

OHIO

SENATE

JOURNAL

CORRECTED VERSION
WEDNESDAY, MARCH 4, 2020

ONE HUNDRED SIXTY-THIRD DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 4, 2020, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Thomas Wise, Valleyview Church in Dayton, 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 Obhof recognized Vanessa McMahon for her 16 years of Senate service.

Senator Sykes recognized Edith Nkenganyi as she is departing the Senate.

Senator Blessing recognized Bridget Chambers who is shadowing his office.

Senator Antonio recognized constituents Frances “Franny” Marshall and Julianna “Julie” Stroemple who are shadowing Representative Sweeney and visiting 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, standing in order for second consideration, be referred to committee as recommended:

H. B. No. 364 -Representative Manning, G., et al.

To enact section 5.2521 of the Revised Code to designate February 13 as "Aortic Aneurysm Awareness Day."

To the Committee on Health, Human Services and Medicaid.

S. B. No. 279 -Senator Maharath

To amend sections 3321.141, 4511.043, 4511.205, 4511.991, and 4925.04 and to repeal section 4511.204 of the Revised Code to generally prohibit the use of electronic wireless devices while driving.

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

S. B. No. 282 -Senator Hoagland, et al.

To enact section 4141.34 of the Revised Code to require the Director of Job and Family Services to establish a process for employers to make complaints regarding unemployment compensation benefits.

To the Committee on Insurance and Financial Institutions.

S. B. No. 285 -Senators O'Brien, Kunze

To amend sections 2743.51, 2903.06, 2903.08, 2929.41, 3321.141, 4508.02, 4510.036, 4511.043, 4511.181, 4511.202, 4511.204, 4511.75, and 4511.991 and to enact sections 2903.07 and 4511.122 of the Revised Code to revise the laws relative to distracted driving and the use of an electronic wireless communications device while driving.

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

S. B. No. 287 -Senator Schaffer, et al.

To amend sections 9.44, 124.181, 4112.02, and 4117.10 of the Revised Code to permit state employees to receive longevity and vacation credit for prior military service.

To the Committee on Government Oversight and Reform.

S. B. No. 288 -Senator Gavarone

To enact section 3313.5317 of the Revised Code regarding student religious expression in interscholastic athletics and extracurricular activities.

To the Committee on Education.

S. B. No. 289 -Senator Blessing

To amend sections 5302.30, 5311.05, 5311.08, 5311.081, 5311.091, 5311.16, 5311.18, 5312.02, 5312.03, 5312.06, 5312.07, and 5312.11 and to enact sections 5311.192 and 5312.16 of the Revised Code regarding condominiums and planned community properties.

To the Committee on General Government and Agency Review.

YES - 13: 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

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 Dolan submitted the following report:

The standing committee on Finance, to which was referred **S. B. No. 98**-Senator Maharath having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

In line 5 of the title, delete "and to"

In line 6 of the title, delete "make an appropriation"

Delete lines 172 through 197

Removes the GRF appropriation of \$440,944 in each of FYs 2020 and 2021 for the operating expenses of the Ohio Asian-American and Pacific Islander Affairs Commission.

Co-Sponsors: Kunze, Sykes.

YES - 12: SEAN J. O'BRIEN, NICKIE J. ANTONIO, BOB PETERSON, KIRK SCHURING, STEPHANIE KUNZE, VERNON SYKES, MATT DOLAN, DAVE BURKE, JOHN EKLUND, STEVE WILSON, ROB MCCOLLEY, JAY HOTTINGER

NO - 0.

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

The report of the committee was accepted.

Senator Obhof submitted the following report:

Pursuant to Senate Rule No. 37 the standing committee on Rules and Reference, recommends that **Am. H. B. No. 168**, having been referred to the standing committee on Agriculture and Natural Resources, be re-committed to the standing committee on Agriculture and Natural Resources.

YES - 13: 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

NO - 0.

The question being, "Shall the report of the committee be accepted?"
The report of the committee was accepted.

Senator Obhof submitted the following report:

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

Baker, Mario, from Bowling Green, Wood County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board for a term beginning January 10, 2020, ending at the close of business August 27, 2022, replacing Jennifer L. Wissinger, whose term expired.

Bisesi, Michael, from Westerville, Delaware County, Ohio, as a Member of the Radiation Advisory Council for a term beginning January 16, 2020, ending at the close of business September 6, 2024, replacing Michael S. Bisesi, whose term expired.

Buell, Phillip, from Kalida, Putnam County, Ohio, as a Member of the Credit Union Council for a term beginning December 20, 2019, ending at the close of business September 22, 2022, replacing Phillip R. Buell, whose term expired.

Estes, Joanne, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board for a term beginning December 20, 2019, ending at the close of business August 27, 2022, replacing Joanne Phillips Estes, whose term expired.

Grecula, John, from Dublin, Franklin County, Ohio, as a Member of the Radiation Advisory Council for a term beginning January 16, 2020, ending at the close of business September 6, 2024, replacing Sadhna Verma, whose term expired.

Losey, Raymond, Republican, from Cincinnati, Clermont County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning January 16, 2020, ending at the close of business October 10, 2022, replacing Raymond "Butch" Losey, whose term expired.

Miller, Chad, from Marengo, Morrow County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

for a term beginning January 10, 2020, ending at the close of business August 27, 2022, replacing Chad J. Miller, whose term expired.

Olsen, John (Johannes), from Upper Arlington, Franklin County, Ohio, as a Member of the Radiation Advisory Council for a term beginning January 16, 2020, ending at the close of business September 6, 2024, replacing John (Johannes) O. Olsen, whose term expired.

Pohler, Susan, Republican, from Columbus, Franklin County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning January 16, 2020, ending at the close of business October 10, 2022, replacing Susan J. Pohler, whose term expired.

Siefert, Anissa, from New Washington, Crawford County, Ohio, as a Member of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board for a term beginning December 20, 2019, ending at the close of business August 27, 2022, replacing Anissa D. Siefert, whose term expired.

White, Robb, from Dayton, Montgomery County, Ohio, as a Member of the Credit Union Council for a term beginning January 1, 2020, ending at the close of business September 22, 2022, replacing William J. Burke, whose term expired.

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

YES – 13: 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

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 30, nays 0, as follows:
Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Gavarone	Hackett	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Johnson	Kunze
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schaffer
Schuring	Sykes	Thomas	Williams
Wilson			Obhof-30

So the Senate advised and consented to said appointments.

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.

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

The yeas and nays were taken and resulted – yeas 0, nays 30, as follows:

Those who voted in the negative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Gavarone	Hackett	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Johnson	Kunze
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schaffer
Schuring	Sykes	Thomas	Williams
Wilson			Obhof-30

So, the Senate did not concur in the amendments of the House of Representatives.

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 7-Senators Craig, Antonio.

Cosponsors: Senators Thomas, Maharath, Fedor, Sykes, Hackett, Yuko.

To urge support of the "Screen at 23" campaign regarding the screening of Asian Americans for type 2 diabetes.

WHEREAS, Approximately 103,800 Asian Americans in Ohio are expected to have diabetes or prediabetes by 2025, according to the Institute for Alternative Futures; and

WHEREAS, The National Center for Health Statistics in the United

States Centers for Disease Control and Prevention (CDC) states that diabetes is the fifth leading cause of death among Asian Americans; and

WHEREAS, Results from the United States National Interview Survey, 1997 - 2008, show that Asian Americans are over 30% more likely to have diabetes than Caucasian Americans; and

WHEREAS, According to researchers at the Joslin Diabetes Center at Harvard University, Asian Americans are also at a greater risk of developing prediabetes, type 2 diabetes, and associated risks (such as cardiovascular disease) at a lower body mass index (BMI) than Caucasians, Hispanics, African-Americans, and Native Americans; and

WHEREAS, The Joslin researchers have found that Asian Americans face a health care disparity in type 2 diabetes detection and diagnosis, due in part to general guidelines calling for screening at a BMI of 25 kg/m², which misses 36% of type 2 diabetes diagnoses in Asian Americans, or nearly 6,500 Ohioans. These guidelines also cause underestimates of prediabetes prevalence among Asian Americans and the increased risk of both prediabetes and type 2 diabetes among Asian Americans younger than 45 years of age; and

WHEREAS, The CDC reports that almost 70% of people with diabetes over age 65 will die of some type of heart disease, and about one in six will die of stroke. People with diabetes can experience very high blood-glucose levels, a condition that causes damage to nerves and blood vessels. This, in turn, puts them at risk for developing end stage renal disease and kidney failure, blindness, and lower limb loss; and

WHEREAS, People with diabetes have medical expenses approximately 2.3 times higher than those without diabetes. According to the American Diabetes Association, total direct medical expenses for diagnosed diabetes in Ohio were estimated at \$9 billion in 2017. In addition, another \$3.3 billion was spent on indirect costs from lost productivity due to diabetes; and

WHEREAS, Early detection and treatment can mitigate diabetes-related complications, risks, and costs; and

WHEREAS, Interventions focused on nutrition, physical activity, and healthy weight loss have been shown to reverse prediabetes, improve glucose function in persons with type 2 diabetes, and reduce their need for multiple medications; and

WHEREAS, Screening Asian American patients for type 2 diabetes at a BMI of 23 kg/m² instead of 25 kg/m² would detect over 4,000 cases of this disease, and many thousands more of prediabetes cases in Ohio, and would lead to more screenings of Asian Americans younger than 45 who have a BMI of 23 or more and are at risk for type 2 diabetes. Such efforts are likely

to lead to the initiation of treatment or early interventions to reduce negative comorbidities such as heart disease, kidney disease, and limb amputation; and

WHEREAS, The National Institutes of Health found that more than half of Asian Americans with type 2 diabetes are undiagnosed, greatly increasing their overall health risk; and

WHEREAS, Recent analysis of cross-sectional national data show that Asian Americans are the least likely ethnic group to receive recommended diabetes screening, with a 34% lower rate of diabetes screening than Caucasians; and

WHEREAS, The World Health Organization recommends screening Asian patients for type 2 diabetes at a lower BMI than non-Hispanic whites, and the 2015 guidelines of the American Diabetes Association recommend that Asian Americans be tested for type 2 diabetes at a BMI of 23 kg/m²; and

WHEREAS, The Asian American, Native Hawaiian, and Pacific Islander Diabetes Coalition has coordinated the "Screen at 23" campaign with support from over 40 national and regional health organizations; and

WHEREAS, The State of Ohio has the opportunity to join California, Hawaii, Washington, Illinois, and Massachusetts to become the sixth state to formally recognize and recommend the screening of adult Asian Americans for type 2 diabetes at a BMI of 23 kg/m², enabling thousands to receive the early care and treatment needed to live healthier, happier lives; now therefore be it

RESOLVED, That we, the members of the 133rd General Assembly of the State of Ohio, in adopting this resolution, endorse and support the Screen at 23 campaign's efforts to increase awareness of diabetes among Asian Americans, including the use of appropriate screening measures for Asian American patients, and to eliminate disparities; and be it further

RESOLVED, That we, the members of the 133rd General Assembly of the State of Ohio, recommend that the Ohio Department of Health actively encourage, through existing communication protocols and internal mechanisms, all public and private health care providers and facilities to participate in the Screen at 23 campaign efforts; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Governor, the Director of Health, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 7**, be adopted?

The yeas and nays were taken and resulted – yeas 30, nays 0, as follows:
Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Eklund
Gavarone	Hackett	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Johnson	Kunze
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schaffer
Schuring	Sykes	Thomas	Williams
Wilson			Obhof-30

So the concurrent resolution was adopted.

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

Senator Craig moved to amend the title as follows:

Add the names: "Senators Blessing, Burke, Coley, Dolan, Eklund, Gavarone, Hottinger, Huffman, M., Johnson, Kunze, Manning, Obhof, O'Brien, Peterson, Roegner, Rulli, Schaffer, Wilson."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 212-Senator Schuring.

Cosponsor: Senator Hackett.

To enact section 5709.58 of the Revised Code to authorize townships and municipal corporations to designate areas within which new homes and improvements to existing homes are wholly or partially exempted from property taxation, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 212**, pass?"

The yeas and nays were taken and resulted – yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Burke
Coley	Craig	Dolan	Gavarone
Hackett	Hoagland	Hottinger	Huffman, M.
Huffman, S.	Johnson	Kunze	Maharath
Manning	McColley	O'Brien	Peterson
Roegner	Rulli	Schaffer	Schuring
Sykes	Thomas	Williams	Wilson
			Obhof-29

Senator Eklund voted in the negative-1.

So the bill passed.

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

Senator Schuring moved to amend the title as follows:

Add the names: "Senators Antonio, Craig, Gavarone, Huffman, S., Maharath, Manning, O'Brien, Rulli, Williams."

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

The motion was agreed to and the title so amended.

S. B. No. 260-Senator Huffman, S.

Cosponsors: Senators Lehner, Wilson, Schaffer, Huffman, M., Roegner, Burke, Hackett, Johnson, Hoagland, Brenner, Gavarone, Obhof, Coley, McColley, Blessing, Hottinger.

To amend sections 109.572, 2919.123, 2953.25, 4729.291, 4731.22, and 4731.223 and to enact section 2919.124 of the Revised Code regarding abortion-inducing drugs, was considered the third time.

The question being, "Shall the bill, **S. B. No. 260**, pass?"

The yeas and nays were taken and resulted – yeas 21, nays 9, as follows:

Those who voted in the affirmative were: Senators

Blessing	Brenner	Burke	Coley
Dolan	Eklund	Gavarone	Hackett
Hoagland	Hottinger	Huffman, M.	Huffman, S.
Johnson	McColley	Peterson	Roegner
Rulli	Schaffer	Schuring	Wilson
			Obhof-21

Those who voted in the negative were: Senators

Antonio	Craig	Kunze	Maharath
Manning	O'Brien	Sykes	Thomas
			Williams-9

So the bill passed.

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

Senator Huffman, S. moved to amend the title as follows:

Add the name: "Senator Eklund."

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 01, 2020, 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. 290 - Senator Coley.

To amend section 2911.21 of the Revised Code to amend the law governing criminal trespass to specify that placing purple paint marks on trees or posts constitutes posting notice in a manner reasonably calculated to come to the attention of potential intruders.

S. B. No. 291 - Senators Lehner, Hottinger.

Cosponsors: Senators Gavarone, Rulli, Yuko.

To amend section 4503.10 of the Revised Code to provide for the proration of the plug-in electric and hybrid motor vehicle registration fees.

OFFERING OF RESOLUTIONS

Senator Obhof offered the following resolution:

S. R. No. 485-Senator Obhof.

Authorizing the Youth Leadership Association to use the Ohio Senate Chambers on April 2-4, 2020.

WHEREAS, The members of the Senate of the 133rd General Assembly of Ohio have learned that the Youth Leadership Association has requested permission to use the Ohio Senate Chambers for its Ohio Youth in Government, April 2-4, 2020; and

WHEREAS, Since its inception, the Youth Leadership Association has provided students with the opportunity to better appreciate and understand government and its components, and the knowledge gained through this event will certainly be of value to participants in the years to come; and

WHEREAS, By utilizing the facilities that accommodate those involved in the state legislative process, the Youth Leadership Association will offer students an accurate depiction of state government and the manner in which legislation is created and processed; and

WHEREAS, Through participation in Ohio Youth in Government, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience participants will gain as a result of their involvement with the Youth Leadership Association will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 133rd General Assembly of Ohio, in adopting this Resolution, permit the Youth Leadership Association to use the Ohio Senate Chambers, contingent upon the availability of those facilities, and salute the participants as some of Ohio's finest young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the Youth Leadership Association.
The question being, "Shall the resolution, **S. R. No. 485**, be adopted?"

So the resolution was adopted.

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

Senator Obhof moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Burke, Coley, Craig, Dolan, Eklund, Hottinger, Huffman, M., Huffman, S., Johnson, Kunze, Maharath, McColley, O'Brien, Peterson, Roegner, Rulli, Schaffer, Schuring, Thomas, Wilson."

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

The motion was agreed to and the title so amended.

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

S. R. No. 486 - Senators Obhof, Blessing, Brenner, Burke, Coley, Dolan, Eklund, Gavarone, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Kunze, Lehner, Manning, McColley, Peterson, Roegner, Rulli, Schaffer, Schuring, Wilson.

Honoring Vanessa McMahon for outstanding service to the State of Ohio.

S. R. No. 487 - Senator Huffman, M.

Honoring the New Bremen High School girls volleyball team as the 2019 Division IV State Champion.

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 127.12 of the Ohio Revised Code, the President of the Senate appoints Senator Bob Hackett to the Controlling Board as a temporary replacement for Senator Matt Dolan for the purpose of the board's meeting on

Monday, March 9, 2020.

On the motion of Senator Peterson, the Senate recessed until 4:15 p.m.

The Senate met pursuant to the recess.

On the motion of Senator Rulli, the Senate adjourned until Thursday, March 5, 2020 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.