OHIO

SENATE

JOURNAL

CORRECTED VERSION
WEDNESDAY, MAY 31, 2023

FIFTIETH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 31, 2023, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Capitol Ministries in Columbus, 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 Kunze, Senator Craig, Senator DeMora and Senator Reynolds recognized the Columbus Metropolitan Library on its One Hundred Fiftieth Anniversary.

Senator Kunze recognized Camden McDanel as the 2023 Division I State Wrestling Champion in the 190-pound weight class.

Senator Hicks-Hudson recognized the University of Toledo President, Dr. Gregory Postel, on his visit to the Statehouse.

Senator Hicks-Hudson recognized Senior Legislative Aide, Marya Gakosso, on her outstanding service to the Ohio Senate.

Senator Sykes requested a moment of silence in honor of former State Senator, Tom Sawyer. He represented District 28 from 2007 through 2016. He also served as Mayor of Akron, a member of the U.S. House of Representatives, a member of the Ohio House of Representatives and a member of the State Board of Education.

REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION

Senator Huffman, M. reports for the standing committee on Rules and Reference, recommending that the following bills and resolutions, standing in order for second consideration, be referred to committee as recommended:

H. C. R. No. 5-Representatives Miller, J., Holmes, et al.
To support and encourage the work of the Ohio Commission for the United States Semiquincentennial in celebrating the nation's 250th anniversary.

To the Committee on Local Government.

Sub. H. B. No. 27-Representatives Mathews, Thomas, J., et al.

To enact section 3345.026 of the Revised Code to require state institutions of higher education to provide financial cost and aid disclosure forms.

To the Committee on Workforce and Higher Education.

H. B. No. 28-Representative Humphrey, et al.
To enact section 5.2535 of the Revised Code to designate March as "Triple Negative Breast Cancer Awareness Month."

To the Committee on Health.

Am. H. B. No. 50-Representatives Humphrey, Seitz, et al.
To amend section 120.54 and to enact section 2953.26 of the Revised Code to create a mechanism by which an individual who is subject to a collateral sanction for housing may obtain a certificate of qualification for housing that may provide relief from certain bars on housing.

To the Committee on Community Revitalization.

H. B. No. 57-Representatives Hall, Demetriou, et al.
To amend sections 323.152 and 4503.065 of the Revised Code to index the homestead exemption amounts to inflation.

To the Committee on Ways and Means.

H. B. No. 61-Representatives Troy, Callender, et al.
To enact section 5.2316 of the Revised Code to designate November 19th as "James A. Garfield Day."

To the Committee on Local Government.

H. B. No. 66-Representatives Hall, Stoltzfus, et al.
To amend section 5743.53 and to enact section 5743.06 of the Revised Code regarding the deduction and recovery of bad debts for cigarette and tobacco and vapor products taxes.

To the Committee on Ways and Means.

Am. H. B. No. 105-Representative Thomas, J., et al.
To amend sections 718.05, 718.27, 718.85, and 718.89 of the Revised Code to modify the law regarding extensions for filing municipal income tax returns and to limit penalties for late filings.

To the Committee on Ways and Means.

S. C. R. No. 6-Senator Antani
To condemn Hinduphobia and anti-Hindu bigotry.

To the Committee on General Government.

S. B. No. 123-Senator Brenner
To amend section 4905.02 and to enact section 4933.29 of the Revised Code to exempt from regulation as a public utility certain persons or entities providing utility related services after the metered point of delivery.

To the Committee on Energy and Public Utilities.

S. B. No. 124-Senator Schaffer, et al.
To amend sections 107.036, 5739.02, 5747.98, and 5751.98 and to enact sections 122.97, 122.971, 122.972, 122.973, 122.974, and 122.975 of the Revised Code to exempt from the sales and use tax the sale of certain firearms and ammunition and to authorize nonrefundable tax credits for small arms and ammunition manufacturers.

To the Committee on Ways and Means.

S. B. No. 125-Senator Sykes, et al.
To amend section 4501.21 and to enact section 4503.888 of the Revised Code to create the "St. Vincent-St. Mary High School" license plate.

To the Committee on Transportation.

YES - 13: MATT HUFFMAN, NICKIE J. ANTONIO, ANDREW O. BRENNER, HEARCEL F. CRAIG, MATT DOLAN, THERESA GAVARONE, BOB D. HACKETT, PAULA HICKS-HUDSON, STEPHANIE KUNZE, ROB MCCOLLEY, MICHELE REYNOLDS, TIM SCHAFFER, KENT SMITH

NO - 0.

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

The report of the committee was accepted.

Said bills and resolutions were considered a second time and referred to

committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Huffman, S. submitted the following report:

The standing committee on Health, to which was referred **S. B. No. 40-** Senator Roegner having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Hackett, Johnson, Huffman, S.

YES - 7: STEPHEN A. HUFFMAN, TERRY JOHNSON, NICKIE J. ANTONIO, BOB D. HACKETT, CATHERINE D. INGRAM, KRISTINA D. ROEGNER, MARK ROMANCHUK

NO - 0.

Senator Roegner submitted the following report:

The standing committee on Government Oversight, to which was referred **S. B. No. 44-**Senator Brenner having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 6, delete "division" and insert "divisions"; after "(B)" insert "and (C)"

After line 22, insert:

"(C) This section does not apply to the supreme court when issuing initial licenses pursuant to rules prescribed under Ohio Constitution, Article IV, Section 5."

In line 12, delete the second "the" and insert "any"

In line 13, delete "maintained by"; delete "of administrative"

In line 14, delete "services under section 125.18 of the Revised Code" and insert ", agency, or office elects to use to receive applications"

In line 22, after "system" insert "used by the department, agency, or office"

YES - 4: KRISTINA D. ROEGNER, PAULA HICKS-HUDSON, GEORGE F. LANG, ROB MCCOLLEY

NO - 0.

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

Senator Huffman, M. submitted the following report:

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

Allison, Kimberly, Republican, from Columbus, Franklin County, Ohio, as a Member of the Board of Tax Appeals for a term beginning March 22, 2023, ending at the close of business February 8, 2029, replacing Jeffrey Todd Casewell, whose term expired.

YES – 13: MATT HUFFMAN, NICKIE J. ANTONIO, ANDREW O. BRENNER, HEARCEL F. CRAIG, MATT DOLAN, THERESA GAVARONE, BOB D. HACKETT, PAULA HICKS-HUDSON, STEPHANIE KUNZE, ROB MCCOLLEY, MICHELE REYNOLDS, TIM SCHAFFER, KENT SMITH

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

Antani	Antonio	Blessing	Brenner
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Hoagland
Huffman, S.	Ingram	Johnson	Kunze
Landis	Lang	Manning	McColley
O'Brien	Reineke	Reynolds	Roegner
Romanchuk	Rulli	Schaffer	Smith
Sykes	Wilkin	Wilson	Huffman, M.-32

So the Senate advised and consented to said appointment.

BILLS FOR THIRD CONSIDERATION

S. B. No. 39-Senator Schaffer.

To amend sections 5739.01 and 5739.02 of the Revised Code to exempt certain baby products from sales and use tax, was considered the third time.

The question being, "Shall the bill, **S. B. No. 39**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antani	Antonio	Blessing	Brenner
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Hoagland
Huffman, S.	Ingram	Johnson	Kunze
Landis	Lang	Manning	McColley
O'Brien	Reineke	Reynolds	Roegner
Romanchuk	Rulli	Schaffer	Smith
Sykes	Wilkin	Wilson	Huffman, M.-32

So the bill passed.

The title was amended as follows:

Add the names: "Senators Antonio, Brenner, Cirino, Craig, DeMora, Dolan, Gavarone, Hicks-Hudson, Ingram, Johnson, Kunze, Landis, Manning, Reineke, Reynolds, Romanchuk, Rulli, Sykes, Wilkin."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 74-Senator Gavarone.

To amend sections 113.05, 113.11, 113.12, 113.40, 113.41, 113.60, 125.30, 125.901, 126.06, 127.14, 129.06, 129.09, 131.01, 135.01, 135.02, 135.04, 135.05, 135.06, 135.08, 135.10, 135.12, 135.14, 135.142, 135.143, 135.15, 135.182, 135.31, 135.35, 135.45, 135.46, 135.47, 718.01, 1111.04, 1112.12, 1315.54, 1345.01, 1501.10, 1503.05, 1509.07, 1509.225, 1514.04, 1514.05, 1521.061, 1548.06, 1733.04, 1733.24, 1735.03, 2109.37, 2109.372, 2109.44, 3314.50, 3366.05, 3737.945, 3903.73, 3905.32, 3916.01, 3925.26, 4141.241, 4505.06, 4509.101, 4509.45, 4509.62, 4509.63, 4509.65, 4509.67, 4710.03, 4749.01, 4763.13, 5725.17, 5725.22, 5727.25, 5727.31, 5727.311, 5727.42, 5727.47, 5727.53, 5727.81, 5727.811, 5727.82, 5727.83, 5733.022, 5735.03, 5735.062, 5739.031, 5739.032, 5739.07, 5743.05, 5743.051, 5743.15, 5745.03, 5745.04, 5745.041, 5747.059, 5747.07, 5747.072, 5747.42, 5747.44, 5747.451, 5815.26, and 5815.37; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 113.41 (125.903); to enact new sections 135.61, 135.62, 135.63, 135.64, 135.65, and 135.66 and sections 113.22, 135.621, 135.622, 135.623, 135.624, 135.625, 169.053, and 1501.04; and to repeal sections 113.061, 113.07, 129.02, 129.03, 129.08, 129.10, 129.11, 129.12, 129.13, 129.14, 129.15, 129.16, 129.18, 129.19, 129.20, 129.72, 129.73, 129.74, 129.75, 129.76, 135.101, 135.102, 135.103, 135.104, 135.105, 135.106, 135.61, 135.62, 135.63, 135.64, 135.65, 135.66, 135.67, 135.68, 135.69, 135.70, 135.71, 135.72, 135.73, 135.74, 135.75, 135.76, 135.77, 135.771, 135.772, 135.773, 135.774, 135.78, 135.79, 135.791, 135.792, 135.793, 135.794, 135.795, 135.796, 135.81, 135.82, 135.83, 135.84, 135.85, 135.86, 135.87, 135.91, 135.92, 135.93, 135.94, 135.95, 135.96, 135.97, 144.01, 144.02, 144.03, 144.04, 144.05, 144.06, and 144.07 of the Revised Code regarding the Treasurer of State and the electronic

payment of taxes, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 74**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antani	Antonio	Blessing	Brenner
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Hoagland
Huffman, S.	Ingram	Johnson	Kunze
Landis	Lang	Manning	McColley
O'Brien	Reineke	Reynolds	Roegner
Romanchuk	Rulli	Schaffer	Smith
Sykes	Wilkin	Wilson	Huffman, M.-32

So the bill passed.

The title was amended as follows:

Add the names: "Senators Cirino, Craig, Hackett, Hicks-Hudson, Ingram, Johnson, Landis, Lang, Reineke, Reynolds, Rulli, Sykes, Wilson."

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

The motion was agreed to and the title so amended.

S. B. No. 122-Senators Manning, Hicks-Hudson.

To amend sections 2743.70, 2903.212, 2903.213, 2907.41, 2919.251, 2937.40, 2949.02, 2949.04, 2949.093, 2953.03, and 2953.09 and to enact section 2937.011 of the Revised Code to make changes regarding bail and to declare an emergency, was considered the third time.

The question being, “Shall the section, Section 3, 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

Antani	Antonio	Blessing	Brenner
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Hoagland
Huffman, S.	Ingram	Johnson	Kunze
Landis	Lang	Manning	McColley
O'Brien	Reineke	Reynolds	Roegner
Romanchuk	Rulli	Schaffer	Smith
Sykes	Wilkin	Wilson	Huffman, M.-32

So the section, Section 3, 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

Antani	Antonio	Blessing	Brenner

Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Hoagland
Huffman, S.	Ingram	Johnson	Kunze
Landis	Lang	Manning	McColley
O'Brien	Reineke	Reynolds	Roegner
Romanchuk	Rulli	Schaffer	Smith
Sykes	Wilkin	Wilson	Huffman, M.-32

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

The title was amended as follows:

Add the names: "Senators Antonio, Blessing, Cirino, DeMora, Gavarone, Hackett, Landis, Reineke, Reynolds, Smith, Wilson."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Gavarone moved that Senators absent the week of Sunday, May 28, 2023, 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. 126 - Senator Johnson.
Cosponsors: Senators Hoagland, Sykes.

To enact section 3727.62 of the Revised Code regarding the use of noncompete provisions in certain health care professional employment contracts with nonprofit hospitals.

On the motion of Senator McColley, the Senate adjourned until Tuesday, June 6, 2023 at 9:30 a.m.

Attest: VINCENT L. KEERAN,
Clerk.