

OHIO

SENATE

JOURNAL

WEDNESDAY, MARCH 10, 2021

TWENTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 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 guests were recognized by the Senate prior to the commencement of business:

Senator Antonio requested a moment of silence in memory of The Honorable James Celebreeze.

Senator Craig recognized Kappa Alpha Psi, Columbus, Ohio Alumni Chapter on their 100th anniversary.

Senator Fedor recognized March as Women's History Month.

Senator Gavarone recognized Bowling Green State University student, Stone Fultz, who recently passed away.

Senator Antonio recognized Senior Legislative Aide, Taylor Phillips, for her outstanding service to the Senate.

Senator Yuko recognized the passing of Michael Stanely, a long time Cleveland musician and radio personality.

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

Sub. H. B. No. 6 -Representative Roemer, et al.

To amend sections 3319.221, 4729.41, 4729.92, 4729.921, 4731.512, and 4928.66 and to enact sections 4729.42 and 4928.661 of the Revised Code and to amend Section 30 of H.B. 197 of the 133rd General Assembly to modify the laws governing certain health professionals and educator preparation programs due to COVID-19 and other circumstances and to modify the electric utility laws regarding energy efficiency programs; to amend the version of section 4729.92 of the Revised Code that is scheduled to take effect on October 9, 2021, to continue the changes to that section on and after that date; and to declare an emergency.

To the Committee on Government Oversight and Reform.

H. B. No. 7 -Representatives Grendell, Stewart, et al.

To amend sections 1721.21, 2101.15, 2106.13, 2108.05, 2108.06, 2108.07, 2108.23, 2108.24, 2108.34, 2111.10, 2111.50, 2133.07, 2701.10, 2717.01, 5122.15, 5804.11, 5805.06, 5816.02, 5816.05, 5816.06, 5816.09, 5816.10, and 5816.14; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 2717.01 (2717.02); to enact new section 2717.01 and sections 2717.03, 2717.04, 2717.05, 2717.06, 2717.07, 2717.08, 2717.09, 2717.10, 2717.11, 2717.13, 2717.14, 2717.16, 2717.18, and 2717.19; and to repeal section 2133.16 of the Revised Code to make changes in the Probate Law, the Guardianship Law, the Ohio Trust Code, the Ohio Legacy Trust Act, the laws regarding cemetery endowment care trusts, referral of actions to a retired judge, involuntary mental health placements, and change of name procedures.

To the Committee on Judiciary.

H. B. No. 51 -Representative Lampton, et al.

To amend section 319.38 of the Revised Code regarding valuation adjustments for destroyed or injured property.

To the Committee on Ways and Means.

H. B. No. 66 -Representative Hoops, et al.

To amend sections 107.03, 5703.48, and 5703.95 of the Revised Code to require the reporting of information on and legislative review of property tax exemptions.

To the Committee on Ways and Means.

Sub. H. B. No. 67 -Representatives Koehler, Bird, et al.

To enact section 3313.6120 of the Revised Code with regard to state assessments for the 2020-2021 school year and high school graduation requirements for the 2020-2021 through 2023-2024 school years, to require the Department of Education to seek a waiver from federal accountability and school identification requirements.

To the Committee on Primary and Secondary Education.

Sub. H. B. No. 74 -Representative Oelslager, et al.

To amend sections 125.02, 723.54, 1317.07, 2131.12, 2131.13, 2913.71, 3704.14, 3743.01, 3743.04, 3743.15, 3743.17, 3743.75, 4501.01, 4501.21, 4503.04, 4503.042, 4503.10, 4503.102, 4503.103, 4503.182, 4503.19,

4503.191, 4503.21, 4503.29, 4503.51, 4503.513, 4503.573, 4503.581, 4503.591, 4503.593, 4503.67, 4503.68, 4503.69, 4503.771, 4503.78, 4503.791, 4503.83, 4503.871, 4503.873, 4503.874, 4503.875, 4503.876, 4503.877, 4503.878, 4503.879, 4503.88, 4503.892, 4503.901, 4503.902, 4503.903, 4503.904, 4503.905, 4503.906, 4503.907, 4503.908, 4503.909, 4503.951, 4503.952, 4503.953, 4503.954, 4503.955, 4505.01, 4505.06, 4505.101, 4505.103, 4505.11, 4505.19, 4507.02, 4507.06, 4507.12, 4507.21, 4507.213, 4507.50, 4507.51, 4507.53, 4510.037, 4511.195, 4511.454, 4511.46, 4511.751, 4513.601, 4513.61, 4513.611, 4519.10, 4519.55, 4519.60, 5501.47, 5501.48, 5516.01, 5516.02, 5516.05, 5516.06, 5516.061, 5516.11, 5543.20, 5577.02, and 5703.21; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4503.771 (4503.77) and 4503.791 (4503.79); to enact new section 4505.032 and sections 4505.22, 4507.061, and 5577.045; and to repeal sections 4503.511, 4503.512, 4503.77, 4503.772, 4503.79, and 4505.032 of the Revised Code and to repeal Section 513.20 of H.B. 166 of the 133rd General Assembly to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2021, and ending June 30, 2023, and to provide authorization and conditions for the operation of those programs.

To the Committee on Transportation.

S. B. No. 115 -Senator Schuring

To amend section 135.182 of the Revised Code to make changes to the Ohio Pooled Collateral Program.

To the Committee on Financial Institutions and Technology.

S. B. No. 116 -Senators Hackett, Reineke, et al.

To amend section 4141.28 and to enact section 4141.286 of the Revised Code to require a person to provide proof of identity at a local employment office before receiving unemployment compensation or pandemic unemployment assistance and to declare an emergency.

To the Committee on Insurance.

S. B. No. 117 -Senators Romanchuk, Craig

To amend section 4928.01 and to repeal section 4928.148 of the Revised Code to repeal the legacy generation resource provisions of H.B. 6 of the 133rd General Assembly and provide customers refunds.

To the Committee on Energy and Public Utilities.

S. B. No. 118 -Senator Romanchuk

To amend sections 3706.40, 3706.41, 3706.43, 3706.45, 3706.46, 3706.49, 3706.55, 3706.59, 3706.61, 4928.64, and 4928.645 and to repeal sections 3706.53 and 4928.642 of the Revised Code to repeal the renewable resource credit payment provisions enacted under H.B. 6 of the 133rd General Assembly.

To the Committee on Energy and Public Utilities.

S. B. No. 119 -Senators Antonio, Rulli, et al.

To amend sections 4112.01 and 4112.05 of the Revised Code to enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation as an informal method that the Ohio Civil Rights Commission may use, and to uphold existing religious exemptions under Ohio's Civil Rights Law.

To the Committee on Government Oversight and Reform.

S. B. No. 120 -Senators Fedor, Manning, et al.

To amend sections 5747.01 and 5747.10 of the Revised Code to increase the personal income tax deduction for qualified educator expenses.

To the Committee on Ways and Means.

S. B. No. 121 -Senator Maharath, et al.

To enact section 5.246 of the Revised Code to designate the last week of September as "Diaper Need Awareness Week."

To the Committee on Health.

S. B. No. 122 -Senator Maharath, et al.

To amend section 3517.13 of the Revised Code to allow a candidate to use campaign funds to pay certain child care costs.

To the Committee on Local Government and Elections.

S. B. No. 123 -Senators Roegner, O'Brien, et al.

To enact sections 2904.01, 2904.02, 2904.03, 2904.031, 2904.032, 2904.04, 2904.05, 2904.22, 2904.30, 2904.35, and 2904.40 of the Revised Code to enact the Human Life Protection Act to prohibit abortions based upon a condition precedent.

To the Committee on Health.

S. B. No. 124 -Senator Hoagland

To amend sections 2744.01 and 5747.98 and to enact section 5747.72 of the Revised Code to authorize a refundable income tax credit for donations of cash, property, or services to townships.

To the Committee on Ways and Means.

S. B. No. 125 -Senators Kunze, Maharath, et al.

To enact sections 5.266, 3702.36, 3702.37, and 3738.20 of the Revised Code to enact the Save Our Mothers Act regarding birth equity, peripartum racial and ethnic disparities, and implicit bias in the health care system and to designate May as "Maternal Mortality Awareness Month."

To the Committee on Health.

YES - 14: 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, 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 were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Hoagland submitted the following report:

The standing committee on Veterans and Public Safety, to which was referred **S. B. No. 59**-Senator Schaffer, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Co-Sponsor: Hoagland.

YES - 7: CECIL THOMAS, TERESA FEDOR, BOB D. HACKETT, FRANK HOAGLAND, TERRY JOHNSON, BOB PETERSON, STEVE WILSON

NO - 0.

In line 206, delete "relocated, removed,"

In line 208, delete "temporarily"

In line 211, after "war," insert "A person having responsibility for maintaining a war relic located on public property or on the property of a cemetery association may permanently relocate the war relic as long as it remains on public property or on the property of a cemetery association."

The question being, "Shall the report of the committee be accepted?"

The report of the committee was 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:

Cuadrado, Brenna, Democrat, from Columbus, Franklin County, Ohio, as a Member of the State Fire Council for a term beginning January 1, 2021, ending at the close of business November 1, 2025, replacing Scott R. Williams, who resigned.

Jubeck, Thomas, Democrat, from Mentor, Lake County, Ohio, as a Member of the State Fire Council for a term beginning December 18, 2020, ending at the close of business November 1, 2025, replacing Thomas P. Jubeck, whose term expired.

Murphy, Elizabeth, from Akron, Summit County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning January 15, 2021, ending at the close of business January 14, 2024, replacing Donald J. Brogan, who resigned.

Uhas-Sauer, Doreen, from Columbus, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning December 18, 2020, ending at the close of business January 14, 2023, replacing Doreen N. Uhas-Sauer, whose term expired.

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

YES – 14: 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, 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

Antani	Antonio	Blessing	Brenner
Cirino	Craig	Dolan	Fedor
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.-33

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

S. B. No. 9-Senators McColley, Roegner.

Cosponsors: Senators Blessing, Brenner, Cirino, Hackett, Hottinger, Hoagland, Huffman, S., Johnson, Lang, Manning, Peterson, Reineke, Romanchuk, Rulli, Wilson.

To amend sections 106.021, 106.03, 106.031, and 121.95 and to enact sections 101.354, 101.355, 107.57, 121.031, 121.951, 121.952, and 121.953 of the Revised Code to require certain agencies to reduce the number of regulatory restrictions in their administrative rules, was considered the third time.

The question being, "Shall the bill, **S. B. No. 9**, pass?"

The yeas and nays were taken and resulted – yeas 25, nays 8, as follows:
Those who voted in the affirmative were: Senators

Antani	Blessing	Brenner	Cirino
Dolan	Gavarone	Hackett	Hoagland
Hottinger	Huffman, S.	Johnson	Kunze
Lang	Manning	McColley	O'Brien
Peterson	Reineke	Roegner	Romanchuk
Rulli	Schaffer	Schuring	Wilson
			Huffman, M.-25

Senators Antonio, Craig, Fedor, Maharath, Sykes, Thomas, Williams, and Yuko voted in the negative-8.

So the bill passed.

The title was amended as follows:

Add the names: "Dolan, Gavarone, Kunze, O'Brien, Schaffer."

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

The motion was agreed to and the title so amended.

S. B. No. 27-Senator Hottinger.

Cosponsors: Senators Lang, Hackett, Yuko, Maharath, Brenner.

To amend sections 148.01 and 148.04 and to enact sections 148.041 and 148.042 of the Revised Code to authorize automatic enrollment of new state government employees in the Ohio Public Employees Deferred Compensation Program, was considered the third time.

The question being, "Shall the bill, **S. B. No. 27**, pass?"

The yeas and nays were taken and resulted – yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antani	Antonio	Blessing	Brenner
Cirino	Craig	Dolan	Fedor
Gavarone	Hackett	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

Senator Hoagland voted in the negative-1.

So the bill passed.

The title was amended as follows:

Add the names: "Antonio, Blessing, Craig, Fedor, Johnson, Sykes, Thomas, 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 bills were introduced and considered for the first time:

S. B. No. 126 - Senators Kunze, Gavarone.

Cosponsors: Senators Brenner, Cirino, Yuko, Antonio.

To amend section 2903.31 and to enact sections 2903.311, 3333.0417, and 3345.19 of the Revised Code to enact Collin's Law: The Ohio Anti-Hazing Act with regard to hazing policies at colleges and criminal prohibitions against hazing.

S. B. No. 127 - Senators Lang, Rulli.

Cosponsors: Senators Blessing, Hackett, Johnson, O'Brien, Schaffer, Schuring.

To enact sections 4933.40, 4933.41, and 4933.42 of the Revised Code to prevent local governments from limiting use of natural gas.

S. B. No. 128 - Senator Peterson.

To amend section 3335.38 of the Revised Code with regard to the Ohio

State University's Farm Financial Management Institute and to make an appropriation.

OFFERING OF RESOLUTIONS

Senator Hackett offered the following resolution:

S. R. No. 21-Senators Hackett, Reineke.

To urge the federal government to increase the Pandemic Unemployment Assistance program's security against fraudulent actors, both internationally and domestically.

WHEREAS, The rate of unemployment fraud is skyrocketing in Ohio and around the country, and we can no longer afford to freely hand out taxpayer dollars without some kind of security measures against fraud; and

WHEREAS, The unemployment compensation system is a federal-state partnership; and

WHEREAS, Part of the partnership between the federal government and the State of Ohio is that Ohio will ensure prompt payment of both state unemployment benefits and benefits under the Pandemic Unemployment Assistance program; and

WHEREAS, While we are in an unprecedented pandemic, and there is great need for expediency when processing unemployment claims, there must be some form of security check to prevent claims from being made in our constituents' names without their knowledge or consent; and

WHEREAS, The federal attitude of "pay and chase," meaning the overemphasis on expediting benefit payments without traditional safeguards, must be re-evaluated and changed; and

WHEREAS, Across the country, regardless of whether these fraudulent claims are through states' traditional unemployment systems or the Pandemic Unemployment Assistance program, taxpayer dollars are being siphoned off by domestic criminals and international thieves; and

WHEREAS, This fraud deprives our state and federal governments of necessary resources during a pandemic and costs our constituents money; and

WHEREAS, This fraud slows down the process by which unemployment benefits are distributed to those who are truly in need within our communities; and

WHEREAS, Instituting a system that stamps out fraud and theft will clear the way for resources to flow where they are needed more quickly and efficiently; and

WHEREAS, Ohioans who receive 1099-G tax forms for unemployment benefits that they did not receive must navigate a

cumbersome, frustrating, and unresponsive system to clear the fraud status from their account; now therefore be it

RESOLVED, That we, the members of the 134th General Assembly of the State of Ohio, urge the federal government to reinstitute the traditional safeguards as well as new identification verification to ensure that the individuals requesting and receiving benefits under the Pandemic Unemployment Assistance program are those who truly need it, and not fraudulent actors; 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 Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, each member of the Ohio Congressional delegation, the U.S. Secretary of Labor, and the news media of Ohio.

The question being, "Shall the resolution, **S. R. No. 21**, be adopted?"

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

Those who voted in the affirmative were: Senators

Antani	Antonio	Blessing	Brenner
Cirino	Craig	Dolan	Fedor
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.-33

So the resolution was adopted.

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

The title was agreed to.

The title was amended as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Fedor, Gavarone, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Kunze, Lang, McColley, O'Brien, Peterson, Roegner, Rulli, Schaffer, Schuring, Sykes, Thomas, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

Pursuant to Senate Rule No. 55, the following resolutions were offered:

S. R. No. 20 - Senator Hottinger.

Honoring Sol Franco on her 2021 OHSWCA State Championship in the 150-pound weight class.

S. R. No. 22 - Senator Reineke.

Honoring Sandusky County on its Bicentennial.

S. R. No. 23 - Senator Kunze.

Honoring Ellie Andrews on her success at the 2021 Division I State Swimming Championships.

S. R. No. 24 - Senator Kunze.

Honoring Riley Huddleston as a 2021 Division I State Champion in girls swimming.

S. R. No. 25 - Senator Kunze.

Honoring the Upper Arlington High School girls 200-yard freestyle relay team on winning the 2021 Division I State Championship.

S. R. No. 26 - Senator Kunze.

Honoring Emily Brown as a 2020-2021 Division I State Champion in swimming.

S. R. No. 27 - Senator Kunze.

Honoring Caroline Porterfield as a 2020-2021 Division I State Champion in swimming.

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

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 121.31 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve as non-voting members on the Ohio Commission on Hispanic and Latino Affairs:

Senator Nathan Manning

Senator Tina Maharath

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rules No. 19 and 20, the President of the Senate makes the following appointment change to the Senate Rules and Reference standing committee:

Remove Senator Cecil Thomas and appoint Senator Hearcel Craig

On the motion of Senator Hottinger, the Senate recessed until 3:15 p.m.
The Senate met pursuant to the recess.

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:

Sub. S. B. No. 22 -Senators Johnson, McColley

Cosponsors: Senators Antani, Brenner, Cirino, Gavarone, Hoagland, Huffman, S., Lang, Peterson, Reineke, Roegner, Romanchuk, Rulli, Schaffer, Blessing, Hackett, Hottinger, Huffman, M., Wilson Representatives Wiggam, John, Callender, Creech, Dean, Grendell, Stewart, Abrams, Baldrige, Carruthers, Click, Cross, Cutrona, Edwards, Fraizer, Ghanbari, Ginter, Gross, Hall, Hillyer, Holmes, Hoops, Householder, Johnson, Jones, Jordan, Kick, Koehler, Lipps, Manchester, McClain, Merrin, Plummer, Riedel, Seitz, Stein, Stoltzfus, Swearingen, Young, T., Speaker Cupp

To amend sections 106.022, 111.15, 119.03, 2743.03, 3701.13, 3701.14, 3707.01, 3707.26, 3715.74, and 4935.03 and to enact sections 101.36, 103.65, 103.651, 107.42, 107.43, 3707.11, 3707.54, 3709.212, and 3709.50 of the Revised Code to establish legislative oversight of certain orders and rules issued by the executive branch, including by establishing the Ohio Health Oversight and Advisory Committee.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Bradley J. Young,
Clerk.

Senator Hottinger moved that pursuant to Senate Rule No. 44, the amendments of the House of Representatives to **Sub. S. B. No. 22**, 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 25, nays 8, as follows:

Those who voted in the affirmative were: Senators

Antani	Blessing	Brenner	Cirino
Dolan	Gavarone	Hackett	Hoagland
Hottinger	Huffman, S.	Johnson	Kunze
Lang	Manning	McColley	O'Brien
Peterson	Reineke	Roegner	Romanchuk
Rulli	Schaffer	Schuring	Wilson
			Huffman, M.-25

Senators Antonio, Craig, Fedor, Maharath, Sykes, Thomas, Williams, and Yuko voted in the negative-8.

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

On the motion of Senator Hottinger, the Senate adjourned until Tuesday, March 16, 2021 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.