

OHIO

SENATE

JOURNAL

TUESDAY, DECEMBER 5, 2017

ONE HUNDRED TWENTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Tuesday, December 5, 2017, 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 Kunze recognized the Thomas Worthington High School boys water polo team on winning the 2017 State Championship.

Senator Kunze recognized the Thomas Worthington High School field hockey team as the 2017 Division I State Champion.

Senator Obhof recognized Joey Baughman as the 2017 Ohio Mr. Football.

Senator Peterson moved that the Senate advance to the ninth order of business, being offering of resolutions and adoption of resolutions not referred to committee.

The motion was agreed to.

OFFERING OF RESOLUTIONS

Senators Obhof and Peterson offered the following resolution:

S. R. No. 348-Senators Obhof, Peterson.

Relative to the appointment of Rob McColley, to fill the vacancy in the membership of the Senate created by the resignation of Cliff Hite of the 1st Senatorial District.

WHEREAS, Section 11 of Article II, Ohio Constitution, provides for the filling of a vacancy in the Senate by appointment by the members of the Senate who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Cliff Hite of the 1st Senatorial District has resigned as a member of the Senate effective October 16, 2017, thus creating a vacancy in the Senate; now therefore be it

RESOLVED, By the members of the Senate who are affiliated with the Republican party, that Rob McColley (Republican), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a

member of the Senate from the 1st Senatorial District is hereby appointed, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the Senate from the 1st Senatorial District, to fill the vacancy created by Cliff Hite; and be it further

RESOLVED, That a copy of this Resolution be spread upon the journal of the Senate together with the yeas and nays of the members of the Senate affiliated with the Republican party voting on the Resolution, and that the Clerk of the Senate shall certify the Resolution and the vote on its adoption to the Secretary of State.

The question being, "Shall the resolution, **S. R. No. 348**, be adopted?"

The yeas and nays were taken and resulted – yeas 22, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	Oelslager	Peterson	Uecker
Wilson			Obhof-22

So the resolution was adopted.

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

The title was agreed to.

Senator McColley appeared at the bar of the Senate and was administered the oath of office by the Honorable Denise McColley, Henry County Common Pleas Judge for Domestic Relations and Juveniles.

Senator Peterson moved that the Senate revert to the first order of business, being reports of reference and bills for second consideration.

The motion was agreed to.

REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION

Senator Obhof 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:

S. C. R. No. 17 -Senator Schiavoni, et al.

To urge the United States Congress and the President of the United States to return to a national banking and direct credit system to build modern economic infrastructure and advance productivity.

To the Committee on Insurance and Financial Institutions.

S. C. R. No. 18 -Senator Yuko, et al.

To urge Congress to amend the Americans with Disabilities Act and adopt

an international symbol of access that includes a dynamic character leaning forward with a sense of movement.

To the Committee on Health, Human Services and Medicaid.

S. R. No. 342 -Senator Kunze, et al.

To urge the investor-operator and chairperson of Columbus Crew Soccer Club to keep the franchise in Columbus.

To the Committee on Government Oversight and Reform.

S. B. No. 236 -Senator Huffman, et al.

To amend sections 1509.01 and 1509.08 and to enact sections 1509.082 and 1509.083 of the Revised Code to create the Affected Mine Commission, to require the Affected Mine Commission to hear appeals related to oil and gas operations and affected coal mines in lieu of the Reclamation Commission, and to define "affected mine" for purposes of the law.

To the Committee on Energy and Natural Resources.

S. B. No. 237 -Senator Jordan

To amend sections 5166.01, 5166.40, and 5166.405, to enact section 5163.15, and to repeal section 5166.37 of the Revised Code to prohibit the Medicaid program from covering the expansion eligibility group after December 31, 2018.

To the Committee on Health, Human Services and Medicaid.

YES - 12: DAVE BURKE, WILLIAM P. COLEY, II, JOHN EKLUND,
RANDY GARDNER, MATT HUFFMAN, GAYLE
MANNING, LARRY OBHOF, SCOTT OELSLAGER, BOB
PETERSON, CHARLETA B. TAVARES, CECIL THOMAS,
KENNY YUKO

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 Bacon submitted the following report:

The standing committee on Judiciary, to which was referred **Am. H. B. No. 174**-Representatives Hughes, Lanese, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Coley.

YES - 10: SCOTT OELSLAGER, MICHAEL J. SKINDELL, MATT HUFFMAN, JOHN EKLUND, WILLIAM P. COLEY, II, MATT DOLAN, KEVIN BACON, PEGGY LEHNER, SEAN O'BRIEN, CECIL THOMAS

NO - 0.

Senator Uecker submitted the following report:

The standing committee on Local Government, Public Safety and Veterans Affairs, to which was referred **H. B. No. 44**-Representative Patmon, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Uecker, Hackett, Manning.

YES - 9: JOE UECKER, STEVE WILSON, BOB D. HACKETT, FRANK HOAGLAND, BOB PETERSON, VERNON SYKES, CECIL THOMAS, SEAN O'BRIEN, GAYLE MANNING

NO - 0.

Senator Uecker submitted the following report:

The standing committee on Local Government, Public Safety and Veterans Affairs, to which was referred **S. B. No. 170**-Senator LaRose, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Uecker, Hackett, Manning.

YES - 9: JOE UECKER, STEVE WILSON, BOB D. HACKETT, FRANK HOAGLAND, GAYLE MANNING, BOB PETERSON, CECIL THOMAS, SEAN O'BRIEN, VERNON SYKES

NO - 0.

Senator Uecker submitted the following report:

The standing committee on Local Government, Public Safety and Veterans Affairs, to which was referred **S. B. No. 223**-Senator LaRose, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Uecker.

YES - 9: JOE UECKER, STEVE WILSON, BOB D. HACKETT, FRANK HOAGLAND, GAYLE MANNING, CECIL THOMAS, SEAN O'BRIEN, VERNON SYKES, BOB

PETERSON

NO - 0.

The question being, "Shall the reports of the committeed be accepted?"
The reports of the committeed 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:

Mariame Diabate, from Columbus, Franklin County, Ohio, as a Member of the New African Immigrants Commission for a term beginning October 8, 2017 and ending at the close of business October 7, 2020, replacing Mariame Diabate, whose term expired.

Comfort A. Kenneh, from Gahanna, Franklin County, Ohio, as a Member of the New African Immigrants Commission for a term beginning October 8, 2017 and ending at the close of business October 7, 2020, replacing Comfort A. Kenneh, whose term expired.

Eugenie Kirenga, from Kettering, Greene County, Ohio, as a Member of the New African Immigrants Commission for a term beginning October 8, 2017 and ending at the close of business October 7, 2020, replacing Eugenie Kirenga, whose term expired.

Ibrahima Sow, from Reynoldsburg, Franklin County, Ohio, as a Member of the New African Immigrants Commission for a term beginning October 8, 2017 and ending at the close of business October 7, 2020, replacing Ibrahima Sow, whose term expired.

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

YES – 12: DAVE BURKE, WILLIAM P. COLEY, II, JOHN EKLUND, RANDY GARDNER, MATT HUFFMAN, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, BOB PETERSON, CHARLETA B. TAVARES, CECIL THOMAS, 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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager

Peterson	Schiavoni	Skindell	Sykes
Tavares	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

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. 33-Senator Eklund.

Cosponsors: Senators Huffman, Terhar, Yuko, Williams, Skindell, Hoagland, Hite, Bacon, Coley, Thomas, O'Brien, Burke, Hackett, Lehner, Manning, Obhof, Oelslager, Schiavoni, Tavares, Uecker, Wilson Representatives Manning, Rezabek, Galonski, Kent, Lang, McColley, Rogers, Seitz, Ashford, Barnes, Blessing, Boyd, Brenner, Brown, Craig, Duffey, Gavarone, Ginter, Green, Hambley, Landis, Leland, O'Brien, Perales, Ramos, Scherer, Schuring, Stein, Sweeney, Sykes, West, Wiggam, Young.

To amend sections 2913.04, 2923.129, 2935.081, and 2951.041 and to enact section 5503.101 of the Revised Code to allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case; to authorize a court to continue on intervention in lieu of conviction an offender who is on it and violates any of its terms or conditions; and to allow certain state highway patrol troopers to administer oaths and acknowledge criminal and juvenile court complaints, summonses, affidavits, and returns of court orders in matters related to their official duties, 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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

So the Senate concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 170—Representatives Carfagna, Duffey.

Cosponsors: Representatives Brenner, LaTourette, Reineke, Boggs, Hambley, Koehler, Anielski, Antani, Arndt, Ashford, Blessing, Craig, Dever, Edwards, Gavarone, Ginter, Green, Hagan, Howse, Huffman, Kent, Lanese, Leland, Manning, Miller, Pelanda, Perales, Rezabek, Ryan, Schaffer, Scherer, Slaby, Smith, R., Stein, Sweeney, Young Senators Coley, Terhar.

To amend sections 3301.079, 3313.603, 3317.024, and 3317.062 and to enact sections 3301.012, 3314.0110, 3315.17, 3319.236, and 3326.082 of the Revised Code with regard to academic content standards and curriculum requirements for computer science; to revise educator qualifications regarding computer science; to authorize public schools to establish computer science and technology funds; and to permit a nonreligious chartered nonpublic school to choose the manner by which auxiliary services funding is distributed to the school, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 170**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

So the bill passed.

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

Senator Lehner moved to amend the title as follows:

Add the names: "Senators Bacon, Balderson, Beagle, Dolan, Eklund, Gardner, Hackett, Hoagland, Hottinger, Kunze, LaRose, Lehner, O'Brien, Oelslager, Peterson, Sykes, Tavares, Uecker, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

Am. H. B. No. 174—Representatives Hughes, Lanese.

Cosponsors: Representatives Duffey, Blessing, Craig, Smith, K., Boggs, Brown, Galonski, Barnes, Celebrezze, Clyde, Holmes, Leland, Patton, Rogers, Sheehy, Sprague, Sweeney, Young Senator Coley.

To amend sections 2301.02 and 2301.03 of the Revised Code to add two judges to the Domestic Relations Division of the Franklin County Court of Common Pleas, one to be elected in 2018 and one to be elected in 2020, 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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

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

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

Senator Bacon moved to amend the title as follows:

Add the names: "Senators Bacon, Hackett, Kunze, Oelslager, Schiavoni, Tavares, Yuko."

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

The motion was agreed to and the title so amended.

S. B. No. 170-Senator LaRose.

Cosponsors: Senators Hoagland, Terhar, Yuko, Sykes, Uecker, Hackett, Manning.

To require the Director of Public Safety to seek approval from the United States Federal Motor Carrier Safety Administration to implement a temporary pilot program regarding the waiver of the skills test for a commercial driver's license that applies to present and former military personnel, was considered the third time.

The question being, "Shall the bill, **S. B. No. 170**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

So the bill passed.

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

Senator LaRose moved to amend the title as follows:

Add the names: "Senators Balderson, Beagle, Burke, Dolan, Eklund, Gardner, Hottinger, Huffman, Jordan, Kunze, Lehner, McColley, O'Brien, Oelslager, Peterson, Schiavoni, Skindell, Tavares, Thomas, Williams, Wilson."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Manning moved that Senators absent the week of Sunday, December 3, 2017, 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. 238 - Senator Dolan.

Cosponsors: Senators Peterson, Manning, Gardner, Lehner, Bacon, Wilson, LaRose, Beagle, Hottinger, Hackett, Kunze, Eklund, Schiavoni.

To amend sections 4906.20 and 4906.201 of the Revised Code regarding wind turbine setbacks for wind farms of at least five megawatts.

S. B. No. 239 - Senator Dolan.

Cosponsors: Senators Lehner, Beagle.

To amend sections 102.01, 167.02, 167.04, 167.07, and 2744.01 of the Revised Code to modify the law concerning regional councils of

governments.

OFFERING OF RESOLUTIONS

Senator Peterson offered the following resolution:

S. R. No. 349-Senator Peterson.

Relative to mileage reimbursement.

RESOLVED, Pursuant to section 101.27 of the Revised Code and S.R. No. 2--Senator Peterson, Relative to mileage reimbursement, adopted January 3, 2017, the Clerk of the Senate is authorized to add the mileage for Rob McColley of 308 miles round trip.

The question being, "Shall the resolution, **S. R. No. 349**, be adopted?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	O'Brien	Oelslager	Peterson
Schiavoni	Skindell	Sykes	Tavares
Thomas	Uecker	Williams	Wilson
Yuko			Obhof-30

So the resolution was adopted.

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

The title was agreed to.

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

S. R. No. 350 - Senator Gardner.

Honoring Kassidie Stimmel on placing first in the pole vault at the 2017 Division III State Meet.

S. R. No. 351 - Senator Peterson.

Honoring Lennis Perkins as the 2017 Ohio Habitat for Humanity Volunteer of the Year.

S. R. No. 352 - Senator Jordan.

Honoring Zach Kreft as the 2017 Division II State Boys Cross Country Champion.

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 concurred in the passage of the following bill:

Am. S. B. No. 71 -Senator Manning

Cosponsors: Senators Brown, Hoagland, Huffman, Yuko, Tavares, Hackett, Beagle, Burke, Coley, Dolan, Eklund, Hite, Obhof, O'Brien, Oelslager, Terhar, Wilson Representatives Anielski, Hambley, Carfagna, Antonio, Arndt, Brenner, Brown, Craig, Gavarone, Ginter, Green, Greenspan, Holmes, Johnson, LaTourette, Leland, Lepore-Hagan, Manning, O'Brien, Patterson, Patton, Perales, Reineke, Riedel, Rogers, Schuring, Smith, R., Strahorn, Sweeney, Thompson, West, Wiggam, Young

To amend the versions of sections 340.03 and 340.041 of the Revised Code scheduled to take effect on July 1, 2017, to allow a board of alcohol, drug addiction, and mental health services to authorize its executive director to execute contracts valued at \$25,000 or less without the board's prior approval and to allow temporary cash transfers to the Targeting Addiction Assistance Fund.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 7 of the title, after "approval" insert "and to allow temporary cash transfers to the Targeting Addiction Assistance Fund"

After line 300, insert:

"Section 4. In fiscal year 2018 and fiscal year 2019, the Director of Budget and Management may make temporary transfers of cash from the General Revenue Fund to the Targeting Addiction Assistance Fund (Fund 5TZ0) as necessary to ensure the implementation of the appropriated program in Fund 5TZ0. Prior to the end of fiscal year 2019, the Director shall determine the available balance in Fund 5TZ0 and transfer the lesser of the available balance in Fund 5TZ0 or cash equal to the amount previously transferred to Fund 5TZ0 from the General Revenue Fund back to the General Revenue Fund."

Attest:

Bradley J. Young,
Clerk.

Senator Peterson moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Am. S. B. No. 71**, be brought

up for consideration.

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

The motion was agreed to.

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

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Dolan	Eklund	Gardner
Hackett	Hoagland	Hottinger	Huffman
Jordan	Kunze	LaRose	Lehner
Manning	McColley	O'Brien	Oelslager
Peterson	Schiavoni	Skindell	Sykes
Tavares	Thomas	Uecker	Williams
Wilson	Yuko		Obhof-31

So the Senate concurred in the amendments of the House of Representatives.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rules No. 19 and 20, the President of the Senate makes the following appointment changes to these Senate Standing Committees for the 132nd General Assembly:

- Appoint Senator Bob Hackett as Chair of the Senate Standing Committee on Agriculture
- Remove Senator Bill Beagle from Transportation, Commerce & Workforce and appoint to Energy & Natural Resources.
- Appoint Senator Stephanie Kunze to Rules & Reference
- Appoint Senator Rob McColley to the Senate Standing Committees on Agriculture, Education, Transportation, Commerce & Workforce, and Public Utilities.

On the motion of Senator Peterson, the Senate adjourned until Wednesday, December 6, 2017 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.