education, to which was referred **S. B. No. 40**-Senators Brenner, McColley, et. al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 11: LOUIS W. BLESSING, III, WILLIAM P. COLEY, II, THERESA GAVARONE, STEPHEN A. HUFFMAN, NATHAN H. MANNING, TINA MAHARATH, TERESA FEDOR, PEGGY LEHNER, ANDREW O. BRENNER, MATT HUFFMAN, VERNON SYKES

NO - 0.

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

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 9-Senator Huffman, M.

Cosponsors: Senators Terhar, Roegner, Eklund, Brenner, Hottinger, Antonio, Burke, Coley, Craig, Dolan, Gavarone, Hackett, Hill, Hoagland, Kunze, Lehner, Maharath, Manning, McColley, Obhof, O'Brien, Peterson, Rulli, Schuring, Thomas, Wilson, Yuko. Representatives Antani, Cupp, Dean, DeVitis, Edwards, Fraizer, Grendell, Hambley, Holmes, A., Patton, Perales, Reineke, Riedel, Roemer, Romanchuk, Scherer, Seitz, Stoltzfus, Wiggam.

To amend sections 3904.13 and 4125.03 and to enact section 3901.89 of the Revised Code to require health plan issuers to release certain claim information to group plan policyholders and to allow a professional employer organization to file federal payroll taxes entirely under a client employer's tax identification number, was taken up.

Senator Peterson moved that the amendments of the House of Representatives to **Sub. S. B. No. 9**, be informally passed and retain their place on the calendar.

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

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 9-Representatives Jones, Sweeney.

Cosponsors: Representatives Ingram, Galonski, Holmes, A., Baldrige, Blair, Blessing, Boggs, Boyd, Brent, Brown, Carfagna, Carruthers, Cera, Clites, Crawley, Cross, Crossman, Cupp, Denson, Edwards, Ghanbari, Ginter, Greenspan, Grendell, Hicks-Hudson, Hillyer, Howse, Jordan, Lang, LaRe, Leland, Lepore-Hagan, Lightbody, Liston, Manning, D., Manning, G., Miller, A., Miranda, O'Brien, Oelslager, Patterson, Patton, Perales, Reineke, Richardson, Robinson, Roemer, Rogers, Romanchuk, Russo, Ryan, Scherer, Seitz, Sheehy, Smith, K., Smith, T., Sobecki, Stein, Strahorn, Sykes, Weinstein, West, Wiggam.

To amend sections 3310.03, 3310.032, 3333.16, and 3345.81 and to enact sections 3302.103, 3310.033, 3345.351, and 3345.481 of the Revised Code and to amend Sections 265.10 and 265.210 of H.B. 166 of the 133rd General Assembly with regard to student degree completion at state institutions of higher education, to modify eligibility criteria for the Educational Choice Scholarship program, to dissolve certain academic distress commissions, to make an appropriation, and to declare an emergency, was considered the third

time.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Peterson moved that **Sub. H. B. No. 9** be informally passed and retain its place on the calendar.

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

The motion was agreed to.

Sub. S. B. No. 40-Senators Brenner, McColley.

Cosponsor: Senator Roegner.

To amend sections 3345.021 and 3345.21 and to enact sections 3345.0211, 3345.0212, 3345.0213, and 3345.0214 of the Revised Code to enact the "Forming Open and Robust University Minds Act" regarding free speech on college campuses, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 40**, pass?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Williams	Wilson	Yuko
			Obhof-33

So the bill passed.

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

Senator Brenner moved to amend the title as follows:

Add the names: "Senators Blessing, Burke, Coley, Craig, Eklund, Hackett, Hoagland, Huffman, M., Huffman, S., Johnson, Lehner, Maharath, Obhof, Peterson, Rulli, Schaffer, Wilson."

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

The motion was agreed to and the title so amended.

S. B. No. 229-Senator Schaffer.

Cosponsors: Senators Antonio, Craig, Maharath, Johnson, Hackett, Yuko, Williams, Eklund, Schuring, Kunze.

To enact section 5.2522 of the Revised Code to designate the second week of November as "Ohio Diabetes Awareness-Heart Connection Week", was considered the third time.

The question being, "Shall the bill, **S. B. No. 229**, pass?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Williams	Wilson	Yuko
			Obhof-33

So the bill passed.

The question being, “Shall the title be agreed to?”

Senator Schaffer moved to amend the title as follows:

Add the names: "Senators Blessing, Brenner, Burke, Coley, Dolan, Fedor, Gavarone, Hoagland, Hottinger, Huffman, M., Huffman, S., Lehner, Manning, McColley, Obhof, O'Brien, Peterson, Roegner, Rulli, Sykes, Thomas, Wilson."

The question being, “Shall the motion be agreed to?”

The motion was agreed to and the title so amended.

OFFERING OF RESOLUTIONS

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

S. R. No. 451 - Senator Kunze.

Honoring the Wellington High School boys soccer team as the 2019 Division III State Champion.

S. R. No. 452 - Senator Sykes.

Honoring Firestone Community Learning Center robotics team B on its outstanding performance at the VEX Kalahari Classic.

S. R. No. 453 - Senators Thomas, Blessing, Wilson.

In memory of the Honorable Nathaniel R. Jones.

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 11:15 p.m.

The Senate met pursuant to the recess.

On the motion of Senator Peterson, the Senate reverted to the sixth order of business, Bills for Third Consideration.

BILLS FOR THIRD CONSIDERATION

Senator Peterson moved that **Sub. H. B. No. 9**, having been informally passed, be brought up for consideration.

The question being, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Antonio moved to amend as follows:

In the table on line 635, in row X, column 4, strike through "6,942,880,845" and insert "6,972,880,845"; column 5, reinsert "6,774,618,845"; delete "6,794,618,845"

In the table on line 635, in row AF, column 4, strike through "8,187,203,556" and insert "8,217,203,556"; column 5, reinsert "8,079,038,142"; delete "8,099,038,142"

In the table on line 635, in row CH, column 4, strike through "11,750,095,505" and insert "11,780,095,505"; column 5, reinsert "11,985,178,607"; delete "12,015,178,607"

In line 753, delete "\$20,000,000" and insert "\$30,000,000"; delete "2021" and insert "2020"

In line 756, delete "for students who qualified for a scholarship"

Delete lines 757 through 759

In line 760, delete "homeschooled in the prior school year" and insert "in a manner determined by the Department"

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

The amendment was agreed to.

The question recurred, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

Senator Williams moved to amend as follows:

In line 684, after "to" insert "\$17,600,000 in fiscal year 2020 and up to"

In line 685, strike through "each"; after "year" insert "2021"

In line 687, after "Code" insert ", unless the number of students awarded scholarships for fiscal year 2021 is less than or equal to the number

of scholarships awarded for fiscal year 2020, in which case, up to \$17,600,000 shall be used in fiscal year 2021"

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

The amendment was agreed to.

The question recurred, "Shall the section, Section 5, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Fedor	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Johnson
Kunze	Lehner	Maharath	Manning
McColley	O'Brien	Peterson	Roegner
Rulli	Schaffer	Schuring	Sykes
Thomas	Williams	Wilson	Yuko
			Obhof-33

So the section, Section 5, 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 26, nays 7, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Dolan	Eklund	Gavarone
Hackett	Hoagland	Hottinger	Huffman, M.
Huffman, S.	Johnson	Kunze	Lehner
Manning	McColley	Peterson	Roegner
Rulli	Schaffer	Schuring	Williams
Wilson			Obhof-26

Senators Craig, Fedor, Maharath, O'Brien, Sykes, Thomas, and Yuko voted in the negative-7.

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

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

Senator Kunze moved to amend the title as follows:

Add the names: "Senators Blessing, Dolan, Eklund, Huffman, M., Huffman, S."

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

The motion was agreed to and the title so amended.

On the motion of Senator Peterson, the Senate recessed until 12:45 p.m.

The Senate met pursuant to the recess.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

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

S. B. No. 264 - Senator Williams.

Cosponsors: Senators Craig, Thomas, Sykes.

To amend sections 5725.98, 5726.98, 5729.98, 5747.98, and 5751.98 and to enact section 3333.93 of the Revised Code to authorize a nonrefundable tax credit for a business that assists an employee with the repayment of education loans.

S. B. No. 265 - Senator Kunze.

Cosponsors: Senators Antonio, Schaffer.

To amend section 2919.25 of the Revised Code to increase the penalty for the offense of domestic violence when the victim is a functionally impaired person.

OFFERING OF RESOLUTIONS

Senator Roegner offered the following resolution:

S. R. No. 454-Senator Roegner.

To respectfully urge Congress and President Donald Trump to amend the Federal Clean Air Act to eliminate the requirement to implement the E-Check Program and direct the Administrator of USEPA to begin new rule-making procedures under the Administrative Procedures Act to repeal and replace the 2015 National Ambient Air Quality Standards; to respectfully urge Congress and President Donald Trump to pass legislation to achieve improvements in air quality more efficiently while allowing companies to innovate and help the economy grow; to urge the Administrator of USEPA to alleviate burdensome requirements of the E-Check Program and the Clean Air Act if Congress and the President fail to act; and to encourage OEPA to explore alternatives to E-Check in Ohio.

The question being, "Shall the resolution, **S. R. No. 454**, be adopted?"

On the motion of Senator Eklund, **S. R. No. 454**, was referred to the Committee on Rules and Reference.

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

S. R. No. 455 - Senators Schuring, Roegner.

Honoring the Stark County Health Department on its Centennial.

S. R. No. 456 - Senator McColley.

Honoring Williams County on its Two Hundredth Anniversary.

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

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has refused to concur in the Senate amendments to:

Am. Sub. H. B. No. 9-Representatives Jones, Sweeney – et al.

Attest:

Bradley J. Young,
Clerk.

Senator Eklund moved that the Senate insist on the Senate amendments to **Am. Sub. H. B. No. 9**, and ask for a committee of conference.

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

The motion was agreed to.

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. 9-Representatives Jones, Sweeney – et al.

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

Representatives Jones, Edwards, and Robinson.

Attest:

Bradley J. Young,
Clerk.

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. 9:

Senator Matt Huffman
Senator Bob Peterson
Senator Teresa Fedor

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following concurrent resolution in which the concurrence of the Senate is requested:

H. C. R. No. 23 -Speaker Householder, Representative Sykes
Authorizing a joint convention of the Ohio General Assembly for the purpose of receiving a message from the Governor and calling for a committee to wait upon the Governor in anticipation of his State of the State Address.

Attest:

Bradley J. Young,
Clerk.

The question being, "Shall the concurrent resolution, **H. C. R. No. 23**, be adopted?"

So the concurrent resolution was adopted.

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

Senator Eklund moved to amend the title as follows:

Add the names: "Obhof, Yuko."

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

The motion was agreed to and the title so amended.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following concurrent resolution:

H. C. R. No. 8-Representative Schaffer – et al.

Attest: Bradley J. Young,
Clerk.

The President signed said concurrent resolution.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

H. B. No. 129-Representative McClain – et al.

Attest: Bradley J. Young,
Clerk.

The President signed said bill.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Sub. H. B. No. 18-Representatives Vitale, Crawley – et al.

Attest: Bradley J. Young,
Clerk.

On the motion of Senator Peterson, the Senate adjourned until Wednesday, January 29, 2020 at 1:30 p.m.

Attest: VINCENT L. KEERAN,
Clerk.