

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 26, 2021

FORTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 26, 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 Reineke recognized Brody Conley as a 2021 Division II State Wrestling Champion

Senator McColley recognized the Van Wert High School Football team as the 2020 Division IV State Champions.

Senator O'Brien and Senator Cirino recognized Deputy Robin Taylor who was chosen for the 2021 First Responders Award by the United State Department of Justice.

Senator Kunze recognized Seth Shumate as a 2021 Division I State Wrestling Champion.

**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:

H. B. No. 68-Representatives Cross, Sweeney, et al.

To amend section 4113.61 of the Revised Code to require owners of private construction projects to timely pay a contractor.

To the Committee on Workforce and Higher Education.

H. B. No. 77-Representatives Manchester, Sweeney, et al.

To enact section 3345.82 of the Revised Code to allow the board of trustees of a state institution of higher education to adopt a policy allowing the trustees to attend a board meeting via means of electronic communication.

To the Committee on Workforce and Higher Education.

H. B. No. 158-Representatives Baldrige, Plummer, et al.

To enact section 3737.52 of the Revised Code to prohibit the use of class B firefighting foam containing intentionally added PFAS chemicals for testing and training purposes.

To the Committee on Veterans and Public Safety.

H. B. No. 185-Representative Sweeney, et al.

To enact section 5.2527 of the Revised Code to designate March as "Bleeding Disorders Awareness Month."

To the Committee on Health.

H. B. No. 213-Representatives Miller, J., Sheehy, et al.

To enact section 9.51 of the Revised Code to designate the Honor and Remember flag as the symbol of Ohio's concern and commitment to honoring and remembering the lives of all fallen service members and their families and to require that the flag be displayed at the statehouse in Columbus on Memorial Day.

To the Committee on Veterans and Public Safety.

Am. H. B. No. 244-Representatives White, Lampton, et al.

To enact sections 3301.601 and 3301.65 of the Revised Code regarding technology-based educational opportunities for, and the enrollment of, military children.

To the Committee on Primary and Secondary Education.

H. B. No. 247-Representatives West, Kelly, et al.

To amend sections 3703.01 and 3703.03 of the Revised Code to amend the law related to plumbing inspections.

To the Committee on Health.

S. C. R. No. 6-Senators Maharath, Craig, et al.

To commend refugee communities in Ohio.

To the Committee on Government Oversight and Reform.

S. B. No. 183-Senators Fedor, Kunze, et al.

To amend section 2953.38 of the Revised Code to allow a victim of human

trafficking to expunge certain criminal records and to name this act the Expanding Human Trafficking Justice Act.

To the Committee on Judiciary.

S. B. No. 184-Senators Lang, Rulli, et al.

To enact sections 1349.65, 1349.66, 1349.67, and 1349.68 of the Revised Code regarding transparency by large-volume third-party sellers in online marketplaces.

To the Committee on Financial Institutions and Technology.

S. B. No. 185-Senator Schaffer, et al.

To amend section 3761.16 and to enact section 5502.411 of the Revised Code regarding a political subdivision's emergency powers when suppressing a riot, mob, or potential riot or mob and the preservation of rights regarding firearms during an emergency.

To the Committee on Veterans and Public Safety.

S. B. No. 186-Senators Lang, McColley

To enact section 101.03 of the Revised Code regarding the constitutionality of federal actions and to declare an emergency.

To the Committee on Judiciary.

S. B. No. 187-Senator Antani

To enact sections 3376.01, 3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 3376.07, and 3376.08 of the Revised Code to allow intercollegiate athletes to earn compensation from their name, image, or likeness and to declare an emergency.

To the Committee on Workforce and Higher Education.

YES - 13: 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,
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 Manning submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 16**-Senator Schaffer, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Manning.

YES - 4: ROB MCCOLLEY, THERESA GAVARONE, NATHAN H. MANNING, NIRAJ ANTANI

NO - 2: CECIL THOMAS, TERESA FEDOR

Senator Schaffer submitted the following report:

The standing committee on Agriculture and Natural Resources, to which was referred **S. B. No. 102**-Senator Roegner having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Huffman, S., Schaffer, Fedor.

YES - 7: TIM SCHAFFER, STEPHEN A. HUFFMAN, BOB D. HACKETT, SANDRA O'BRIEN, BOB PETERSON, TERESA FEDOR, TINA MAHARATH

NO - 0.

Senator Dolan submitted the following report:

The standing committee on Finance, to which was referred **Am. H. B. No. 170**-Representatives Bird, Richardson, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

Co-Sponsors: Blessing, Hottinger, Brenner, Manning.

YES - 12: LOUIS W. BLESSING, III, THERESA GAVARONE, JAY HOTTINGER, MARK ROMANCHUK, GEORGE F. LANG, ANDREW O. BRENNER, NICKIE J. ANTONIO, MATT DOLAN, HEARCEL F. CRAIG, NATHAN H. MANNING, VERNON SYKES, BOB PETERSON

NO - 0.

In the table on line 14, in row C, column 5, delete "\$8,000,000" and insert "\$7,000,000"

In the table on line 14, in row D, column 5, delete "\$8,000,000" and insert "\$7,000,000"

In the table on line 14, in row E, column 5, delete "\$8,000,000" and insert "\$7,000,000"

In the table on line 16, delete row C

In the table on line 16, in row E, column 5, delete "\$683,156,100" and insert "\$632,361,238"

In the table on line 16, in row F, column 5, delete "\$857,105,159" and insert "\$787,257,512"

In the table on line 16, in row G, column 5, delete "\$857,105,159" and insert "\$787,257,512"

Delete lines 17 through 28 and insert:

"CONTROLLING BOARD APPROVAL

(A) The Department of Education shall first obtain approval from the Controlling Board prior to the expenditure or encumbrance of the funds appropriated in appropriation item 200651 under Section 213.10 of this act and any other federal funds the Department receives from the Emergency Assistance to Non-Public Schools Program under the federal "Coronavirus Aid, Relief, and Economic Security Act," Pub. L. No. 116-136, the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, and the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2.

(B) The Department shall first obtain approval from the Controlling Board prior to the expenditure or encumbrance of the funds appropriated in appropriation item 200640 under Section 213.10 of this act and any other federal funds the Department receives from the Elementary and Secondary School Emergency Relief Fund under the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, and the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2, for the following purposes:

(1) Emergency needs determined by the Department as authorized under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260;

(2) The spending authorized under Title II, Sec. 2001(f)(1)-(3) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2."

Delete lines 71 through 104

In line 110, after "116-136," insert "the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2,"

In line 111, delete "If the Auditor chooses to audit the"

Delete lines 112 and 113

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

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

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

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

BILLS FOR THIRD CONSIDERATION

Am. H. B. No. 170-Representatives Bird, Richardson.

Cosponsors: Representatives Manning, Click, Ingram, Miller, J., Carfagna, Edwards, Jones, O'Brien, Abrams, Brent, Brown, Callender, Carruthers, Crawley, Crossman, Cutrona, Dean, Fraizer, Galonski, Ghanbari, Ginter, Gross, Householder, Howse, John, Kelly, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Liston, Loychik, Miller, A., Miranda, Pavliga, Robinson, Russo, Seitz, Sheehy, Smith, K., Smith, M., Sobecki, Stein, Sweeney, Troy, Weinstein, West, White, Young, T. Senators Blessing, Hottinger, Brenner, Manning Senators Blessing, Hottinger, Brenner, 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, **Am. H. B. No. 170**, 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	Manning	McColley	O'Brien
Peterson	Reineke	Roegner	Romanchuk
Rulli	Schaffer	Sykes	Thomas
Williams	Wilson	Yuko	Huffman, M.-32

So the bill passed.

The title was amended as follows:

Add the names: "Antonio, Cirino, Craig, Fedor, Gavarone, Hackett, Huffman, S., Kunze, Maharath, O'Brien, Rulli, Schaffer, Sykes, Thomas, Williams, Yuko."

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

The motion was agreed to and the title so amended.

S. B. No. 12-Senator Brenner.

Cosponsors: Senators Kunze, Blessing, Hoagland, Schaffer.

To amend section 4501.21 and to enact section 4503.755 of the Revised Code to create the "Little Brown Jug" license plate, was considered the third time.

The question being, "Shall the bill, **S. B. No. 12**, 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	Manning	McColley	O'Brien
Peterson	Reineke	Roegner	Romanchuk
Rulli	Schaffer	Sykes	Thomas
Williams	Wilson	Yuko	Huffman, M.-32

So the bill passed.

The title was amended as follows:

Add the names: "Cirino, Dolan, Gavarone, Hackett, Hottinger, Huffman, S., Maharath, O'Brien, Peterson, Reineke, Rulli, Thomas, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

S. B. No. 54-Senator Gavarone.

Cosponsor: Senator Manning.

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, was considered the third time.

The question being, "Shall the bill, **S. B. No. 54**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

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	Sykes	Thomas	Williams
Wilson	Yuko		Huffman, M.-31

Senator Antani voted in the negative-1.

So the bill passed.

The title was amended as follows:

Add the names: "Antonio, Blessing, Brenner, Cirino, Craig, Fedor, Hackett, Hottinger, Johnson, Kunze, O'Brien, Reineke, Romanchuk, Rulli, Schaffer, Sykes, Thomas, Wilson, Yuko."

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

The motion was agreed to and the title so amended.

S. B. No. 102-Senator Roegner.

Cosponsors: Senators Huffman, S., Schaffer, Fedor.

To amend sections 4301.24 and 4301.62 and to enact section 4301.201 of the Revised Code to exempt homebrewers of beer or home fermenters of wine from specified liquor control laws, was considered the third time.

The question being, "Shall the bill, **S. B. No. 102**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antani	Antonio	Blessing	Brenner
Cirino	Craig	Dolan	Fedor
Gavarone	Hackett	Hoagland	Hottinger
Huffman, S.	Kunze	Lang	Maharath
Manning	McColley	O'Brien	Peterson
Reineke	Roegner	Romanchuk	Rulli
Schaffer	Sykes	Thomas	Williams
Wilson	Yuko		Huffman, M.-31

Senator Johnson voted in the negative-1.

So the bill passed.

The title was amended as follows:

Add the names: "Antonio, Blessing, Brenner, Cirino, Hackett, Hoagland, Manning, McColley, O'Brien, Reineke, Romanchuk, 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, May 23, 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.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

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

S. B. No. 188 - Senator Rulli.

To enact section 5534.816 of the Revised Code to designate a bridge along State Route 46 in Mahoning County as the "Air Force 2nd Lt. William Vaughan Memorial Bridge."

S. B. No. 189 - Senators Lang, McColley.

To amend sections 119.12, 124.34, 956.11, 956.15, 3794.09, 3901.321, 3913.13, 3913.23, 5101.35, and 5164.38 of the Revised Code to change the

venue in which appeal from an agency order is proper to the local court of common pleas.

OFFERING OF RESOLUTIONS

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

S. R. No. 101 - Senator Dolan.

Honoring Nicole Bodean on receiving an NCWIT Award for Aspirations in Computing.

S. R. No. 102 - Senator Dolan.

Honoring Kayla Metzger on receiving an NCWIT Award for Aspirations in Computing.

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

So the resolutions were adopted.

On the motion of Senator Hottinger, the Senate adjourned until Tuesday, June 1, 2021 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.