

JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES

OHIO

SENATE

JOURNAL

WEDNESDAY, JANUARY 17, 2018

ONE HUNDRED THIRTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, January 17, 2018, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brad Jury, Providence Baptist Church in Westerville, Ohio, followed by the Pledge of Allegiance to the Flag led by Grandview Heights Girl Scout Troops 144 and 1520.

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 Beagle recognized Jianna Nichols as a 2017 Ohio Invention Convention winner.

Senator Kunze recognized Claire Rhodes as a 2017 Ohio Invention Convention winner.

Senator Obhof recognized Atidya Mohan as a 2017 Ohio Invention Convention winner.

Senator Yuko requested a moment of silence for FOX 8 reporter Kathleen DePiero, who passed away unexpectedly December 30th.

**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:

H. C. R. No. 16 -Representative Thompson, et al.

To urge the Congress of the United States and the President of the United States to take certain actions to counter manipulation of the oil market by the Organization of Petroleum Exporting Countries (OPEC).

To the Committee on Energy and Natural Resources.

Sub. H. B. No. 21 -Representative Hambley, et al.

To amend sections 3314.03 and 3314.11 of the Revised Code regarding verification of community school enrollments.

To the Committee on Education.

H. B. No. 202 -Representatives Thompson, Lanese, et al.

To enact section 5.481 of the Revised Code to designate the first Saturday of May as "Veterans Suicide Awareness Day."

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

H. B. No. 307 -Representative Gonzales, et al.

To enact section 5.263 of the Revised Code to designate September as "We Card Month."

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

Sub. H. B. No. 336 -Representatives Barnes, Greenspan, et al.

To require the registrar of motor vehicles to establish a six month driver's license reinstatement fee debt reduction and amnesty program and to name this act the Reinstatement Fee Amnesty Initiative.

To the Committee on Transportation, Commerce and Workforce.

S. C. R. No. 19 -Senator Yuko, et al.

Designating Eating Disorders Awareness Week in Ohio, February 26-March 4, 2018.

To the Committee on Health, Human Services and Medicaid.

S. J. R. No. 5 -Senator Huffman

Proposing to amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio to establish a process for congressional redistricting.

To the Committee on Government Oversight and Reform.

S. R. No. 382 -Senator LaRose

To recognize the existence of two alfalfa products in light of the recent action of the Ingredient Definition Committee of the Association of American Feed Control Officials.

To the Committee on Agriculture.

S. B. No. 239 -Senator Dolan, et al.

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.

To the Committee on Government Oversight and Reform.

S. B. No. 241 -Senators Terhar, Thomas, et al.

To amend sections 921.06, 955.43, 3301.07, 3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 3312.09, 3313.206, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133, 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and 5139.18 and to enact section 3301.165 of the Revised Code to establish a category of nonpublic schools called "accredited nonpublic schools" and to prescribe requirements and exemptions for such schools.

To the Committee on Education.

S. B. No. 242 -Senator LaRose, et al.

To amend sections 2923.18 and 2923.20 of the Revised Code to eliminate the prohibition against manufacturing, possessing for sale, selling, or furnishing certain weapons other than firearms or dangerous ordnance.

To the Committee on Judiciary.

S. B. No. 243 -Senator Dolan

To amend section 5162.20 of the Revised Code regarding Medicaid copayment requirements.

To the Committee on Health, Human Services and Medicaid.

S. B. No. 244 -Senators Dolan, Manning, et al.

To amend section 2907.22 of the Revised Code to amend the penalties for promoting prostitution.

To the Committee on Judiciary.

S. B. No. 245 -Senator Yuko, et al.

To enact section 5.2519 of the Revised Code to designate "Eating Disorders Awareness Week."

To the Committee on Health, Human Services and Medicaid.

S. B. No. 246 -Senators Lehner, Manning, et al.

To amend sections 3302.03, 3313.534, 3313.66, 3313.661, 3313.668, and 3319.46 and to enact section 3319.237 of the Revised Code to enact the "SAFE Act" to revise the procedures for emergency removal of a student, to

prohibit certain suspensions and expulsions of students in grades pre-kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation.

To the Committee on Finance.

S. B. No. 247 -Senator Dolan

To enact section 145.585 of the Revised Code to require the Public Employees Retirement System to permit certain spouses of retired or deceased members to continue receiving allowances to pay for health care expenses under the System's group health care care plans.

To the Committee on Insurance and Financial Institutions.

S. B. No. 248 -Senators Sykes, Eklund, et al.

To amend sections 2305.02 and 2743.48 of the Revised Code to modify the state's wrongful imprisonment law.

To the Committee on Judiciary.

YES - 13: EDNA BROWN, DAVE BURKE, WILLIAM P. COLEY, II, JOHN EKLUND, RANDY GARDNER, MATT HUFFMAN, STEPHANIE KUNZE, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, BOB PETERSON, 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 Obhof submitted the following report:

The Standing Committee on Rules and Reference to which were referred the appointments by the Governor of:

Richard Scott Blake, from Columbus, Franklin County, Ohio, as a Member of the Accountancy Board for a term beginning November 14, 2017 and ending at the close of business October 20, 2024, replacing Adriana A. Sfalcin, whose term expired.

Robert D. Brokaw, from Hilliard, Franklin County, Ohio, as a Member of the Housing Trust Fund Advisory Committee for a term beginning October 11,

2017 and ending at the close of business March 18, 2021.

Ronald F. Budzik, from Centerville, Montgomery County, Ohio, as a Member of the Sinclair Community College Board of Trustees for a new term beginning October 13, 2017 and ending at the close of business October 12, 2022, replacing Ronald F. Budzik, whose term expired.

Duane H. Frager, from Madison, Lake County, Ohio, as a Member of the Lakeland Community College Board of Trustees for a new term beginning November 6, 2017 and ending at the close of business October 12, 2022, replacing Duane H. Frager, whose term expired.

JoAnn M. LaGuardia, from Poland, Mahoning County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a new term beginning October 24, 2017 and ending at the close of business October 16, 2022, replacing JoAnn M. LaGuardia, whose term expired.

William "BJ" Nurczyk, Jr. CPA, from Steubenville, Jefferson County, Ohio, as a Member of the Eastern Gateway Community College Board of Trustees for a new term beginning October 19, 2017 and ending at the close of business October 16, 2022, replacing William "BJ" Nurczyk, Jr. CPA, whose term expired.

William Sanderson, Republican, from Lakewood, Cuyahoga County, Ohio, as a Member of the Ohio Housing Finance Agency for a term beginning May 26, 2017 and ending at the close of business January 31, 2021, replacing Alan Scott, who resigned.

Mark A. Tyler, from Kirtland, Lake County, Ohio, as a Member of the Lakeland Community College Board of Trustees for a new term beginning November 6, 2017 and ending at the close of business October 12, 2022, replacing Mark A. Tyler, whose term expired.

Beverly A. Vitaz, from Concord, Lake County, Ohio, as a Member of the Lakeland Community College Board of Trustees for a new term beginning November 6, 2017 and ending at the close of business October 12, 2022, replacing Beverly A. Vitaz, whose term expired.

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

YES – 13: EDNA BROWN, DAVE BURKE, WILLIAM P. COLEY, II, JOHN EKLUND, RANDY GARDNER, MATT HUFFMAN, STEPHANIE KUNZE, GAYLE MANNING, LARRY OBHOF, SCOTT OELSLAGER, BOB PETERSON, 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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Dolan	Eklund
Gardner	Hackett	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	McColley	O'Brien
Oelslager	Peterson	Schiavoni	Skindell
Sykes	Tavares	Terhar	Thomas
Uecker	Williams	Wilson	Yuko
			Obhof-33

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

H. B. No. 44-Representative Patmon.

Cosponsors: Representatives Kent, Goodman, Greenspan, Boccieri, Riedel, Hill, Leland, Roegner, Romanchuk, Ingram, Sweeney, Ashford, Lipps, West, Anielski, Hambley, Bishoff, Arndt, Boyd, Antani, Antonio, Barnes, Blessing, Boggs, Brenner, Butler, Carfagna, Celebrezze, Conditt, Craig, Cupp, Dever, Duffey, Edwards, Fedor, Gavarone, Ginter, Gonzales, Green, Holmes, Householder, Howse, Hughes, Johnson, Keller, Kelly, Kick, Landis, LaTourette, Lepore-Hagan, Manning, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Retherford, Rogers, Ryan, Schaffer, Schuring, Slaby, Smith, K., Smith, R., Sprague, Stein, Strahorn, Sykes, Thompson, Wiggam, Young, Speaker Rosenberger Senators Uecker, Hackett, Manning.

To enact section 5.261 of the Revised Code to designate May 24 as First Responders' Appreciation Day, was considered the third time.

The question being, "Shall the bill, **H. B. No. 44**, pass?"

The yeas and nays were taken and resulted – yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Coley	Dolan	Eklund
Gardner	Hackett	Hoagland	Hottinger
Huffman	Jordan	Kunze	LaRose
Lehner	Manning	McColley	O'Brien
Oelslager	Peterson	Schiavoni	Skindell
Sykes	Tavares	Terhar	Thomas
Uecker	Williams	Wilson	Yuko
			Obhof-33

So the bill passed.

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

Senator Uecker moved to amend the title as follows:

Add the names: "Senators Bacon, Balderson, Beagle, Brown, Burke, Coley,

Dolan, Eklund, Gardner, Hoagland, Hottinger, Huffman, Jordan, Kunze, LaRose, Lehner, McColley, Obhof, O'Brien, Oelslager, Peterson, Schiavoni, Skindell, Sykes, Tavares, Terhar, Thomas, Williams, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 28-Senator Uecker.

Cosponsors: Senators Obhof, Huffman, Hottinger, Hite, Eklund, LaRose, Coley, Hoagland, Jordan, Bacon.

To amend sections 2317.56, 3701.341, and 3701.79 and to enact sections 3726.01, 3726.02, 3726.03, 3726.04, 3726.041, 3726.042, 3726.05, 3726.09, 3726.10, 3726.11, 3726.12, 3726.13, 3726.14, 3726.15, 3726.16, 3726.95, 3726.99, and 4717.271 of the Revised Code to impose requirements on the final disposition of fetal remains from surgical abortions, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 28**, pass?"

Senator Williams moved to amend as follows:

In line 5 of the title, after "3726.16," insert "3726.18,"

In line 8 of the title, after "abortions" insert "and to prohibit the use of public funds to defend the bill in court"

In line 12, after "3726.16," insert "3726.18,"

After line 538, insert:

"Sec. 3726.18. No public funds shall be allocated, appropriated, or expended to defend S.B. 28 of the 132nd general assembly if it is challenged in court."

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

Senator Gardner moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted – yeas 24, nays 9, 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	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 28**, pass?"

The yeas and nays were taken and resulted – yeas 24, nays 9, 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	Oelslager	Peterson
Terhar	Uecker	Wilson	Obhof-24

Those who voted in the negative were: Senators

Brown	O'Brien	Schiavoni	Skindell
Sykes	Tavares	Thomas	Williams
			Yuko-9

So the bill passed.

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

Senator Uecker moved to amend the title as follows:

Add the names: "Senators Balderson, Burke, Hackett, Lehner, McColley, Oelslager, Peterson, Terhar, Wilson."

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

The motion was agreed to and the title so amended.

S. B. No. 81-Senator Terhar.

Cosponsor: Senator Coley.

To amend section 2923.125 of the Revised Code to waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans, to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience, to permit a licensee to renew a concealed handgun license at any time before the expiration of the license, and to require the Attorney General to monitor the number of license fees waived and cap the total amount allowed to be waived at \$1.5 million, was considered the third time.

The question being, "Shall the bill, **S. B. No. 81**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 2, as follows:

Those who voted in the affirmative were: Senators

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

Senators Skindell and Tavares voted in the negative-2.

So the bill passed.

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

Senator Terhar moved to amend the title as follows:

Add the names: "Senators Bacon, Balderson, Beagle, Brown, Burke, Dolan, Eklund, Hackett, Hoagland, Hottinger, Huffman, Jordan, LaRose, Lehner, Manning, McColley, Obhof, O'Brien, Oelslager, Sykes, Thomas, Uecker, Williams, Wilson."

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

The motion was agreed to and the title so amended.

OFFERING OF RESOLUTIONS

Senators Obhof and Peterson offered the following concurrent resolution:

S. C. R. No. 20-Senators Obhof, Peterson.

Summoning the Honorable William M. O'Neill, Justice of the Supreme Court of Ohio, to appear before the General Assembly and show cause why he should not be removed from office under Article IV, Section 17 of the Ohio Constitution.

WHEREAS, Article IV, Section 17 of the Ohio Constitution provides that the General Assembly, upon the concurrence of two-thirds of the members elected to each house, may adopt a concurrent resolution removing a judge from office; and

WHEREAS, Article IV, Section 17 of the Ohio Constitution also provides that such a concurrent resolution may be adopted only upon complaint, the substance of which having been entered upon the Journal, and only after the judge has had notice of the complaint and been provided with an opportunity to be heard; and

WHEREAS, The Senate and the House of Representatives of the 132nd General Assembly complain as follows under Article IV, Section 17 of the Ohio Constitution against the Honorable William M. O'Neill, Justice of the Supreme Court of Ohio:

1. Justice O'Neill currently sits as a Justice of the Supreme Court of Ohio, with a term that expires on January 1, 2019.

2. On October 29, 2017, Justice O'Neill publicly announced that he is running for Governor of Ohio.

3. His announcement as candidate for Governor was covered widely in the news media.

4. On November 2, 2017, Justice O'Neill submitted a letter to the Clerk of the Supreme Court of Ohio, in which he informed the Court that he

intended to become a partisan candidate for the office of Governor, acknowledged that he is presently engaged in a "campaign for governor," and stated that he would recuse himself from any new cases but continue to rule on cases he had already heard that were still pending a decision.

5. Justice O'Neill maintains an internet site for his ongoing campaign for Governor, which currently states that, "Bill O'Neill is a Democrat from Chagrin Falls running to be your next Governor."

6. On January 9, 2018, Justice O'Neill publicly announced his choice of candidate for Lieutenant Governor, i.e., his "running mate" in his ongoing campaign for Governor.

7. As of the date of introduction of this concurrent resolution, Justice O'Neill describes himself as a candidate for Governor on his Twitter account, which is available at <http://twitter.com/billforohio>.

8. Justice O'Neill has similarly described himself as a candidate in other public forums, including other social media.

9. Justice O'Neill has announced his positions on a variety of issues such as legalization of recreational marijuana, raising the minimum wage, high speed rail, renewable energy, prisons, school funding, and higher education.

10. According to media reports, Justice O'Neill's campaign for Governor has already had at least one campaign manager. He is currently soliciting applications for campaign staff on social media.

11. Rule 4.5 of the Ohio Code of Judicial Conduct states that, "Upon becoming a candidate in a primary or general election for a nonjudicial elective office, a judge shall resign from judicial office."

12. Despite this rule and repeated calls from public officials and the general public that he is required to resign, Justice O'Neill continues to rule on cases that he heard before October 29, 2017.

13. From these facts, the Senate and the House of Representatives find that Justice O'Neill's actions and his candidacy in a partisan primary for a nonjudicial elective office have been harmful to the public confidence in the independence, integrity, and impartiality of the judiciary, which warrants Justice O'Neill's removal from office under Article IV, Section 17 of the Ohio Constitution; now therefore be it

RESOLVED, That the Senate and the House of Representatives therefore summon Justice O'Neill to appear before a joint committee of the General Assembly and show cause why he should not be removed from office under Article IV, Section 17 of the Ohio Constitution. Within ten days after being served with this resolution, Justice O'Neill shall contact the offices of the President of the Senate and the Speaker of the House of Representatives to establish the time and place at which he is so to appear; and be it further

RESOLVED, That in all proceedings under this resolution, Justice O'Neill may have the assistance of counsel; and be it further

RESOLVED, That the Clerk of the Senate and the Clerk of the House of Representatives shall spread this resolution, which includes the complaint, in full upon the pages of the Senate and House Journals; and be it further

RESOLVED, That the Sergeant-at-Arms of the Senate shall serve a copy of this resolution personally upon Justice O'Neill, wherever he may be found. The Sergeant-at-Arms shall certify in writing the fact of this service to the Clerk of the Senate and the Clerk of the House of Representatives; and be it further

RESOLVED, That the Clerk of the Senate shall transmit certified copies of this resolution to the Governor and to the Chief Justice of the Supreme Court of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 20**, be adopted?"

The yeas and nays were taken and resulted – yeas 25, nays 8, 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	Oelslager	Peterson
Schiavoni	Terhar	Uecker	Wilson
			Obhof-25

Senators Brown, O'Brien, Skindell, Sykes, Tavares, Thomas, Williams, and Yuko voted in the negative-8.

So the concurrent 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 Balderson, Beagle, Burke, Coley, Dolan, Eklund, Gardner, Hackett, Hoagland, Hottinger, Huffman, Kunze, LaRose, Lehner, Manning, McColley, Oelslager, Terhar, Uecker, Wilson."

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

The motion was agreed to and the title so amended.

On the motion of Senator Balderson, the Senate adjourned until Monday, January 22, 2018 at 11:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.