

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 10, 2021

FOURTEENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 10, 2021, 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 guest was recognized by the Senate prior to the commencement of business:

Senator Craig recognized Wilberforce University as a part of Black History Month.

**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:

S. C. R. No. 2 -Senators Rulli, Hoagland

Urging the Congress of the United States to adopt an amendment to the United States Constitution fixing the number of United States Supreme Court Justices at nine.

To the Committee on Judiciary.

S. B. No. 46 -Senators Yuko, Rulli

To enact sections 107.22, 107.23, and 107.24 of the Revised Code to create the Commission on Eastern European Affairs and the Office of Eastern European Affairs and to make an appropriation.

To the Committee on Government Oversight and Reform.

S. B. No. 47 -Senators Brenner, Peterson

To amend section 4111.03 and to enact section 4111.031 of the Revised Code to except traveling to and from a worksite and performing certain routine tasks from the overtime pay requirement.

To the Committee on Ways and Means.

S. B. No. 48 -Senators Maharath, Antonio, et al.

To amend section 4743.08 of the Revised Code to require certain health care professionals to complete instruction in cultural competency.

To the Committee on Health.

S. B. No. 49 -Senators Hottinger, Sykes, et al.

To enact sections 4703.20, 4703.201, 4703.202, 4703.203, 4703.204, 4703.205, 4703.206, 4703.54, 4703.541, 4703.542, 4703.543, 4703.544, 4703.545, 4703.546, 4733.30, 4733.301, 4733.302, 4733.303, 4733.304, 4733.305, and 4733.306 of the Revised Code to establish a payment assurance program for registered design professionals.

To the Committee on Judiciary.

S. B. No. 50 -Senators Maharath, Antonio, et al.

To enact sections 4723.93, 4731.45, 4732.34, 4743.09, 4757.46, and 4758.73 of the Revised Code to protect minors by prohibiting certain licensed health care professionals from engaging in conversion therapy when treating minor patients.

To the Committee on Health.

S. B. No. 51 -Senators Thomas, Craig, et al.

To amend sections 4111.02, 4111.09, and 4111.14 and to repeal section 4111.07 of the Revised Code to increase the state minimum wage and to allow municipalities, townships, and counties to establish higher minimum wage requirements.

To the Committee on Workforce and Higher Education.

S. B. No. 52 -Senators Reineke, McColley, et al.

To amend sections 4906.01, 4906.10, 4906.13, 4906.20, and 4906.201 and to enact sections 519.215, 519.217, 519.219, 519.2111, 519.2113, 519.2115, 519.2117, 519.2119, 519.2121, 519.2123, 4906.101, 4906.203, and 4906.30 of the Revised Code to require inclusion of safety specifications in wind farm certificate applications, to modify wind turbine setbacks, and to permit a township referendum vote on certain wind farm and solar facility certificates.

To the Committee on Energy and Public Utilities.

S. B. No. 53 -Senator Manning

To amend section 3513.04 of the Revised Code to allow a primary

candidate to become a candidate at the general election by being appointed to fill a ballot vacancy.

To the Committee on Local Government and Elections.

S. B. No. 54 -Senator Gavarone

To amend sections 109.87, 109.88, and 2913.05 of the Revised Code to include within the offense of telecommunications fraud providing misleading or inaccurate caller identification information, allow the Attorney General to prosecute offenses of unauthorized use of property and telecommunications fraud, and prohibit any person, entity, or merchant from violating the federal Telemarketing and Consumer Fraud and Abuse Prevention Act.

To the Committee on Judiciary.

S. B. No. 55 -Senator Brenner, et al.

To amend sections 503.40, 503.41, 503.42, 503.43, 503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2927.17, 4731.04, 4731.15, and 4731.41; to enact section 503.411; and to repeal sections 503.45 and 503.46 of the Revised Code to make changes to the laws governing massage establishments and massage therapy.

To the Committee on Health.

S. B. No. 56 -Senator Blessing

To enact section 153.81 of the Revised Code to regulate the use of indemnity provisions in professional design contracts related to public improvements.

To the Committee on Judiciary.

S. B. No. 57 -Senators Hackett, Antonio, et al.

To amend section 5709.121 of the Revised Code to exempt from property taxation qualifying housing for individuals diagnosed with mental illness or substance use disorder.

To the Committee on Ways and Means.

S. B. No. 58 -Senators Antonio, Brenner, et al.

To amend section 3721.99 and to enact sections 3721.60, 3721.61, 3721.62, 3721.63, 3721.64, 3721.65, 3721.66, 3721.67, 3721.68, and 3721.69 of the Revised Code to permit a resident of a long-term care facility to conduct

electronic monitoring of the resident's room, to designate this act as Esther's Law, and to make an appropriation.

To the Committee on Health.

S. B. No. 59 -Senator Schaffer, et al.

To amend sections 149.30 and 155.99 and to enact section 155.28 of the Revised Code to prohibit certain war relics located on public property or cemetery association property from being disposed of, and to designate this act as the Ohio Veterans' Heritage Protection Act.

To the Committee on Veterans and Public Safety.

S. B. No. 60 -Senator Schaffer

To enact section 5162.213 of the Revised Code to require Medicaid applicants to certify that they have been notified about the Medicaid estate recovery program.

To the Committee on Health.

YES - 13: NICKIE J. ANTONIO, ANDREW O. BRENNER, MATT DOLAN, THERESA GAVARONE, BOB D. HACKETT, JAY HOTTINGER, MATT HUFFMAN, STEPHANIE KUNZE, TINA MAHARATH, ROB MCCOLLEY, BOB PETERSON, KIRK SCHURING, 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 resolution were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Schaffer submitted the following report:

The standing committee on Agriculture and Natural Resources, to which was referred **S. B. No. 28**-Senator Hoagland, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Huffman, S.

YES - 6: TIM SCHAFFER, STEPHEN A. HUFFMAN, BOB D. HACKETT, SANDRA O'BRIEN, BOB PETERSON, TINA MAHARATH

NO - 0.

Senator Manning submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 2-** Senator Gavarone having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Manning.

YES - 5: THERESA GAVARONE, CECIL THOMAS, NATHAN H. MANNING, ROB MCCOLLEY, NIRAJ ANTANI

NO - 0.

Senator Manning submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 4-** Senator Roegner having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Manning.

YES - 5: ROB MCCOLLEY, NIRAJ ANTANI, THERESA GAVARONE, CECIL THOMAS, NATHAN H. MANNING

NO - 0.

Senator Huffman, S. submitted the following report:

The standing committee on Health, to which was referred **S. B. No. 3-** Senator Roegner having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Huffman, S.

YES - 5: STEPHEN A. HUFFMAN, NIRAJ ANTANI, TERRY JOHNSON, KRISTINA D. ROEGNER, MARK ROMANCHUK

NO - 2: NICKIE J. ANTONIO, CECIL THOMAS

Senator Huffman, S. submitted the following report:

The standing committee on Health, to which was referred **S. B. No. 11-**

Senator Brenner having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Huffman, S.

YES - 7: STEPHEN A. HUFFMAN, NIRAJ ANTANI, NICKIE J. ANTONIO, TERRY JOHNSON, KRISTINA D. ROEGNER, MARK ROMANCHUK, CECIL THOMAS

NO - 0.

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

BILLS FOR THIRD CONSIDERATION

S. B. No. 2-Senator Gavarone.

Cosponsor: Senator Manning.

To amend sections 2945.37, 2945.371, 2945.38, 5122.02, 5122.03, 5122.11, and 5122.111 and to enact sections 4732.40, 4732.41, and 5122.112 of the Revised Code to make changes to the requirements for competency evaluations and mental health treatment in criminal cases and to enter into the Psychology Interjurisdictional Compact (PSYPACT), was considered the third time.

The question being, "Shall the bill, **S. B. No. 2**, 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	Dolan	Gavarone
Hackett	Hoagland	Hottinger	Huffman, S.
Johnson	Kunze	Lang	Maharath
Manning	McColley	O'Brien	Peterson
Reineke	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Sykes	Thomas
Williams	Wilson	Yuko	Huffman, M.-32

So the bill passed.

The title was amended as follows:

Add the names: "Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Hackett, Huffman, S., Johnson, Kunze, Peterson, Roegner, Schuring, Sykes, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

S. B. No. 8-Senator McColley.

Cosponsor: Senator Brenner.

To amend sections 133.13 and 727.01 and to enact sections 122.40, 122.401, 122.403, 122.404, 122.406, 122.407, 122.408, 122.4010, 122.4013, 122.4015, 122.4016, 122.4017, 122.4018, 122.4019, 122.4020, 122.4021, 122.4023, 122.4024, 122.4025, 122.4030, 122.4031, 122.4033, 122.4034, 122.4035, 122.4036, 122.4037, 122.4040, 122.4041, 122.4043, 122.4044, 122.4045, 122.4046, 122.4050, 122.4051, 122.4053, 122.4055, 122.4060, 122.4061, 122.4063, 122.4070, 122.4071, 122.4073, 122.4075, 122.4076, 122.4077, 188.01, 188.02, 188.05, 188.08, 188.11, 188.14, 188.17, 188.20, 188.23, 188.27, 188.30, 303.251, 505.881, 4926.01, 4926.03, 4926.06, 4926.09, 4926.12, 4926.15, 4926.18, 4926.21, 4926.24, 4926.27, 4926.30, 4926.33, 4926.36, 4926.39, 4926.42, 4926.43, 4926.45, 4926.48, 4926.51, 4926.54, 4926.57, and 4926.60 of the Revised Code regarding broadband expansion, including access to electric cooperative easements and facilities, and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **S. B. No. 8**, 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	Dolan	Gavarone
Hackett	Hoagland	Hottinger	Huffman, S.
Johnson	Kunze	Lang	Maharath
Manning	McColley	O'Brien	Peterson
Reineke	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Sykes	Thomas
Williams	Wilson	Yuko	Huffman, M.-32

So the bill passed.

The title was amended as follows:

Add the names: "Antonio, Blessing, Cirino, Craig, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Lang, Maharath, Manning, O'Brien, Peterson, Reineke, Rulli, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

S. B. No. 11-Senator Brenner.

Cosponsor: Senator Huffman, S.

To enact section 5.2530 of the Revised Code to designate February 7 to 14 as "Congenital Heart Defect Awareness Week", was considered the third time.

The question being, "Shall the bill, **S. B. No. 11**, 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	Dolan	Gavarone
Hackett	Hoagland	Hottinger	Huffman, S.
Johnson	Kunze	Lang	Maharath
Manning	McColley	O'Brien	Peterson
Reineke	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Sykes	Thomas
Williams	Wilson	Yuko	Huffman, M.-32

So the bill passed.

The title was amended as follows:

Add the names: "Antonio, Blessing, Cirino, Craig, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Johnson, Kunze, Maharath, Peterson, Reineke, Roegner, Schaffer, Sykes, Thomas, Williams, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 18-Senators Roegner, Schaffer.

Cosponsor: Senator Blessing.

To amend sections 5701.11 and 5751.01 of the Revised Code and to amend Section 36 of H.B. 481 of the 133rd General Assembly to expressly incorporate changes in the Internal Revenue Code since March 27, 2020, into Ohio law, to exclude certain loan amounts forgiven under federal law from the commercial activity tax, to authorize a commercial activity tax exclusion for Bureau of Workers' Compensation dividends paid to employers, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 7, 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	Dolan	Gavarone
Hackett	Hoagland	Hottinger	Huffman, S.
Johnson	Kunze	Lang	Maharath
Manning	McColley	O'Brien	Peterson
Reineke	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Sykes	Thomas
Williams	Wilson	Yuko	Huffman, M.-32

So the section, Section 7, 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	Dolan	Gavarone
Hackett	Hoagland	Hottinger	Huffman, S.
Johnson	Kunze	Lang	Maharath
Manning	McColley	O'Brien	Peterson
Reineke	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Sykes	Thomas
Williams	Wilson	Yuko	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: "Cirino, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Lang, McColley, O'Brien, Peterson, Reineke, Schuring, Sykes, Thomas, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Rob McColley moved that Senators absent the week of Sunday, February 07, 2021, 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.

OFFERING OF RESOLUTIONS

Senator Hottinger offered the following concurrent resolution:

S. C. R. No. 3-Senator Hottinger.

To adopt the Legislative Code of Ethics for the members and employees of both chambers of the 134th General Assembly, employees of any legislative agency, and candidates for the 135th General Assembly.

The question being, "Shall the concurrent resolution, **S. C. R. No. 3**, be adopted?"

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	Dolan	Gavarone
Hackett	Hoagland	Hottinger	Huffman, S.
Johnson	Kunze	Lang	Maharath

Manning	McColley	O'Brien	Peterson
Reineke	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Sykes	Thomas
Williams	Wilson	Yuko	Huffman, M.-32

So the concurrent resolution was adopted.

The title was amended as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Lang, Maharath, Manning, McColley, Peterson, Reineke, Roegner, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 2919.1910(B) of the Ohio Revised Code, the President of the Senate appoints the following members to the Joint Legislative Committee on Adoption Promotion and support:

Senator Theresa Gavarone
Senator Jay Hottinger
Senator Hearcel F. Craig

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4141.12 (B) (2) and (3) of the Ohio Revised Code, the President of the Senate reappoints Senator Bob Hackett, removes Senator Teresa Fedor, and appoints Senator Hearcel F. Craig to the Unemployment Compensation Modernization and Improvement Council.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3333.41(A)(2) of the Ohio Revised Code, the President of the Senate appoints Senator Jerry Cirino to serve on the Midwestern Higher Education Compact for a term ending December 31, 2022.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 122.72 (B) of the Ohio Revised Code, the President of the Senate appoints Senator Niraj Antani to serve on the Minority Development Financing Advisory Board.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5101.74 (A)(2)(m) of the Ohio Revised Code, the President of the Senate reappoints Senator Steve Wilson to the Elder Abuse Commission.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5910.02 of the Ohio Revised Code, the President of the Senate appoints the following senator to serve on the Ohio War Orphans and Severely Disabled Veterans' Children Scholarship Board:

Senator Frank Hoagland

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5139.44(A)(1)(d) of the Ohio Revised Code, the President of the Senate appoints the following senator to serve on the RECLAIM Advisory Committee:

Senator Nathan H. Manning

MESSAGE FROM THE PRESIDENT

Pursuant to Section 2151.57(B)(3) of the Ohio Revised Code, the President of the Senate appoints Senator Nathan H. Manning to serve on the Interstate Compact for Juveniles State Council.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 1551.35 (A) of the Ohio Revised Code, the President of the Senate removes Senator Tim Schaffer and appoints Senator Frank Hoagland to the Coal Development Office Technical Advisory Committee for the 134th General Assembly

MESSAGE FROM THE PRESIDENT

Pursuant to Section 113.56 (A)(3) of the Ohio Revised Code, the President of the Senate appoints the following senator to the STABLE Account Program Advisory Board:

Senator Andrew O. Brenner

On the motion of Senator Hottinger, the Senate adjourned until Tuesday, February 16, 2021 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.