

OHIO

SENATE

JOURNAL

WEDNESDAY, MARCH 24, 2021

TWENTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, March 24, 2021, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Solomon, 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 recognized Brittany O'Connor, Sydney Heckler, and Griffin Heckler on their visit to the Statehouse.

Senator Cirino recognized Little Sisters of the Poor.

Senator Maharath recognized March as Women's History Month.

Senator McColley recognized Senior Legislative Aide, Erin Froehlich, for her outstanding service to the Ohio Senate.

Senator Dolan recognized Navin Verma, Riya Verma and Anika Verma on their visit to the Statehouse.

Senator Yuko recognized March as Multiple Sclerosis Awareness Month in Ohio.

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

H. B. No. 21 -Representative Koehler, et al.

To amend sections 2108.05, 2108.23, 2108.34, 4503.10, and 4503.721; to enact section 4501.027; and to repeal sections 4506.081, 4507.231, and 4507.501 of the Revised Code to increase the annual contribution for the "Donate Life" license plate and requested contributions to the Second Chance Trust Fund and to provide additional opportunities for Ohio residents to register as an organ donor.

To the Committee on Transportation.

Am. H. B. No. 92 -Representatives Abrams, Loychik, et al.

To amend sections 2151.421 and 2151.423 and to enact section 2151.4210

of the Revised Code to require public children services agencies to report child abuse or neglect in military families to the appropriate military authorities.

To the Committee on Veterans and Public Safety.

Am. H. B. No. 133 -Representative Hillyer, et al.

To amend sections 135.77, 135.774, 1115.05, 1321.52, 1321.68, 1322.01, 1322.02, 1322.04, 1322.07, 1322.09, 1322.10, 1322.12, 1322.15, 1322.29, 1322.30, 1322.32, 1322.34, 1322.43, 1322.50, 1322.52, 1345.01, 1349.72, 2913.11, and 4712.05; to enact section 1319.17; and to repeal sections 1322.24, 1322.25, and 1349.16 of the Revised Code relating to commerce and property tax valuation complaints, and to repeal the version of section 1322.24 of the Revised Code that is scheduled to take effect October 9, 2021.

To the Committee on Financial Institutions and Technology.

S. C. R. No. 5 -Senators Maharath, Thomas, et al.

To denounce all forms of stigmatization, racism, and discrimination occurring as a result of the COVID-19 pandemic.

To the Committee on Health.

S. R. No. 41 -Senators Yuko, Gavarone

To urge the Governor of the State of Michigan and the Director of the Michigan Department of Natural Resources to make all efforts to keep Enbridge Line 5 operating.

To the Committee on Energy and Public Utilities.

S. B. No. 135 -Senator Cirino

To amend sections 9.76, 3313.6020, 3314.03, 3326.11, 3328.24, 3333.04, 3333.051, 3333.122, 3345.0212, 3345.21, 3345.48, and 3345.481 and to enact sections 1715.551, 3320.04, 3333.0418, 3333.0419, 3333.073, 3333.125, 3333.261, 3345.024, 3345.026, 3345.027, 3345.028, 3345.0215, 3345.063, 3345.241, 3345.381, 3345.43, 3345.461, 3345.52, 3345.591, and 3365.16 of the Revised Code regarding the operation of state institutions of higher education and regarding free speech in public universities, colleges, and schools.

To the Committee on Workforce and Higher Education.

S. B. No. 136 -Senator Williams, et al.

To enact section 5.2527 of the Revised Code to designate the fourth week of June as "Postpartum Cardiomyopathy Awareness Week."

To the Committee on Health.

S. B. No. 137 -Senators Kunze, Antonio, et al.

To amend sections 149.43, 3738.01, 3738.03, 3738.04, 3738.05, 3738.06, 3738.07, 3738.08, and 3738.09; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3738.05 (3738.06), 3738.06 (3738.07), 3738.07 (3738.08), 3738.08 (3738.09), and 3738.09 (3738.11); and to enact new section 3738.05 and sections 3701.954, 3702.35, 3727.25, 3738.10, and 3738.99 of the Revised Code to modify the laws governing the Pregnancy-Associated Mortality Review Board and to require birthing facilities to report data on severe maternal morbidity.

To the Committee on Health.

S. B. No. 138 -Senator Williams, et al.

To amend sections 109.57, 2923.125, 2923.128, 2923.1213, and 2923.13 and to enact sections 2923.26, 2923.27, 2923.28, 2923.29, 2923.30, and 2923.99 of the Revised Code to enact the Extreme Risk Protection Order Act.

To the Committee on Judiciary.

S. B. No. 139 -Senator Lang, et al.

To amend sections 1739.02, 1739.05, 1739.12, 1739.13, and 3924.01 of the Revised Code to amend the law regulating multiple employer welfare arrangements.

To the Committee on Insurance.

S. B. No. 140 -Senator Schaffer, et al.

To amend sections 5713.08 and 5715.27 of the Revised Code to modify the property tax exemption procedures applicable to community schools.

To the Committee on Ways and Means.

S. B. No. 141 -Senator Schaffer, et al.

To enact section 5.2527 of the Revised Code to designate the first Saturday in May as "World's Largest Diaper Drive Day."

To the Committee on Health.

S. B. No. 142 -Senator Schaffer

To amend sections 715.27, 3781.102, 4740.01, 4740.03, 4740.04, 4740.05, 4740.06, 4740.07, 4740.11, 4740.12, 4740.13, 4740.131, 4740.14, 4740.16, and 4764.03 of the Revised Code to license residential only construction contractors and to make changes to the law regulating specialty construction contractors.

To the Committee on Small Business and Economic Opportunity.

S. B. No. 143 -Senator O'Brien

To enact section 6109.26 of the Revised Code to require the Director of Environmental Protection to adopt a maximum contaminant level for aluminum in drinking water.

To the Committee on Agriculture and Natural Resources.

S. B. No. 144 -Senators Rulli, Williams, et al.

To enact sections 4113.87, 4113.88, 4113.89, 4113.90, 4113.91, and 4113.92 of the Revised Code to enact the Consumer Protection Call Center Act regarding the eligibility of employers that relocate a call center to a foreign country to receive state grants, loans, and other benefits.

To the Committee on Finance.

S. B. No. 145 -Senator Brenner

To amend sections 3301.0710, 3301.0712, 3301.0714, 3301.0715, 3301.52, 3302.01, 3302.02, 3302.021, 3302.03, 3302.035, 3302.04, 3302.05, 3302.10, 3302.12, 3302.13, 3302.151, 3311.741, 3313.413, 3313.618, 3313.6113, 3313.6114, 3314.012, 3314.02, 3314.034, 3314.05, and 3314.35 and to enact section 3302.037 of the Revised Code to revise the state report card system.

To the Committee on Primary and Secondary Education.

YES - 14: NICKIE J. ANTONIO, ANDREW O. BRENNER, HEARCEL F. CRAIG, 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 resolutions were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Dolan submitted the following report:

The standing committee on Finance, to which was referred **S. B. No. 111**-Senators Blessing, Brenner having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Hottinger, Dolan, Schuring, Manning.

YES - 13: LOUIS W. BLESSING, III, BOB PETERSON, JAY HOTTINGER, MATT DOLAN, MARK ROMANCHUK, VERNON SYKES, KIRK SCHURING, NICKIE J. ANTONIO, HEARCEL F. CRAIG, NATHAN H. MANNING, THERESA GAVARONE, ANDREW O. BRENNER, GEORGE F. LANG

NO - 0.

Senator Peterson submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **Sub. H. B. No. 128**-Representatives Hoops, Stein, et. al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Co-Sponsors: Schuring, Brenner.

YES - 13: BOB PETERSON, KIRK SCHURING, MATT DOLAN, ANDREW O. BRENNER, MARK ROMANCHUK, BILL REINEKE, FRANK HOAGLAND, JERRY C. CIRINO, STEVE WILSON, SANDRA R. WILLIAMS, HEARCEL F. CRAIG, ROB MCCOLLEY, TERESA FEDOR

NO - 0.

In line 643, reinsert "(C) Beginning January 1, 2020, a qualifying"; after "~~renewable~~" insert "solar"

Reinsert lines 644 through 646

In line 647, reinsert "issued a"; after "renewable" insert "solar"; reinsert "energy credit under section 3706.45 of the"

Reinsert line 648

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

The reports of the committee were 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:

Appelhans, Kent, from Pemberville, Wood County, Ohio, as a Member of the State Board of Emergency Medical, Fire, and Transportation Services for a term beginning January 29, 2021, ending at the close of business November 12, 2023, replacing Kent J. Appelhans, whose term expired.

Burton, Georden, Democrat, from Galloway, Franklin County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning February 1, 2021, ending at the close of business December 23, 2022, replacing Debra P. Thompson, whose term expired.

Carnes, Diane, Republican, from Chillicothe, Ross County, Ohio, as a Member of the Ohio Real Estate Commission for a term beginning January 29, 2021, ending at the close of business June 30, 2022, replacing Diane B. Carnes, who resigned.

Cole-Kenneh, Comfort, from Gahanna, Franklin County, Ohio, as a Member of the New African Immigrants Commission for a term beginning December 18, 2020, ending at the close of business October 7, 2023, replacing Comfort A. Cole-Kenneh, whose term expired.

Diouf, Aliou, from Cincinnati, Hamilton County, Ohio, as a Member of the New African Immigrants Commission for a term beginning January 8, 2021, ending at the close of business October 7, 2023, replacing Eugenia Kirenga, whose term expired.

Feliciano, Jose, from Aurora, Portage County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a term beginning January 29, 2021, ending at the close of business October 7, 2023, replacing Jose Celso Feliciano, Jr., whose term expired.

Ferguson, Patrick, from West Jefferson, Madison County, Ohio, as a Member of the State Board of Emergency Medical, Fire, and Transportation Services for a term beginning January 29, 2021, ending at the close of business November 12, 2023, replacing Patrick R. Ferguson, whose term expired.

Foulis, Elena, from Powell, Franklin County, Ohio, as a Member of the

Commission on Hispanic-Latino Affairs for a term beginning January 29, 2021, ending at the close of business October 7, 2023, replacing Elena Foulis, whose term expired.

Huston, Jeffrey, from Cedarville, Greene County, Ohio, as a Member of the State Board of Pharmacy for a term beginning January 26, 2021, ending at the close of business June 30, 2024, replacing Fred M. Weaver, whose term expired.

Meyer, Randall, from Clinton County, Clinton County, Ohio, as of the Inspector General for a term beginning January 12, 2021, ending at the close of business January 12, 2025.

Meyer, Daniel, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Commission on Service and Volunteerism for a term beginning January 1, 2021, ending at the close of business April 21, 2022, replacing Brenda Stier-Anstine, whose term expired.

Mubenga, Ngalula, from Toledo, Lucas County, Ohio, as a Member of the New African Immigrants Commission for a term beginning January 29, 2021, ending at the close of business October 7, 2023, replacing Mariame Diabate, whose term expired.

Phillips, Nancy Marie, from Willoughby, Lake County, Ohio, as a Member of the Board of Nursing for a term beginning January 29, 2021, ending at the close of business December 31, 2023, replacing Lisa R. Clenke, whose term expired.

Schwartz, Hamilton, from Cincinnati, Hamilton County, Ohio, as a Member of the State Board of Emergency Medical, Fire, and Transportation Services for a term beginning January 29, 2021, ending at the close of business November 12, 2023, replacing Hamilton P. Schwartz, whose term expired.

Sow, Ibrahima, from Blacklick, Franklin County, Ohio, as a Member of the New African Immigrants Commission for a term beginning December 18, 2020, ending at the close of business October 7, 2023, 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 – 14: NICKIE J. ANTONIO, ANDREW O. BRENNER, HEARCEL F. CRAIG, 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 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.

Senator Huffman, M. submitted the following report:

The standing committee on Rules and Reference to which were referred the appointment by the Attorney General of:

Hager, Dorsey, Democrat, from Milford Center, Union County, Ohio, as a Member of the Ohio Consumers' Counsel Governing Board for a term beginning January 14, 2021, ending at the close of business September 1, 2021, replacing David J. Wondolowski, who resigned.

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

YES – 14: NICKIE J. ANTONIO, ANDREW O. BRENNER, HEARCEL F. CRAIG, 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 Senate advise and consent to the appointment by the Attorney General?"

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 appointment.

The President handed down the following communication from the Governor:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

Pursuant to Article II, Section 16, of the Ohio Constitution, which states that the Governor may disapprove of any bill, I hereby disapprove of Substitute Senate Bill 22 (SB 22) and set forth the following reasons for so doing.

Senate Bill 22 jeopardizes the safety of every Ohioan. It goes well beyond the issues that have occurred during the COVID-19 pandemic. SB 22 strikes at the heart of local health departments' ability to move quickly to protect the public from the most serious emergencies Ohio could face. As Dr. Bruce Vanderhoff, Chief Medical Officer at the Ohio Department of Health, said in recent testimony: "SB 22 leaves a gaping hole in our toolbox, hampering the State's ability to quickly respond during emergencies, when lives may be at stake. Emergency response must be nimble, and public health officials must have the ability to react to rapidly to changing conditions as they happen."

SB 22 handcuffs Ohio's ability to confront crises. The emergence of a yet unknown, epidemic illnesses bursting on the scene -- just as COVID-19 did -- remains a very real threat, as does the risk of state and non-state-sponsored terrorism. Ebola also remains a danger across the world -- and right here in Ohio. In fact, we actively monitor travelers who have been to affected parts of the globe. Other diseases are lurking threats, including deadly strains of flu, such as H7N9 or cousins of COVID-19, such as MERS-CoV. Our public health leaders continue to watch for and respond to serious outbreaks of diseases, such as measles, hepatitis A, botulism, and Norovirus in communities across our state.

PROTECTING OHIO CITIZENS

SB 22 strips local health departments and the Ohio Department of Health (ODH) of their ability to protect Ohio citizens from these possible future threats. The bill prohibits a local health department and ODH from requiring someone to quarantine or isolate unless there has been a specific medical diagnosis of that person or unless that person has come in direct contact with someone who has been "medically diagnosed." Here are some examples of how this requirement in SB 22 could result in a serious tragedy:

1. In January 2020, two Miami University students returned to campus from Wuhan China. At that time, coronavirus tests did not exist in Ohio, so to determine if the students had the virus, their tests had to be sent to the Centers for Disease Control and Prevention. While

awaiting the test results, which took more than five days, the Butler County Health Department asked the students to self-quarantine, which they did. Under SB 22, if they had refused, neither the Butler County Health Department nor the Ohio Department of Health would have had the authority to require the students to quarantine before they were medically diagnosed.

And so, if the students had refused to quarantine and they had the virus, they could have infected a number of Miami University students and other Butler County citizens. The Butler County Health Department and ODH would have been helpless to stop this spread. Without immediate access to testing results, it might be impossible to medically diagnose a person, especially someone who is asymptomatic. Such a situation could certainly happen again with a future novel virus.

2. Ebola exists in certain parts of Africa. Today in Ohio, health officials are actively monitoring 44 people who have returned from areas of Africa with active outbreaks of Ebola. While it is currently believed these individuals are at very low risk of having contracted Ebola, if one of them develops symptoms, SB 22 would prevent our public health apparatus from swinging into rapid action and taking decisive steps to isolate, quarantine, and protect the public from the threat of this deadly virus until a medical diagnosis can be obtained.
3. Under SB 22, if terrorists or a foreign country introduced smallpox or the plague into Ohio, neither local health departments nor the Ohio Department of Health would have the power to appropriately quarantine or isolate anyone without a required medical diagnosis. Spread would be the inevitable result.
4. SB 22 also limits health departments' ability to respond to food-borne illnesses. For example, assume there is a Norovirus outbreak in a restaurant that makes over 500 people severely ill, and it is traced back to a cook. Under SB 22, even a symptomatic cook could not be made to isolate without a medical diagnosis, and it would be legally difficult and perhaps legally impossible to force a resistive cook to see a physician for a medical diagnosis. Therefore, the cook could continue to work in that restaurant or another restaurant, and the local health department would be powerless to stop the resulting spread of illness.

AVALANCHE OF LAWSUITS

SB 22 makes a dramatic change in how and where the State can be sued. It would:

- Eliminate Ohio's long-standing sovereign immunity protections, authorizing an award of monetary damages against the State for actions taken pursuant to an emergency order;
- Permit class action treatment of the newly authorized damage claims with potential massive financial exposure to the State;
- Provide attorneys' fees awards against the State even if the plaintiff does not ultimately prevail on all or even the main issues;
- Allow lawsuits against state agencies in every county, even if no action has been taken in that county; and
- Authorize suits against the General Assembly, itself.

The bill provides that when a "state of emergency" has been declared, anyone who feels aggrieved by the actions as a result could sue for damages and attorneys' fees. The bill would take suits for damages against the State out of the Court of Claims, where they have been for over 40 years, and allow them to be filed in any county where a plaintiff lives -- irrespective of the geographical region covered by the challenged order.

It is important to remember that most "states of emergency" have nothing to do with health orders. Rather, they might be issued as a result of flooding along the Ohio River, a tornado in western Ohio, a washed-out road, or a prison riot (remember Lucasville?). So, for example:

1. A state of emergency was declared for the Republican National Convention in 2016, when it was hosted in Cleveland. SB 22 would give any group that did not like the resulting orders issued by the State a legislatively-approved path to sue in any county in Ohio -- not just in Cuyahoga County.

So, let's suppose that during the Republican National Convention, the Ohio Director of Public Safety ordered certain state routes to be shut down in Cuyahoga County, but an activist group, with members from several different Ohio counties, didn't like that. Under SB 22, suits against the Public Safety Director could be filed in each county where an activist member lives -- not just in Cuyahoga County where the orders were invoked.

2. Imagine if a weather emergency is declared after a series of tornadoes in western Ohio. The Public Utilities Commission (PUCO) issues a waiver (which would qualify as an order under SB 22) for the number of hours a truck driver can work to haul storm debris away in the affected area. Under SB 22, a clear legal pathway is given to sue the PUCO both to challenge the waiver and to its duration.

So, you could have Trucking Company A file a lawsuit in a county in northeast Ohio, where it is headquartered, to expand the waiver, while you could also have Trucking Company B file a lawsuit to rescind the waiver in a county in southeast Ohio, where that company is headquartered. Both courts would have jurisdiction and venue under SB 22, and both courts could come to a different conclusion -- all in the middle of an emergency, creating chaos at the worst possible time.

3. What would happen if a sustained prison riot erupted in one of our prisons, creating an institutional takeover with hostages? When a state of emergency is declared, the Governor could issue certain lawful orders, such as cutting the power and water at that prison. Under SB 22, any inmate's family members could run into their local court and sue the Governor to prevent those orders from taking effect. That could result in the judicial handcuffing of the Executive Branch when trying to deal with a dangerous hostage situation.

FOOD SAFETY

SB 22 also limits a local health department's ability to issue a general order to potentially impacted groups if it is unable to precisely identify the impacted persons. For example, if the source of E. coli were determined to be romaine lettuce from a particular supplier, but the local health department did not know which restaurants had received the lettuce in question, SB 22 would prevent the local health department from issuing a general order requiring a class of persons (i.e., all restaurants within its jurisdiction that received romaine lettuce from that supplier) to destroy the contaminated lettuce. Under SB 22, orders may be issued only to specific persons, and any order or regulation that applies to a class of persons would be invalid and have no legal effect.

COURTS WILL MAKE HEALTH POLICY

While the intent of SB 22 is to give the General Assembly more power in regard to health orders, the bill would result in public health policy really being made by individual courts in as many as 88 Ohio counties!

If a state of emergency is declared, SB 22 creates a special pathway to filing lawsuits that is easier and potentially very profitable for trial attorneys. So, at precisely the times that government must act with focus and resolve making immediate, decisive, gut-wrenching, and often unpopular decisions, SB 22 flings the Courthouse doors wide open for immediate judicial intervention. SB 22 not only allows for this, but encourages it through

potentially lucrative attorneys' fees and damage awards against the State. And, SB 22 makes jury trials available to those plaintiffs.

Courts, via these lawsuits, will be the branch of government shaping the response to an emergency, even if that emergency is not happening in the courts' normal jurisdiction. Courts, by design of our system of government, are the least equipped of the branches to shape an emergency response -- but SB 22 forces this into their lap.

STATE UNIVERSITIES

Some of you have heard from your state universities expressing serious concerns about SB 22 and the impact it would have on their future. Since 1974, suits for damages against the State, including state universities, have been required to be filed in the Court of Claims. SB 22 would allow lawsuits to be brought against universities for any order related to the state of emergency issued during a state of emergency, creating the possibility for them to be sued for money damages in the Court of Common Pleas in each of the 88 counties in which a student resides.

Further, if SB 22 became law, universities' efforts to protect students living in dormitories, such as mask orders or isolation of students who test positive for COVID-19, would be subject to damage claims in Common Pleas courts. And, under SB 22, recent extreme weather conditions could create a weather emergency potentially giving rise to a damage claim when classes are cancelled or dormitories are closed.

THE OHIO GENERAL ASSEMBLY

The ability to sue the legislature itself would be dramatically expanded by SB 22. The bill's broad definition of "state agency" also includes the General Assembly. As such, SB 22 would authorize suit in any county against the legislature and would authorize an award of damages and attorneys' fees against the General Assembly if an order or rule that the General Assembly extended is ultimately invalidated, such as orders around employment during an emergency. This unprecedented authorization of suit would expose the members of the General Assembly to document and deposition discovery.

CONSTITUTIONALITY

We believe that significant portions of SB 22 are unconstitutional. Parts of the bill violate the separation of powers doctrine embedded in our Ohio Constitution; other parts violate Article II, Section 15 of the Ohio Constitution, proscribing how laws must be made; and even other parts of the bill likely violate Article IV, Section 5 of the Ohio Constitution, by exercising power reserved to the judiciary.

For all these reasons, I am vetoing SB 22.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus this 23rd day of March, Two Thousand Twenty-One.

[Seal]

Mike DeWine,
Governor.

This will acknowledge the receipt of a copy of this veto Message of Substitute Senate Bill 22 that was disapproved by Governor Mike DeWine on March 23, 2021.

The question being, “Shall the bill, **Sub. S. B. No. 22**-Senators Johnson, McColley pass notwithstanding the objections of the Governor?”

The yeas and nays were taken and resulted – yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Antani	Blessing	Brenner	Cirino
Gavarone	Hackett	Hoagland	Hottinger
Huffman, S.	Johnson	Lang	Manning
McColley	O'Brien	Peterson	Reineke
Roegner	Romanchuk	Rulli	Schaffer
Schuring	Wilson		Huffman, M.-23

Those who voted in the negative were: Senators

Antonio	Craig	Dolan	Fedor
Kunze	Maharath	Sykes	Thomas
Williams			Yuko-10

So the bill having received the required constitutional majority, passed notwithstanding the veto of the Governor.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 7-Senator Roegner.

Cosponsors: Senators Huffman, S., Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Johnson, Lang, McColley, O'Brien, Peterson, Reineke, Sykes, Thomas, Wilson, Yuko. Representatives Gross, Click, Crossman, Galonski, Jarrells, Leland, Lepore-Hagan, Lightbody, Liston, McClain, Miller, A., Miller, J., Richardson, Riedel, Russo, Sheehy, Smith, M., White, Young, T.

To enact sections 4755.062, 4755.14, and 4755.141 of the Revised Code to enter into the Occupational Therapy Licensure Compact, were 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 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 concurred in the amendments of the House of Representatives.

BILLS FOR THIRD CONSIDERATION

Am. Sub. H. B. No. 128-Representatives Hoops, Stein.

Cosponsors: Representatives Carfagna, Abrams, Carruthers, Click, Crossman, Cutrona, Denson, Fraizer, Ghanbari, Gross, Hall, Holmes, Householder, Johnson, Jones, Lipps, McClain, Merrin, Miller, A., Ray, Riedel, Roemer, Seitz, Smith, K., Stephens, Wiggam, Young, T., Speaker Cupp. Senators Schuring, Brenner.

To amend sections 3706.40, 3706.41, 3706.43, 3706.45, 3706.46, 3706.49, 3706.55, 3706.59, 4928.143, 4928.642, and 4928.645; to enact sections 3706.491, 3706.551, and 4906.105; and to repeal sections 3706.53, 3706.61, 4928.471, and 5727.231 of the Revised Code to make changes regarding electric utility service law, to repeal certain provisions of, and limit to solar resources the credit payment provisions of, H.B. 6 of the 133rd General Assembly, and to provide refunds to retail electric customers in the state, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 128**, pass?"

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 bill passed.

The title was amended as follows:

Add the names: "Antani, Antonio, Blessing, Cirino, Craig, Dolan, Fedor, Hackett, Hoagland, Hottinger, Huffman, M., Huffman, S., Johnson, Lang,

Manning, McColley, O'Brien, Peterson, Reineke, Roegner, Romanchuk, Rulli, 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.

Sub. S. B. No. 111-Senators Blessing, Brenner.

Cosponsors: Senators Hottinger, Dolan, Schuring, Manning.

To provide assistance to schools and other entities in response to the COVID-19 pandemic and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 111**, pass?"

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 bill passed.

The title was amended as follows:

Add the names: "Antonio, Cirino, Craig, Fedor, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Maharath, O'Brien, Peterson, Rulli, 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.

OFFERING OF RESOLUTIONS

Senator Hottinger offered the following resolution:

S. R. No. 48-Senator Hottinger.

Authorizing the Youth Leadership Association to use the Ohio Senate Chambers on April 30, 2021.

WHEREAS, The members of the Senate of the 134th General Assembly of Ohio have learned that the Youth Leadership Association has requested permission to use the Ohio Senate Chambers for its Ohio Youth in Government, April 30, 2021; and

WHEREAS, Since its inception, the Youth Leadership Association

has provided students with the opportunity to better appreciate and understand government and its components, and the knowledge gained through this event will certainly be of value to participants in the years to come; and

WHEREAS, By utilizing the facilities that accommodate those involved in the state legislative process, the Youth Leadership Association will offer students an accurate depiction of state government and the manner in which legislation is created and processed; and

WHEREAS, Through participation in Ohio Youth in Government, students will be better prepared to become productive members of our complex and ever-changing society. The maturity and experience participants will gain as a result of their involvement with the Youth Leadership Association will not only enrich their total educational experience but also enable them to make better-informed decisions as they assume the responsibilities of adult citizenship; therefore be it

RESOLVED, That we, the members of the Senate of the 134th General Assembly of Ohio, in adopting this Resolution, permit the Youth Leadership Association to use the Ohio Senate Chambers, contingent upon the availability of those facilities, and salute the participants as some of Ohio's finest young citizens; and be it further

RESOLVED, That the Clerk of the Senate transmit a duly authenticated copy of this Resolution to the Youth Leadership Association.

The question being, "Shall the resolution, **S. R. No. 48**, 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: "Antonio, Blessing, Brenner, Craig, Fedor, Gavarone, Hackett, Huffman, S., Johnson, Kunze, Lang, Maharath, McColley, Peterson,

Reineke, Roegner, Sykes, Thomas, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

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. 18 -Senators Roegner, Schaffer

Cosponsors: Senators Blessing, Cirino, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Lang, McColley, O'Brien, Peterson, Reineke, Schuring, Sykes, Thomas, Wilson, Yuko Representatives Merrin, Roemer, Abrams, Baldrige, Blackshear, Boyd, Brown, Carruthers, Click, Cutrona, Dean, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Gross, Hall, Hicks-Hudson, Hillyer, Householder, Ingram, Jarrells, Johnson, Jones, LaRe, Lepore-Hagan, Lipps, McClain, Miller, J., Miranda, O'Brien, Richardson, Riedel, Schmidt, Sobbecki, Stephens, Swearingen, Sykes, Troy, West, White, Wiggam, Young, B., Young, T., Speaker Cupp

To amend sections 4141.321, 5701.11, 5733.41, and 5747.41 and to enact section 5747.065 of the Revised Code and to amend Section 36 of H.B. 481 of the 133rd General Assembly to modify the law governing taxation and to declare an emergency.

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

Attest:

Bradley J. Young,
Clerk.

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

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 concurred in the amendments of the House of

Representatives.

The question being, "Shall the section, Section 9, setting forth the emergency features of the bill, stand as a part of the bill?"

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 section, Section 9, setting forth the emergency features of the bill stood as a part of the bill.

On the motion of Senator Hottinger, the Senate recessed until 7:45 p.m.

The Senate met pursuant to the recess.

Senator Hottinger moved that the Senate revert to the second order of business, being reports of standing and select committees

The motion was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Kunze submitted the following report:

The standing committee on Transportation, to which was referred **Sub. H. B. No. 74**-Representative Oelslager, et. al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Manning.

YES - 13: SANDRA R. WILLIAMS, TINA MAHARATH, NICKIE J. ANTONIO, MICHAEL A. RULLI, BILL REINEKE, SANDRA O'BRIEN, NATHAN H. MANNING, LOUIS W. BLESSING, III, NIRAJ ANTANI, KRISTINA D. ROEGNER, FRANK HOAGLAND, TIM SCHAFFER, STEPHANIE KUNZE

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 74-Representative Oelslager.

Cosponsors: Representatives West, Baldrige, Callender, Carfagna, Carruthers, Cross, Crossman, Fraizer, Galonski, Ghanbari, Ginter, Hall, Hillyer, Householder, Jarrells, John, Johnson, Miller, J., O'Brien, Patton, Plummer, Richardson, Riedel, Roemer, Schmidt, Seitz, Smith, K., Sobecki, Stein, Stewart, Troy, White, Young, T., Speaker Cupp. Senator Manning.

To amend sections 306.322, 723.52, 723.53, 723.54, 1317.07, 2131.12, 2131.13, 2913.71, 3704.14, 3743.01, 3743.04, 3743.15, 3743.17, 3743.75, 3935.04, 3937.03, 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, 4505.11, 4505.19, 4507.02, 4507.06, 4507.12, 4507.21, 4507.213, 4507.50, 4507.51, 4507.53, 4508.02, 4510.037, 4511.195, 4511.21, 4511.454, 4511.513, 4511.751, 4519.10, 4519.55, 4519.60, 5501.47, 5501.48, 5516.01, 5516.02, 5516.05, 5516.06, 5516.061, 5516.11, 5540.02, 5543.19, 5543.20, 5575.01, 5577.02, 5595.04, 5703.21, 5709.48, and 5709.50; 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, 5512.11, 5529.02, 5577.045, and 5709.481; 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, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 74**, pass?"

Senator Kunze moved to amend as follows:

In line 9835, after "(A)" insert:

"As used in this section, "qualified county" means a county to which both of the following apply:

(1) It has a population between one million one hundred thousand and one million three hundred thousand as of the most recent federal decennial census;

(2) As of the effective date of this section, an existing public passenger commuter rail service is operated in that county and does not operate in any other county.

(B)"

In line 9838, delete "transportation" and insert "commuter rail service operated in a qualified county"

In line 9841, delete "(B)"; insert "(C)"; delete "(A)"; insert "(B)"

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

The motion to amend was agreed to.

The question recurred, Shall the bill Sub. H. B. No. 74 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	Fedor
Gavarone	Hackett	Hoagland	Hottinger
Huffman, S.	Johnson	Kunze	Lang
Maharath	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, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Maharath, O'Brien, Peterson, Reineke, Roegner, 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.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

S. B. No. 5-Senators Roegner, Blessing – et al.

Attest:

Bradley J. Young,
Clerk.

The President signed said bill.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Governor of Ohio having signed

Sub. S. B. No. 22 entitled an act:

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.

Objected to the bill.

The House proceeded to reconsider the bill to which the Governor objected. The bill, having received the required constitutional majority, passed notwithstanding the objections of the Governor and has been filed with the Secretary of State.

Attest:

Bradley J. Young,
Clerk.

On the motion of Senator Hottinger, the Senate adjourned until Thursday, March 25, 2021 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.