

JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 27, 2020

ONE HUNDRED EIGHTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 27, 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 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:

Sub. H. B. No. 150 -Representative Merrin, et al.

To amend sections 5726.01, 5726.02, 5726.04, 5726.06, and 5751.01 of the Revised Code to reduce the tax liability of newly formed banks by up to one million dollars per year for their first three years and to exclude the principal balance of mortgage loans sold by a mortgage lender from the lender's commercial activity tax gross receipts.

To the Committee on Insurance and Financial Institutions.

Sub. H. B. No. 481 -Representative Fraizer, et al.

To authorize the conveyance of state-owned real property.

To the Committee on General Government and Agency Review.

S. B. No. 315 -Senator Hoagland, et al.

To amend section 4513.62 and to enact section 4505.104 of the Revised Code to allow the owner of a towing service or storage facility to obtain certificates of title to unclaimed motor vehicles ordered into storage by law enforcement.

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

S. B. No. 316 -Senator Dolan

To amend Section 812.10 of H.B. 529 of the 132nd General Assembly, to make capital reappropriations for the biennium ending June 30, 2022, and to

declare an emergency.

To the Committee on Finance.

S. B. No. 317 -Senator Coley

To amend section 109.78 of the Revised Code to expressly exempt, from a requirement that peace officer basic training be obtained, certain employees that a board of education or governing body of a school authorizes to go armed in a school safety zone within which the board or governing body has authority.

To the Committee on Government Oversight and Reform.

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 Hackett submitted the following report:

The standing committee on Insurance and Financial Institutions, to which was referred **S. B. No. 284**-Senators Hottinger, Peterson, et. al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Blessing, Huffman, S.

YES - 13: LOUIS W. BLESSING, III, ANDREW O. BRENNER, HEARCEL F. CRAIG, BOB D. HACKETT, JAY HOTTINGER, MATT DOLAN, DAVE BURKE, BOB PETERSON, STEPHEN A. HUFFMAN, STEPHANIE KUNZE, STEVE WILSON, SANDRA R. WILLIAMS, CECIL THOMAS

NO - 0.

Senator Manning submitted the following report:

The standing committee on Local Government, Public Safety and Veterans Affairs, to which was referred **S. B. No. 309**-Senator Gavarone having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Co-Sponsors: Manning, Brenner.

YES - 10: NATHAN H. MANNING, ANDREW O. BRENNER, BOB D. HACKETT, FRANK HOAGLAND, STEVE WILSON, TINA MAHARATH, HEARCEL F. CRAIG, MICHAEL A. RULLI, CECIL THOMAS, TIM SCHAFFER

NO - 0.

In line 71, delete "This act is hereby declared to be an emergency"

Delete lines 72 through 75 and insert "It is not the intent of the General Assembly that any provision in this act be interpreted as either limiting or restricting an insurer's ability to do any of the following:

(A) Exclude insurance coverage from any insurance policy;

(B) Underwrite any insurance policy; or

(C) Create, imply, or otherwise grant insurance coverage not found in a policy of insurance.

Section 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to continue the essential operation of certified swimming classes. Therefore, this act shall go into immediate effect."

In line 36, delete "such" and insert "the"

In line 37, after "by" insert "the resident, provided that both of the following apply:

(a) The resident is"

In line 38, delete "the instructor"

In line 39, after "basis" insert ";

(b) Not more than four individuals are in the pool at the same time during the class"

In line 64, delete "authorized by the director of health" and insert

"certified by a nationally accredited organization that operates in all fifty states"

In line 67, delete "authorized by the"

In line 68, delete "director of health" and insert "certified by a nationally accredited organization that operates in all fifty states"

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:

Bayliss, John, from Rushsylvania, Logan County, Ohio, as a Member of the Materials Management Advisory Council for a term beginning January 14, 2020, ending at the close of business July 1, 2022, replacing John F. Bayliss, whose term expired.

Buschur, Brian, from Tipp City, Miami County, Ohio, as a Member of the Environmental Education Council for a term beginning January 10, 2020, ending at the close of business October 1, 2021, replacing Brian J. Buschur, whose term expired.

Daly, John, from New Albany, Franklin County, Ohio, as a Member of the Materials Management Advisory Council for a term beginning January 14, 2020, ending at the close of business July 1, 2022, replacing Beth L. Mowrey, whose term expired.

Gaffney, Jamie, from Liberty Township, Butler County, Ohio, as a Member of the Advisory Board on Amusement Ride Safety for a term beginning January 1, 2020, ending at the close of business January 1, 2025, replacing Lamond H. Jasper, who resigned.

McConville, Kimberly, from Westerville, Franklin County, Ohio, as a Member of the Materials Management Advisory Council for a term beginning January 14, 2020, ending at the close of business July 1, 2022, replacing Kimberly S. McConville, whose term expired.

Papke, Mark, from Parma Heights, Cuyahoga County, Ohio, as a Member of the Environmental Education Council for a term beginning January 10, 2020, ending at the close of business October 1, 2021, replacing Mark K. Papke, whose term expired.

Schmidt, Robert, from Columbus, Franklin County, Ohio, as a Member of the Materials Management Advisory Council for a term beginning January 14, 2020, ending at the close of business July 1, 2022, replacing Jenna Hicks, whose term expired.

Weiskittel, Amy, from New Richmond, Clermont County, Ohio, as a Member of the Environmental Education Council for a term beginning January 10, 2020, ending at the close of business October 1, 2021, replacing John S. Petkovsek, whose term expired.

Winter, Brian, from Plain City, Union County, Ohio, as a Member of the Materials Management Advisory Council for a term beginning January 14, 2020, ending at the close of business July 1, 2022, replacing Brian W. Winter, 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 | 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 | Thomas |
| Williams | Wilson | Yuko | Obhof-32 |

So the Senate advised and consented to said appointments.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 55-Senator Gavarone.

Cosponsors: Senators Fedor, O'Brien, Coley, Brenner, Hackett, Hoagland, Huffman, S., McColley, Roegner, Rulli, Schaffer, Schuring, Terhar, Uecker, Wilson. Representatives Butler, Cupp, Manning, D., Smith, T., Abrams, Baldrige, Carruthers, Cross, Ghanbari, Holmes, A., Jones, LaRe, Lipps, McClain, Merrin, Plummer, Roemer, Rogers, Seitz, Stein, Wiggam, Wilkin.

To amend sections 2925.01, 2925.03, 3701.99, 3707.99, and 3709.99 of the

Revised Code to enhance penalties for certain drug trafficking offenses committed in the vicinity of a substance addiction services provider, to modify penalties for violations of public health orders related to a pandemic, and to designate certain provisions as the "Relapse Reduction Act.", having been informally passed, were taken up.

Senator Peterson moved that the amendments of the House of Representatives to **Am. Sub. S. B. No. 55**, 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. 242-Representatives Lang, Jones.

Cosponsors: Representatives Lipps, Carfagna, Romanchuk, Riedel, Hood, Seitz, Antani, Cross, Manchester, Wiggam, Becker, Smith, R., Smith, T., DeVitis, Fraizer, Merrin, Stoltzfus, Wilkin. Senators Brenner, Schaffer, Hoagland.

To amend sections 504.04, 715.013, and 3767.32 and to enact section 301.30 of the Revised Code to specify the authority to use an auxiliary container, to temporarily prohibit the imposition of a tax or fee on those containers, and to apply existing anti-littering law to those containers, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 242**, pass?"

The yeas and nays were taken and resulted – yeas 23, 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 | Lehner | Manning | McColley |
| Peterson | Roegner | Rulli | Schaffer |
| Schuring | Wilson | | Obhof-23 |

Those who voted in the negative were: Senators

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

So the bill passed.

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

Senator Rulli moved to amend the title as follows:

Add the names: "Senators Blessing, Burke, Eklund, Gavarone, Johnson, Rulli."

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 2:12 p.m.

The Senate met pursuant to the recess.

BILLS FOR THIRD CONSIDERATION

H. B. No. 272-Representatives Oelslager, Hillyer.

Cosponsors: Representatives Becker, Skindell, Hambley, Crossman, Boggs, Brown, Butler, Fraizer, Galonski, Green, Grendell, Ingram, Lanese, Leland, Lepore-Hagan, Miller, A., Miller, J., Patton, Perales, Rogers, Scherer, Sheehy, Sobecki, Upchurch, West.

To amend section 2307.382 of the Revised Code to expand the basis of a court's exercise of personal jurisdiction to include any basis consistent with the Ohio Constitution and the United States Constitution, was considered the third time.

The question being, "Shall the bill, **H. B. No. 272**, pass?"

Senator Burke moved to amend as follows:

In line 1 of the title, after "2307.382" insert "and to enact section 3501.40"

In line 5 of the title, after "Constitution" insert "and to prohibit a public official from changing the time, place, or manner of conducting an election, except in certain circumstances"

In line 6, after "2307.382" insert "be amended and section 3501.40"

In line 7, delete "amended" and insert "enacted"

After line 52, insert:

"Sec. 3501.40. Except as permitted under section 161.09 of the Revised Code, and notwithstanding any other contrary provision of the Revised Code, no public official shall cause an election to be conducted other than in the time, place, and manner prescribed by the Revised Code.

As used in this section, "public official" means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law."

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

The yeas and nays were taken and resulted – yeas 22, nays 10, 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 | Manning | McColley | Peterson |
| Roegner | Rulli | Schaffer | Schuring |
| Wilson | | | Obhof-22 |

Those who voted in the negative were: Senators

| | | | |
|----------|----------|---------|---------|
| Antonio | Craig | Fedor | Kunze |
| Lehner | Maharath | O'Brien | Thomas |
| Williams | | | Yuko-10 |

The motion to amend was agreed to.

The question recurred, "Shall the bill, **H. B. No. 272**, pass?"

Senator Johnson moved to amend as follows:

In line 1 of the title, after "2307.382" insert "and to enact section 9.57"

In line 5 of the title, after "Constitution" insert "and to prohibit a public official from ordering the closure of all places of worship in a geographic area"

In line 6, after "2307.382" insert "be amended and section 9.57"

In line 7, delete "amended" and insert "enacted"

After line 7, insert:

"Sec. 9.57. (A) Notwithstanding any contrary provision of the Revised Code, no public official shall issue an order to close all places of worship in the state or in a geographic area of the state.

(B) As used in this section:

(1) "Place of worship" means a building or grounds where activities of an organized religious group are conducted.

(2) "Public official" means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law."

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

The motion to amend was agreed to.

The question recurred, "Shall the bill, **H. B. No. 272**, pass?"

The yeas and nays were taken and resulted – yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|-------------|----------|-----------|-------------|
| Blessing | Brenner | Burke | Coley |
| Craig | Dolan | Eklund | Gavarone |
| Hackett | Hoagland | Hottinger | Huffman, M. |
| Huffman, S. | Johnson | Manning | McColley |
| O'Brien | Peterson | Roegner | Rulli |
| Schaffer | Schuring | Wilson | Obhof-24 |

Senators Antonio, Fedor, Kunze, Lehner, Maharath, Thomas, Williams, and Yuko voted in the negative-8.

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 Blessing, Brenner, Burke, Coley, Eklund, Gavarone, Hackett, Hoagland, Hottinger, Johnson, McColley, Obhof, Roegner, Rulli, Schaffer, Wilson."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 126-Senator Manning.

Cosponsor: Senator Maharath.

To amend sections 5122.04 and 5164.15 of the Revised Code and to amend Sections 265.10 and 265.210 of H.B. 166 of the 133rd General Assembly to authorize mental health professionals to provide crisis assessments, without parental consent, to minors who may be suicidal or pose a risk of physical harm to others; to modify certain references to mental health professionals to reflect previous enactments; and to make an appropriation to support the employment of licensed independent social workers at educational service centers, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 126**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 1, 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 | Rulli |
| Schaffer | Schuring | Thomas | Williams |
| Wilson | Yuko | | Obhof-31 |

Senator Roegner voted in the negative-1.

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 Antonio, Blessing, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Hoagland, Hottinger, Kunze, Lehner, O'Brien, Peterson, Rulli, Thomas, Williams, Yuko."

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

The motion was agreed to and the title so amended.

S. B. No. 284-Senators Hottinger, Peterson.

Cosponsors: Senators Hackett, Brenner, Blessing, Huffman, S.

To amend sections 3901.62 and 3901.64 of the Revised Code to amend the law related to insurers receiving credit for reinsurance, was considered the third time.

The question being, "Shall the bill, **S. B. No. 284**, pass?"

The yeas and nays were taken and resulted – yeas 32, 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 | Thomas |
| Williams | Wilson | Yuko | Obhof-32 |

So the bill passed.

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

Senator Hottinger moved to amend the title as follows:

Add the names: "Senators Antonio, Burke, Craig, Dolan, Kunze, Maharath, Manning, O'Brien, Rulli, Schaffer, Thomas, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 309-Senator Gavarone.

Cosponsors: Senators Manning, Brenner.

To amend section 3749.01 of the Revised Code to allow certified swimming classes to take place at a private residential swimming pool without requiring the pool's operator to obtain a public swimming pool license and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted – yeas 32, 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
Williams

Schaffer
Wilson

Schuring
Yuko

Thomas
Obhof-32

So the section, Section 4, 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 32, 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 | Thomas |
| Williams | Wilson | Yuko | Obhof-32 |

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

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

Senator Gavarone moved to amend the title as follows:

Add the names: "Senators Antonio, Blessing, Burke, Coley, Craig, Fedor, Hackett, Hoagland, Johnson, Kunze, Lehner, O'Brien, Roegner, Thomas, Wilson, Yuko."

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, May 24, 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 bill was introduced and considered for the first time:

S. B. No. 318 - Senators Kunze, Williams.

To amend Section 1 of S.B. 30 of the 133rd General Assembly to extend the Women's Suffrage Centennial Commission until December 31, 2021.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5540.02(C)(2)(c) of the Ohio Revised Code, the President of the Senate reappoints the following senator to serve as a non-voting member on the Meigs County Transportation Improvement District:

Senator Frank Hoagland

MESSAGE FROM THE PRESIDENT

Pursuant to Section 127.12 of the Ohio Revised Code, the President of the Senate appoints Senator Jay Hottinger to the Controlling Board as a temporary replacement for Senator Matt Dolan for the purpose of the board's meeting on Monday, June 1, 2020.

On the motion of Senator Peterson, the Senate adjourned until Friday, May 29, 2020 at 9:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.