OHIO

SENATE

JOURNAL

WEDNESDAY, APRIL 10, 2024

ONE HUNDRED THIRTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, April 10, 2024, 11:30 a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Bishop Earl K. Fernandes, Diocese of Columbus in Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

On the motion of Senator McColley, the Senate recessed until 1:50 a.m.

The Senate met pursuant to the recess.

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

Senator Gavarone recognized her father, Jim Charters, on his visit to the Statehouse.

Senator Cirino recognized legislative aide, Lynna Haile, for her outstanding service to the Ohio Senate.

Senator Reynolds recognized legislative aide, Cameron Bryant, for his outstanding service to the Ohio Senate.

Senator Ingram requested a moment of silence in honor of former State Representative, Brigid Kelly.

Senator DeMora requested a moment of silence in honor of former State Senator, Ted Gray.

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 resolution, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 2-Representatives Cutrona, Upchurch, et al.
To enact sections 5120.12 and 5120.121 of the Revised Code to create local jail facility funding programs and to make certain capital appropriations for the biennium ending June 30, 2026.

To the Committee on Finance.

S. R. No. 296-Senators Reineke, McColley, et al.

To urge the U.S. Environmental Protection Agency to withdraw its proposed regulations on greenhouse gas emissions and to urge the United States Congress to take action to prevent the regulations from taking effect.

To the Committee on Energy and Public Utilities.

S. B. No. 233-Senators DeMora, Kunze, et al.

To amend sections 4511.62, 4511.63, 4511.64, and 4511.712 of the Revised Code to require vehicle operators to watch, listen, and stop for on-track equipment that may be approaching a railroad crossing.

To the Committee on Transportation.

S. B. No. 234-Senator Gavarone

To enact section 5.2539 of the Revised Code to designate May as "Food Allergy Awareness Month."

To the Committee on Health.

S. B. No. 235-Senators Sykes, Kunze, et al.

To enact section 5.54 of the Revised Code to designate the first full week in May "Public Service Recognition Week."

To the Committee on General Government.

S. B. No. 236-Senator Lang

To amend section 4503.03 of the Revised Code to prioritize designating a clerk of a court of common pleas as a deputy registrar in certain counties.

To the Committee on Judiciary.

S. B. No. 237-Senators Gavarone, Manning

To amend section 2505.02 and to enact sections 2747.01, 2747.02, 2747.03, 2747.04, 2747.05, and 2747.06 of the Revised Code to enact the Uniform Public Expression Protection Act relating to legal actions concerning protected speech.

To the Committee on Judiciary.

S. B. No. 238-Senator Schaffer

To amend section 4740.99 and to enact section 4740.18 of the Revised

Code to establish a certification for specialty residential construction contractors.

To the Committee on Government Oversight.

S. B. No. 239-Senator O'Brien

To enact section 5534.425 of the Revised Code to designate a portion of United States Route 422 in Trumbull County as the "Chief Radio Operator Walter Dawson Memorial Highway."

To the Committee on Transportation.

S. B. No. 240-Senator Schaffer, et al.

To amend sections 5101.84 and 5101.98 and to enact sections 5101.042, 5101.543, 5101.546, 5101.548, 5101.95, and 5163.51 of the Revised Code to make various changes to public assistance benefits programs.

To the Committee on Government Oversight.

YES - 13: MATT HUFFMAN, NICKIE J. ANTONIO, ANDREW O. BRENNER, HEARCEL F. CRAIG, MATT DOLAN, THERESA GAVARONE, BOB D. HACKETT, CATHERINE D. INGRAM, 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 resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Johnson submitted the following report:

The standing committee on Veterans and Public Safety, to which was referred **S. C. R. No. 8-**Senator Schaffer, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Johnson.

YES - 4: TERRY JOHNSON, STEVE WILSON, BRIAN M. CHAVEZ, HEARCEL F. CRAIG

NO - 0.

Senator Johnson submitted the following report:

The standing committee on Veterans and Public Safety, to which was referred **S. C. R. No. 9-**Senator Schaffer, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Johnson.

YES - 5: TERRY JOHNSON, STEVE WILSON, BRIAN M. CHAVEZ, SHANE WILKIN, HEARCEL F. CRAIG

NO - 0.

Senator Manning submitted the following report:

The standing committee on Judiciary, to which was referred **H. B. No. 34-** Representatives Klopfenstein, King, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Manning.

YES - 7: NATHAN H. MANNING, MICHELE REYNOLDS, PAULA HICKS-HUDSON, MATT DOLAN, THERESA GAVARONE, ROB MCCOLLEY, KENT SMITH

NO - 0.

Senator Roegner submitted the following report:

The standing committee on Government Oversight, to which was referred **Sub. H. C. R. No. 6-**Representatives King, Plummer, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 4: KRISTINA D. ROEGNER, BRIAN M. CHAVEZ, 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 appointments by the Governor of:

French, Jenifer, Republican, from Westerville, Franklin County, Ohio, as a Member of the Public Utilities Commission of Ohio for a term beginning April 11, 2024, ending at the close of business April 10, 2029, replacing Jenifer A. French, whose term expired.

Huck, Donald, from Lancaster, Fairfield County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning September 1, 2023, ending at the close of business January 31, 2026, replacing Jacquelyn A. Mong-Stewart, whose term expired.

Kimble, Gregory, from Dover, Tuscarawas County, Ohio, as a Member of the Technical Advisory Council on Oil and Gas for a term beginning September 1, 2023, ending at the close of business January 31, 2026, replacing Thomas E. Stewart, whose term expired.

Steurer, Pamela, Democrat, from Lewis Center, Delaware County, Ohio, as a Member of the Ohio Commission on Service and Volunteerism for a term beginning May 5, 2023, ending at the close of business April 21, 2026, replacing Pamela S. Steurer, whose term expired.

Uhl, Kevin, from Sycamore Township, Hamilton County, Ohio, as a Member of the State Board of Emergency Medical, Fire, and Transportation Services for a term beginning June 30, 2023, ending at the close of business November 12, 2025, replacing Kevin T. Uhl, whose term expired.

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

YES – 13: MATT HUFFMAN, NICKIE J. ANTONIO, ANDREW O. BRENNER, HEARCEL F. CRAIG, MATT DOLAN, THERESA GAVARONE, BOB D. HACKETT, CATHERINE D. INGRAM, 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 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Chavez
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Huffman, S.
Ingram	Johnson	Kunze	Landis
Lang	Manning	McColley	O'Brien
Reineke	Reynolds	Roegner	Romanchuk
Schaffer	Smith	Sykes	Wilkin
Wilson			Huffman, M.-30

So the Senate advised and consented to said appointments.

RESOLUTIONS REPORTED BY COMMITTEE

Sub. H. C. R. No. 6-Representatives King, Plummer.
Cosponsors: Representatives Lightbody, Creech, Sweeney, Abrams, Barhorst, Brennan, Click, Dell'Aquila, Demetriou, Dobos, Edwards, Forhan, Galonski, Ghanbari, Grim, Gross, Hall, Hillyer, Hoops, Humphrey, Isaacsohn, John, Johnson, Jones, Kick, Lear, Liston, Lorenz, Manning, Mathews, Miller, A., Miller, J., Mohamed, Oelslager, Peterson, Ray, Robb Blasdel, Russo, Schmidt, Seitz, Somani, Troy, White, Williams, Young, T.

To urge Congress to repeal the Windfall Elimination Provision and the Government Pension Offset.

WHEREAS, The Windfall Elimination Provision was enacted in 1983 to equalize the earned Social Security benefits of workers who spend part of their careers in exempt public service and workers who spend their entire careers participating in Social Security; and

WHEREAS, The Windfall Elimination Provision reduces the Social Security benefits of public servants who receive a pension for public service that was not subject to Social Security taxes; and

WHEREAS, The Windfall Elimination Provision's flawed practical application diminishes nearly 150,000 Ohioans' retirement security and fails to recognize their rightfully earned Social Security and public pension benefits; and

WHEREAS, The Government Pension Offset reduces the Social Security spousal or survivor benefit paid to an individual's spouse who receives a government pension based on the spouse's own public employment not covered by Social Security; and

WHEREAS, The Government Pension Offset reduces an individual's Social Security spousal or survivor benefit by two-thirds of the individual's own government pension, leaving many without adequate retirement income; and

WHEREAS, It is estimated that the Government Pension Offset affects and undermines the financial security of more than 100,000 Ohioans; and

WHEREAS, There are 1.7 million participants in Ohio's public retirement systems and over 450,000 beneficiaries and recipients; and

WHEREAS, Members of the 118th United States Congress have introduced legislation to repeal the Windfall Elimination Provision and the Government Pension Offset; now therefore be it

RESOLVED, That we, the members of the 135th General Assembly of the State of Ohio, in adopting this resolution, urge the Congress of the United

States to repeal the Windfall Elimination Provision and the Government Pension Offset; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the members of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **Sub. H. C. R. No. 6**, 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	Chavez
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Huffman, S.
Ingram	Johnson	Kunze	Landis
Lang	Manning	McColley	O'Brien
Reineke	Reynolds	Roegner	Romanchuk
Schaffer	Smith	Sykes	Wilkin
Wilson			Huffman, M.-30

So the concurrent resolution was adopted.

The title was amended as follows:

Add the names: "Antonio, Brenner, Cirino, Craig, DeMora, Dolan, Gavarone, Hicks-Hudson, Huffman, S., Ingram, Johnson, Kunze, Landis, Manning, O'Brien, Reineke, Reynolds, Roegner, Romanchuk, Schaffer, Smith, Sykes, Wilkin."

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

The motion was agreed to and the title so amended.

S. C. R. No. 8-Senator Schaffer.
Cosponsors: Senators Hoagland, Wilkin, Romanchuk, Johnson.

To urge the President of the United States, the United States Secretary of Veterans Affairs, and the United States Congress to take prompt action to reduce the processing time for veterans' disability benefit claims.

WHEREAS, The service members of the United States armed forces have bravely and selflessly served our country; and

WHEREAS, The United States Department of Veterans Affairs disability benefits program provides monetary support to veterans whose military service has caused or aggravated a disabling medical condition; and

WHEREAS, According to the National Center for Veterans Analysis and Statistics, the total number of veterans with a service-connected disability

has increased every year since 1991 and was 4,944,275 in 2019; and

WHEREAS, According to the U.S. Department of Veterans Affairs, the Department took an average of 102.2 days to complete disability-related claims in February 2023; and

WHEREAS, The U.S. Government Accountability Office made several recommendations directed toward improving the U.S. Department of Veterans Affairs' capacity to manage workload risks, monitor and assess performance, and plan for further development of information technology; and

WHEREAS, The "Veterans Appeals Improvement and Modernization Act of 2017," 38 U.S.C. 7113, made changes to improve the U.S. Department of Veterans Affairs' appeals process and also required the U.S. Government Accountability Office to assess the U.S. Department of Veterans Affairs' original plan to improve the veterans benefits claim appeals process; and

WHEREAS, The U.S. Department of Veterans Affairs has failed to comply with the Veterans Appeals Improvement and Modernization Act of 2017; now therefore be it

RESOLVED, That we, the members of the 135th General Assembly of the State of Ohio, urge the President of the United States, the United States Secretary of Veterans Affairs, and the Congress of the United States to take prompt action to reduce the processing time for veterans' disability benefit claims; and be it further

RESOLVED, That we urge the U.S. Department of Veterans Affairs to adopt policies to ensure that, for each applicant, the disability benefits program appeals process concludes not later than three months following the date on which an applicant receives an initial determination letter from the Department; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the United States Secretary of Veterans Affairs, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 8**, 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	Chavez
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Huffman, S.
Ingram	Johnson	Kunze	Landis
Lang	Manning	McColley	O'Brien

Reineke	Reynolds	Roegner	Romanchuk
Schaffer	Smith	Sykes	Wilkin
Wilson			Huffman, M.-30

So the concurrent resolution was adopted.

The title was amended as follows:

Add the names: "Antonio, Blessing, Brenner, Chavez, Cirino, Craig, DeMora, Dolan, Gavarone, Hackett, Hicks-Hudson, Huffman, S., Ingram, Kunze, Landis, Lang, Manning, O'Brien, Reineke, Reynolds, Roegner, Sykes, Wilson."

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

The motion was agreed to and the title so amended.

S. C. R. No. 9-Senator Schaffer.
Cosponsors: Senators Hoagland, Wilkin, Romanchuk, Cirino, Ingram, Johnson.

To urge the U.S. Congress to support the provision of prompt and comprehensive mental health treatment to military personnel and veterans who are suffering from post-traumatic stress disorder and other service-related stress disorders.

WHEREAS, According to the National Institutes of Health, the most common mental health problems faced by returning troops are, in order, depression, post-traumatic stress disorder (PTSD), substance use disorder, anxiety disorder, and serious mental illness such as schizophrenia or bipolar disorder; and

WHEREAS, The wars in Afghanistan and Iraq were the longest combat operations since Vietnam, and the stress of being in a war zone or long-term naval deployment combined with the stress of being away from home for long periods of time can increase the chance of having PTSD or other mental health problems; and

WHEREAS, According to research conducted at Brown University's Watson Institute for International and Public Affairs, 30,177 active duty personnel and veterans who served in the military after the September 11, 2001, terrorist attacks have died by suicide compared to the 7,057 service members killed in combat in those same 20 years; and

WHEREAS, According to the United Service Organizations, Inc., suicide rates among active-duty military members in 2021 were at an all-time high since recordkeeping began after September 11, 2001, and had been increasing over the previous five years at an alarmingly steady pace; and

WHEREAS, The U.S. Department of Veterans Affairs, the U.S. Department of Defense, and many other entities are working to identify and address the issues of veterans and military personnel suffering from PTSD

and other service-related stress disorders; and

WHEREAS, The United States Department of Veterans Affairs has established the National Center for PTSD as a center of excellence for research and education on the prevention, understanding, and treatment of PTSD; and

WHEREAS, According to the U.S. Department of Veterans Affairs, each medical center within the Department has PTSD specialists who provide treatment for veterans with PTSD; and

WHEREAS, Mental trauma may not be as easily identifiable as the physical trauma suffered by military personnel and veterans, and may require additional resources to identify and treat; and

WHEREAS, Only qualified and licensed medical professionals with experience treating military personnel and veterans should have the authority to approve or disapprove mental health treatment of military personnel and veterans experiencing service-related stress disorders; and

WHEREAS, While support and treatment programs are available to veterans and military personnel suffering from PTSD or other service-related stress disorders, there are many service members who are still not receiving sufficient treatment; and

WHEREAS, Several recommendations made by the U.S. Government Accountability Office to the U.S. Department of Defense have not yet been fully implemented to ensure that PTSD and traumatic brain injuries are appropriately considered prior to separating certain service members from the military for misconduct, thereby placing both the earned benefits due to veterans and the mental health of some service members and veterans in jeopardy; and

WHEREAS, The service members who willingly sacrifice their safety for the freedom of all Americans deserve to have access to all the resources and support services necessary for them to reintegrate into society; and

WHEREAS, According to the U.S. Department of Veterans Affairs, a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable may qualify for VA health care benefits including qualifying Reserve and National Guard members; now therefore be it

RESOLVED, That we, the members of the 135th General Assembly of the State of Ohio, urge the United States Congress to support the provision of prompt and comprehensive mental health diagnosis and treatment to all military personnel and veterans who are suffering from PTSD and other service-related stress disorders; and be it further

RESOLVED, That we urge the Secretary of Veterans Affairs to ensure that each of the U.S. Government Accountability Office's recommendations is

implemented to guarantee that PTSD and traumatic brain injuries are appropriately considered prior to separating certain service members from the military for misconduct; and be it further

RESOLVED, That we believe military personnel and veterans who had separation or discharge from military service related to mental health issues should have consideration to correct records to a more honorable discharge; and be it further

RESOLVED, That we affirm that post-military service civilian income should not have any bearing on eligibility for healthcare-related benefits or treatment; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Veterans Affairs, the Speaker and Clerk of the U.S. House of Representatives, the President Pro Tempore and Secretary of the U.S. Senate, the members of the Ohio Congressional delegation, and the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 9**, 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	Chavez
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Huffman, S.
Ingram	Johnson	Kunze	Landis
Lang	Manning	McColley	O'Brien
Reineke	Reynolds	Roegner	Romanchuk
Schaffer	Smith	Sykes	Wilkin
Wilson			Huffman, M.-30

So the concurrent resolution was adopted.

The title was amended as follows:

Add the names: "Antonio, Blessing, Brenner, Chavez, Craig, DeMora, Dolan, Gavarone, Hackett, Hicks-Hudson, Huffman, S., Kunze, Landis, Lang, Manning, O'Brien, Reineke, Reynolds, Roegner, Smith, Sykes, Wilson."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

H. B. No. 34-Representatives Klopfenstein, King.
Cosponsors: Representatives Seitz, Galonski, Willis, Williams, Johnson,

Stewart, Brennan, Click, Schmidt, White, Miller, A., Kick, Fowler Arthur, Demetriou, LaRe, Miller, M., Young, T., Dobos, Plummer, Lear, Mathews, Creech, Barhorst, Abdullahi, Abrams, Baker, Bird, Blackshear, Brent, Brewer, Brown, Carruthers, Claggett, Dell'Aquila, Denson, Forhan, Grim, Hillyer, Hoops, Isaacsohn, Jarrells, John, Jones, Lampton, Lightbody, Liston, Lorenz, McClain, McNally, Miller, J., Miranda, Patton, Pizzulli, Powell, Ray, Rogers, Russo, Somani, Stein, Sweeney, Thomas, C. Senator Manning.

To amend section 2313.14 of the Revised Code to permit a prospective juror who is a mother who is breast-feeding to be excused from jury service, was considered the third time.

The question being, "Shall the bill, **H. B. No. 34**, pass?"

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	Chavez
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Huffman, S.
Ingram	Johnson	Kunze	Landis
Lang	Manning	McColley	O'Brien
Reineke	Reynolds	Roegner	Romanchuk
Schaffer	Smith	Sykes	Wilkin
Wilson			Huffman, M.-30

So the bill passed.

The title was amended as follows:

Add the names: "Blessing, Brenner, Cirino, Craig, Gavarone, Hackett, Huffman, S., Johnson, Kunze, McColley, Reineke, Reynolds, Roegner, Schaffer, Smith, Sykes."

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

The motion was agreed to and the title so amended.

S. B. No. 163-Senator Kunze.
Cosponsors: Senators Brenner, Reineke.

To amend section 4501.21 and to enact section 4503.959 of the Revised Code to create the "Dublin City Schools" license plate, was considered the third time.

The question being, "Shall the bill, **S. B. No. 163**, pass?"

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

Wilson Huffman, M.-30

So the bill passed.

The title was amended as follows:

Add the names: "Blessing, Cirino, Craig, DeMora, Hackett."

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, April 07, 2024, 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.

MESSAGE FROM THE PRESIDENT

Pursuant to Rules No. 19 and 20, the President of the Senate removes Senator Niraj Antani and temporarily appoints Senator Brian Chavez as vice chair of the Government Oversight Committee for the purposes of the April 10, 2024 meeting.

On the motion of Senator McColley, the Senate adjourned until Tuesday, April 16, 2024 at 9:30 a.m.

Attest: VINCENT L. KEERAN,
Clerk.