

OHIO

SENATE

JOURNAL

WEDNESDAY, SEPTEMBER 18, 2019

ONE HUNDRED FOURTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, September 18, 2019, 2:00 o'clock p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Gershon Avtzon, Yeshivas Lubavitch in Cincinnati, 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 Stephen Huffman requested a moment of silence for the victims of the active shooter in Dayton's Oregon District.

Senators Stephen Huffman and Lehner honored the Dayton Police Department for their act of heroism in neutralizing an active shooter in Dayton's Oregon District.

Senator Kunze honored Aaron Rife as the 2019 ODRC Correction Officer of the Year.

Senators Sykes and Roegner honored Connor Harris and Chika Nkwocha for their win at the NAACP Afro-American Cultural, Technological, and Scientific Olympics National Competition.

Senator Wilson recognized Nathan Moffitt.

Senator Lehner recognized Kate Rossman.

Senator Craig recognized Roberta and Austin Peyton.

Senator Hoagland recognized Kim Loccisano.

Senator Peterson requested a moment of silence in memory of Assistant Deputy Director of Security and Safety, Steve Friday's daughter, Erica Friday.

President Obhof honored Stacy Cramer for outstanding service to the State of Ohio.

Senators Peterson and Obhof honored Senator Joe Uecker for outstanding service to the 14th Senate District and State of Ohio as a member of the Ohio Senate.

On the motion of Senator Peterson, the Senate advanced to the ninth order of business.

OFFERING OF RESOLUTIONS

Senators Obhof and Peterson offered the following resolution:

S. R. No. 367-Senators Obhof, Peterson.

Relative to the election of Terry Johnson, to fill the vacancy in the membership of the Senate created by the resignation of Joe Uecker of the 14th Senatorial District.

WHEREAS, Section 11 of Article II of the Ohio Constitution, provides for the filling of a vacancy in the Senate by election 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, Joe Uecker of the 14th Senatorial District has resigned as a member of the Senate effective August 31, 2019, 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 Terry Johnson (Republican), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the Senate from the 14th Senatorial District, is hereby elected, pursuant to Section 11 of Article II of the Ohio Constitution, as a member of the Senate from the 14th Senatorial District, to fill the vacancy created by Joe Uecker; 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. 367**, be adopted?"

The yeas and nays were taken and resulted – yeas 23, nays 0, as follows:

Those who voted in the affirmative were: Senators

Brenner	Burke	Coley	Dolan
Eklund	Gavarone	Hackett	Hoagland
Hottinger	Huffman, M.	Huffman, S.	Kunze
Lehner	Manning	McColley	Peterson
Roegner	Rulli	Schaffer	Schuring
Terhar	Wilson		Obhof-23

So the resolution was adopted.

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

The title was agreed to.

Senator Johnson appeared at the bar of the Senate and was administered the oath of office by the Honorable Larry Obhof, President of the Ohio Senate.

On the motion of Senator Peterson, the Senate reverted to the first order of business, reports of reference and bills for second consideration.

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

Am. H. B. No. 172 -Representative Hillyer, et al.

To amend sections 4513.601, 5322.01, 5322.02, and 5322.03 of the Revised Code to amend the law regarding self-service storage facilities and private tow-away zones.

To the Committee on Transportation, Commerce and Workforce.

S. C. R. No. 5 -Senator Schaffer

To urge the Congress of the United States to enact the Mark Takai Atomic Veterans Healthcare Parity Act.

To the Committee on Insurance and Financial Institutions.

S. B. No. 186 -Senators Manning, Sykes

To amend sections 3501.01, 3501.05, 3503.09, 3503.10, 3503.12, 3503.13, 3503.14, 3503.15, 3503.16, 3503.19, 3503.20, 3503.21, 3503.23, 3503.24, 3503.26, 3503.28, 3503.30, 3503.33, 3505.18, 3505.181, 3505.183, 3509.02, 3509.03, 3509.04, 3509.05, 3509.08, 3511.02, 3511.09, 3513.05, 3513.18, 3513.19, 3513.191, 3517.012, 3517.013, 3599.11, 3599.12, 3599.18, and 3599.36; to enact new sections 3503.11 and 3503.111 and sections 3503.112, 3503.22, and 3503.231; and to repeal sections 3503.11, 3503.111, and 3503.29 of the Revised Code to create a voter verification and registration system, to modify the requirements for the administration of the statewide voter registration database, and to allow electors to register as affiliated with a political party.

To the Committee on Government Oversight and Reform.

S. B. No. 188 -Senators Schaffer, Roegner

To amend section 5739.121 of the Revised Code to allow vendors to

receive a refund of sales tax remitted for certain bad debts charged off as uncollectible by credit account lenders.

To the Committee on Finance.

S. B. No. 191 -Senator Gavarone

To enact section 3509.031 of the Revised Code to authorize the Secretary of State to establish a secure online process for applying to vote by absent voter's ballots.

To the Committee on Government Oversight and Reform.

S. B. No. 195 -Senator Schaffer

To amend section 3717.22 of the Revised Code to revise the exemption from retail food establishment licensure that applies to certain wineries.

To the Committee on Agriculture and Natural Resources.

S. B. No. 197 -Senator Hottinger, et al.

To enact section 5534.829 of the Revised Code to designate a portion of State Route 39 in Holmes County as the "Cpl. Fredrick Wayne Miller Memorial Highway."

To the Committee on Transportation, Commerce and Workforce.

YES - 13: DAVE BURKE, WILLIAM P. COLEY, II, MATT DOLAN,
JOHN EKLUND, JAY HOTTINGER, 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 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:

Sandra K. Barber, from Wauseon, Fulton County, Ohio, as a Member of the Northwest State Community College Board of Trustees for a term beginning March 29, 2019 and ending at the close of business June 9, 2023, replacing Paul S. Siebenmorgen, who resigned.

Scott P. Borgemenke, Republican, from Dublin, Delaware County, Ohio, as a Member of the State Racing Commission for a term beginning April 9, 2019 and ending at the close of business March 31, 2023, replacing Robert K. Schmitz, whose term expired.

Timothy J. Cosgrove, J.D., from Kirtland, Lake County, Ohio, as a Member of the Cleveland State University Board of Trustees for a term beginning May 3, 2019 and ending at the close of business May 1, 2028, replacing Deborah A. Vesey, whose term expired.

Timothy W. Ellenberger, from Fremont, Sandusky County, Ohio, as a Member of the Terra State Community College Board of Trustees for a term beginning March 29, 2019 and ending at the close of business December 30, 2024, replacing Matthew J. Montowski, whose term expired.

Matthew T. Evans, from Columbus, Franklin County, Ohio, as a Member of the Ohio University Board of Trustees for a term beginning May 14, 2019 and ending at the close of business May 13, 2028, replacing Dell Robinson, whose term expired.

Beth Hansen, Republican, from Bexley, Franklin County, Ohio, as a Member of the State Racing Commission for a new term beginning April 9, 2019 and ending at the close of business March 31, 2023, replacing Beth Hansen, whose term expired.

Tina L. Husted, from Upper Arlington, Franklin County, Ohio, as a Member of the Ohio Arts Council for a term beginning May 3, 2019 and ending at the close of business July 1, 2020, replacing Caprice H. Bragg, who resigned.

Jeff M.S. Kaplan, J.D., from Galena, Delaware County, Ohio, as a Member of the The Ohio State University Board of Trustees for a term beginning May 14, 2019 and ending at the close of business May 13, 2028, replacing Clark C. Kellogg, whose term expired.

Justin P. Kelley, from Liberty Township, Butler County, Ohio, as a Member of the Ohio University Board of Trustees for a term beginning May 14, 2019 and ending at the close of business May 13, 2021, replacing Mary Faith Voinovich, whose term expired.

William M.E. Kulis, from Kent, Portage County, Ohio, as a Member of the Miami University Board of Trustees for a term beginning April 12, 2019 and

ending at the close of business February 28, 2021, replacing Hallie Jankura, whose term expired.

William W. Patmon, Jr., Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the State Racing Commission for a term beginning April 9, 2019 and ending at the close of business March 31, 2023, replacing T. Todd Book, whose term expired.

Richard C. Rooney, M.D., from Chillicothe, Ross County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning April 15, 2019 and ending at the close of business January 14, 2022, replacing J. Jeffrey McNealey, whose term expired.

Allen L. Ryan, Jr., J.D., from Niles, Trumbull County, Ohio, as a Member of the Youngstown State University Board of Trustees for a term beginning May 3, 2019 and ending at the close of business April 30, 2028, replacing Delores E. Crawford, whose term expired.

Mary Schell, from Columbus, Franklin County, Ohio, as a Member of the Miami University Board of Trustees for a term beginning April 12, 2019 and ending at the close of business February 28, 2028, replacing Jagdish K. Bhati, whose term expired.

Lewis F. Von Thaer, MEE, from Bexley, Franklin County, Ohio, as a Member of the The Ohio State University Board of Trustees for a new term beginning May 14, 2019 and ending at the close of business May 13, 2028, replacing Lewis F. Von Thaer, MEE, whose term expired.

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

YES – 13: DAVE BURKE, WILLIAM P. COLEY, II, MATT DOLAN, JOHN EKLUND, JAY HOTTINGER, 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 33, nays 0, as follows:
Those who voted in the affirmative were: Senators

Antonio	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	Sykes	Terhar

Thomas

Williams

Wilson

Yuko
Obhof-33

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

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

Cosponsors: Senators Kunze, Lehner, Coley, Hackett, Terhar, Peterson, Uecker, O'Brien, Huffman, M., Sykes, Thomas, Yuko.

To amend sections 2903.21 and 2903.22 of the Revised Code to increase the penalties that apply to aggravated menacing and menacing under certain circumstances, was considered the third time.

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

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

Those who voted in the affirmative were: Senators

Antonio	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	Sykes	Terhar
Thomas	Williams	Wilson	Yuko
			Obhof-33

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: "Antonio, Brenner, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Hoagland, Johnson, Maharath, Manning, McColley, Obhof, Rulli, Schaffer, Williams, Wilson"

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered for the first time:

S. B. No. 201 - Senator Dolan.

To amend sections 4121.12, 4121.121, 4123.01, 4123.26, 4123.291, 4123.32, 4123.341, 4123.35, 4141.24, 4740.131, 5733.40, 5747.07, and 5751.01 and to enact sections 4133.01, 4133.02, 4133.03, 4133.04, 4133.05, 4133.06, 4133.07, 4133.08, 4133.09, 4133.10, 4133.11, 4133.12, 4133.13,

4133.14, and 4133.99 of the Revised Code to create alternate employer organizations.

OFFERING OF RESOLUTIONS

Senator Peterson offered the following resolution:

S. R. No. 368-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 7, 2019, the Clerk of the Senate is authorized to add the mileage for Terry Johnson of 166 miles round trip.

The question being, "Shall the resolution, **S. R. No. 368**, be adopted?"

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

Those who voted in the affirmative were: Senators

Antonio	Brenner	Burke	Coley
Craig	Dolan	Eklund	Fedor
Gavarone	Hackett	Hoagland	Hottinger
Huffman, M.	Huffman, S.	Kunze	Lehner
Maharath	Manning	McColley	O'Brien
Peterson	Roegner	Rulli	Schaffer
Schuring	Sykes	Terhar	Thomas
Williams	Wilson	Yuko	Obhof-32

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. 369 - Senator McColley.

Honoring Findlay American Legion Ralph D. Cole Post 3 on its Centennial.

S. R. No. 370 - Senator Peterson.

Honoring the Clinton County Courthouse on its One Hundredth Anniversary.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

Senators Eklund, Yuko and Obhof honored Senator Louis Terhar for outstanding service to the Ohio Senate.

On the motion of Senator Peterson, the Senate adjourned until Thursday, September 19, 2019 at 9:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.