

OHIO

SENATE

JOURNAL

TUESDAY, MAY 18, 2021

FORTY-SECOND DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 18, 2021, 9:30 a.m.

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Hackett was selected to preside according to the rule.

The journal of the last legislative day was read and approved.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Hackett submitted the following report:

The standing committee on Insurance, to which was referred **Am. H. B. No. 76**-Representative Oelslager, et. al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Hackett.

YES - 13: MATT DOLAN, MARK ROMANCHUK, BOB D. HACKETT, JAY HOTTINGER, TIM SCHAFFER, HEARCEL F. CRAIG, ANDREW O. BRENNER, CECIL THOMAS, TINA MAHARATH, GEORGE F. LANG, STEVE WILSON, STEPHANIE KUNZE, STEPHEN A. HUFFMAN

NO - 0.

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

The report of the committee was accepted.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered for the first time:

S. B. No. 181 - Senator Gavarone.

To enact section 3313.5317 of the Revised Code regarding student religious expression in interscholastic athletics and extracurricular activities.

S. B. No. 182 - Senators McColley, Huffman, S.

Cosponsors: Senators Rulli, Fedor, Thomas.

To amend sections 120.08, 122.014, 307.51, 307.511, 307.515, 1901.026, 1901.28, 1901.31, 1907.20, 1907.32, 2329.54, 2713.05, 2713.09, 2713.10, 2713.11, 2713.13, 2713.14, 2713.15, 2713.16, 2713.17, 2713.18, 2713.19, 2713.20, 2713.21, 2713.22, 2713.23, 2713.24, 2713.25, 2713.26, 2715.25, 2725.18, 2743.70, 2746.02, 2907.41, 2919.251, 2925.01, 2925.02, 2925.03,

2925.04, 2925.041, 2925.05, 2925.11, 2935.10, 2935.13, 2935.14, 2935.27, 2937.01, 2937.03, 2937.08, 2937.09, 2937.15, 2937.16, 2937.17, 2937.222, 2937.23, 2937.24, 2937.25, 2937.26, 2937.27, 2937.28, 2937.281, 2937.29, 2937.30, 2937.33, 2937.34, 2937.35, 2937.36, 2937.37, 2937.39, 2937.40, 2937.41, 2937.45, 2937.46, 2941.58, 2949.091, 2949.093, 2949.094, 2949.111, 2953.31, 2963.13, 3319.292, 3719.21, 3772.01, 3772.36, 4501.11, 4506.01, 4506.16, 4509.01, 4509.35, 4510.01, 4510.03, 4511.01, 4513.37, 4729.65, and 5503.04; to enact sections 2937.011, 2937.012, 2937.013, 2937.014, and 2937.015; and to repeal sections 2937.22, 2937.31, 2937.32, and 2937.38 of the Revised Code to make changes regarding bail.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 93 - Senator Hoagland.

Honoring Christopher Hammond as the 2021 ODRC Correction Officer of the Year.

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

So the resolution was adopted.

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:

Am. Sub. S. B. No. 4 -Senator Roegner

Cosponsors: Senators Manning, Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Fedor, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Maharath, O'Brien, Peterson, Reineke, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson, Yuko Representatives Galonski, Carruthers, Click, Gross, John, Lanese, Liston, Miller, J., O'Brien, Patton, Richardson, Riedel, Seitz, Young, T.

To amend sections 149.43, 4123.88, and 5913.01 of the Revised Code to include emergency service telecommunicators, protective services workers, certain Ohio National Guard members, and certain mental health care providers as individuals whose residential and familial information is exempt from disclosure under the Public Records Law, and to make changes to the Workers' Compensation Law regarding information disclosures.

As a substitute bill with the following additional amendments, in which the

concurrence of the Senate is requested.

In line 1 of the title, after "149.43" insert ", 4123.88,"

In line 8 of the title, after "Law" insert ", and to make changes to the Workers' Compensation Law regarding information disclosures"

In line 9, after "149.43" insert ", 4123.88,"

After line 944, insert:

"Sec. 4123.88. (A) No person shall orally or in writing, directly or indirectly, or through any agent or other person fraudulently hold the person's self out or represent the person's self or any of the person's partners or associates as authorized by a claimant or employer to take charge of, or represent the claimant or employer in respect of, any claim or matter in connection therewith before the bureau of workers' compensation or the industrial commission or its district or staff hearing officers. No person shall directly or indirectly solicit authority, or pay or give anything of value to another person to solicit authority, or accept or receive pay or anything of value from another person for soliciting authority, from a claimant or employer to take charge of, or represent the claimant or employer in respect of, any claim or appeal which is or may be filed with the bureau or commission. No person shall, without prior authority from the bureau, a member of the commission, the claimant, or the employer, examine or directly or indirectly cause or employ another person to examine any claim file or any other file pertaining thereto. No person shall forge an authorization for the purpose of examining or cause another person to examine any such file. No district or staff hearing officer or other employee of the bureau or commission, notwithstanding the provisions of section 4123.27 of the Revised Code, shall divulge any information in respect of any claim or appeal which is or may be filed with a district or staff hearing officer, the bureau, or commission to any person other than members of the commission or to the superior of the employee except upon authorization of the administrator of workers' compensation or a member of the commission or upon authorization of the claimant or employer.

(B) The records described or referred to in division (A) of this section are not public records as defined in division (A)(1) of section 149.43 of the Revised Code. Any information directly or indirectly identifying the address or telephone number of a claimant, regardless of whether the claimant's claim is active or closed, is not a public record. No person shall solicit or obtain any such information from any such employee without first having obtained an authorization therefor as provided in this section.

(C) Except as otherwise specified in division (D) of this section, information kept by the commission or the bureau pursuant to this section is

for the exclusive use and information of the commission and the bureau in the discharge of their official duties, and shall not be open to the public nor be used in any court in any action or proceeding pending therein, unless the commission or the bureau is a party to the action or proceeding. The information, however, may be tabulated and published by the commission or the bureau in statistical form for the use and information of other state agencies and the public.

(D)(1) Upon receiving a written request made and signed by an individual whose primary occupation is as a journalist, the commission or the bureau shall disclose to the individual the name or names, address or addresses, and telephone number or numbers of claimants, regardless of whether their claims are active or closed, ~~and the dependents of those claimants.~~

(2) An individual described in division (D)(1) of this section is permitted to request the information described in that division for multiple ~~workers or dependents~~ claimants in one written request.

(3) An individual described in division (D)(1) of this section shall include all of the following in the written request:

(a) The individual's name, title, and signature;

(b) The name and title of the individual's employer;

(c) A statement that the disclosure of the information sought is in the public interest.

(4) Neither the commission nor the bureau may inquire as to the specific public interest served by the disclosure of information requested by an individual under division (D) of this section.

(E) As used in this section, "journalist" has the same meaning as in division (B)(9) of section 149.43 of the Revised Code."

In line 1017, after "149.43" insert ", 4123.88,"

Attest:

Bradley J. Young,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 24 -Representatives Sobecki, Sheehy

Cosponsors: Representatives Galonski, West, Riedel, Fowler Arthur, Crossman, Miller, J., Hoops, Click, Gross, Wiggam, Kelly, Russo, Abrams, Baldrige, Bird, Blackshear, Carfagna, Carruthers, Fraizer, Ghanbari, Ginter, Grendell, Hall, Hicks-Hudson, Hillyer, Holmes, Householder, Ingram, Jarrells, John, Johnson, Jones, Kick, Lampton, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Liston, Loychik, Manning, McClain, O'Brien, Patton, Plummer, Ray, Schmidt, Seitz, Skindell, Smith, K., Stewart, Upchurch, White, Young, B., Speaker Cupp

To enact section 5.294 of the Revised Code to designate August 17 as "Eugene 'Gene' F. Kranz Day."

Sub. H. B. No. 75 -Representative Oelslager

Cosponsors: Representatives Baldrige, Callender, Carruthers, Edwards, Fraizer, Galonski, Holmes, Householder, John, Jones, Lanese, Lepore-Hagan, Miller, J., O'Brien, Plummer, Richardson, Riedel, Russo, White, Young, T.

To amend sections 4121.43, 4123.57, 4123.58, and 4123.85 of the Revised Code to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2021, and ending June 30, 2023, to provide authorization and conditions for the operation of the Bureau's programs, and to make changes to the Workers' Compensation Law.

H. B. No. 136 -Representative Lipps

Cosponsors: Representatives Russo, Cutrona, Lepore-Hagan, Carfagna, Carruthers, Crossman, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Hillyer, Koehler, Leland, Miller, J., O'Brien, Oelslager, Pavliga, Riedel, Roemer, Sheehy, Troy, Weinstein, West, White, Young, T., Speaker Cupp

To amend section 5162.06 and to enact sections 5164.061 and 5167.15 of the Revised Code regarding Medicaid coverage of chiropractic services.

H. B. No. 137 -Representatives Upchurch, Blackshear

Cosponsors: Representatives Boyd, Boggs, Brent, Click, Cutrona, Crawley, Denson, Ferguson, Galonski, Ghanbari, Lepore-Hagan, Hall, Holmes, Hicks-Hudson, Ingram, Jarrells, Kelly, Kick, Leland, Lightbody, Liston, McClain, Miller, A., Miranda, Patton, Plummer, Riedel, Robinson, Russo, Sheehy, Smith, M., Smith, K., Skindell, Sobecki, Stoltzfus, Weinstein, West, White, Wiggam, Ginter, Abrams, Baldrige, Bird, Brown, Callender, Carfagna, Carruthers, Creech, Cross, Crossman, Dean, Edwards, Grendell, Gross, Hillyer, Hoops, Householder, Howse, John, Johnson, Jones, Lanese, LaRe, Loychik, Miller, J., O'Brien, Oelslager, Pavliga, Richardson, Schmidt, Seitz, Stein, Stephens, Stewart, Swearingen, Sykes, Wilkin, Young, T., Speaker Cupp

To enact section 5.246 of the Revised Code to designate March 29 as "Ohio

Tuskegee Airmen Day."

H. B. No. 206 -Representatives Ghanbari, O'Brien

Cosponsors: Representatives LaRe, Stein, Plummer, Hoops, Stephens, Abrams, Riedel, Seitz, Kick, Baldrige, Ginter, Click, Swearingen, Carfagna, Weinstein, Cutrona, White, Creech, Hall, Young, T., Jones, Brent, Johnson, Kelly, Miranda, Miller, A., Miller, J., Sheehy, John, Richardson, McClain, Carruthers, Stoltzfus, Gross, Fowler Arthur, Lampton, Ray, Loychik, Pavliga, Bird, Fraizer, Lanese, Sobecki, Upchurch, Robinson, Lightbody, Cross, Denson, Dean, Lepore-Hagan, Russo

To amend sections 4513.35 and 4513.39 of the Revised Code to permit a township police officer who serves a population between 5,000 and 50,000 to enforce specified traffic offenses on interstate highways within the township if authorized by that township's board of trustees.

Sub. H. B. No. 229 -Representatives Wilkin, Swearingen

Cosponsors: Representatives Carfagna, Cross, Edwards, Johnson, Jones, Jordan, Kick, LaRe, Lipps, Merrin, Pavliga, Richardson, Riedel, Seitz, Stoltzfus, Hillyer, Baldrige, Bird, Carruthers, Click, Creech, Cutrona, Ghanbari, Ginter, Gross, Householder, John, McClain, Schmidt, Wiggam, Young, T.

To amend section 3729.05 and to enact section 3729.15 of the Revised Code to provide a qualified immunity to camp operators for harm arising from a risk inherent to camping and to exempt sites that host historical reenactor camps from the recreational and camping operation license requirements.

Attest:

Bradley J. Young,
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

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

Sub. H. B. No. 8-Representatives West, Plummer – et al.

Attest:

Bradley J. Young,
Clerk.

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 bills:

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

Sub. H. B. No. 8-Representatives West, Plummer – et al.

Attest:

Bradley J. Young,
Clerk.

The President signed said bills.

MESSAGE FROM THE PRESIDENT

Pursuant to Rules No. 19 and 20, the President of the Senate removes Senator Bob Peterson as Chair of the Energy and Public Utilities Committee and appoints Senator Rob McColley as Chair of the Energy and Public Utilities Committee.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 101.35 of the Ohio Revised Code, the President of the Senate appoints Senator Maharath as a temporary replacement for Senator Williams on the Joint Committee on Agency Rule Review (JCARR), for the purpose of the committee's meeting on Monday, June 7, 2021.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

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

I, Mike DeWine, Governor of the State of Ohio, do hereby appoint, Stephen D. Dackin, from Columbus, Franklin County, Ohio, as a Member of the State Board of Education for a new term beginning January 1, 2021 and ending at the close of business December 31, 2024, replacing Stephen D. Dackin, whose term expired.

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 18th day of December in the year of our Lord, Two Thousand and Twenty-One.

[Seal]

Mike DeWine,
Governor.

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

I, Mike DeWine, Governor of the State of Ohio, do hereby appoint, Laura E. Kohler, from New Albany, Franklin County, Ohio, as a Member of the State Board of Education for a new term beginning January 1, 2021 and ending at the close of business December 31, 2024, replacing Laura E. Kohler, whose term expired.

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 18th day of December in the year of our Lord, Two Thousand and Twenty-One.

[Seal]

Mike DeWine,
Governor.

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

I, Mike DeWine, Governor of the State of Ohio, do hereby appoint, Martha A. Manchester, from Lakeview, Auglaize County, Ohio, as a Member of the State Board of Education for a new term beginning January 1, 2021 and ending at the close of business December 31, 2024, replacing Martha A. Manchester, whose term expired.

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 18th day of December in the year of our Lord, Two Thousand and Twenty-One.

[Seal]

Mike DeWine,
Governor.

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

I, Mike DeWine, Governor of the State of Ohio, do hereby appoint, Daniel J. Massey, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Industrial Commission of Ohio for a term beginning July 1, 2021 and ending at the close of business June 30, 2027, replacing Jodie M. Taylor, whose term expired.

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 22nd day of April in the year of our Lord, Two Thousand and Twenty-One.

[Seal]

Mike DeWine,
Governor.

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

I, Mike DeWine, Governor of the State of Ohio, do hereby appoint, J. Timothy Miller, from Akron, Summit County, Ohio, as the District 7 representative on the State Board of Education for a term beginning January 8, 2021 and ending the next general election at which members of the state board of education are elected, at which time a qualified elector residing in the district in which the vacancy occurred shall be elected for the unexpired term, replacing Sarah Fowler, who resigned.

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 8th day of January in the year of our Lord, Two Thousand and Twenty.

[Seal]

Mike DeWine,
Governor.

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

I, Mike DeWine, Governor of the State of Ohio, do hereby appoint, Eric A. Poklar, from Worthington, Franklin County, Ohio, as a Member of the State Board of Education for a new term beginning January 1, 2021 and ending at

the close of business December 31, 2024, replacing Eric A. Poklar, whose term expired.

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 18th day of December in the year of our Lord, Two Thousand and Twenty.

[Seal]

Mike DeWine,
Governor.

Said appointments were referred to the committee on Rules and Reference.

On the motion of Senator Brenner, the Senate adjourned until Wednesday, May 19, 2021 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.