

OHIO

SENATE

JOURNAL

WEDNESDAY, SEPTEMBER 15, 2021

SEVENTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, September 15, 2021, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Senator Hearcel F. Craig, 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 Steve Huffman recognized Ohio Task Force 1 Urban Search and Rescue Team for their brave service following the tragic building collapse in Surfside, Florida.

Senator Rulli recognized September 25th as National Hunting and Fishing Day in Ohio.

Senator Lang recognized Senior Legislative Aide, Noah Johnson, on his outstanding service to the Ohio Senate.

Senator Schaffer recognized Meghan Dresbach and Sherry Pymmer, business owners from the 20th Senate District, on their visit to the Statehouse.

Senator Gavarone requested a moment of silence for Navy Corpsman Max Soviak, of Berlin Heights, Ohio who was one of the 13 United States service members who lost their lives during a terrorist attack in Afghanistan on August 26, 2021.

Senator Romanchuk and Senator Hottinger requested a moment of silence for former Senator Dick Schafrath.

**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:

S. B. No. 224-Senator Cirino, et al.

To amend sections 2108.75, 2108.82, 3705.20, 4513.17, 4717.04, 4717.05, 4717.06, 4717.07, 4717.10, 4717.13, 4717.14, 4717.24, 4717.28, 4717.30, 4717.31, 4717.35, and 4717.36 of the Revised Code to make changes to the laws that impact funeral homes, funeral professionals, funeral hearses, funeral escort vehicles, and preneed funeral contracts.

To the Committee on General Government Budget Committee.

S. B. No. 225-Senator Schuring, et al.

To amend sections 122.84 and 149.311 of the Revised Code to temporarily modify the historic rehabilitation and the opportunity zone investment tax credits.

To the Committee on Finance.

S. B. No. 226-Senators Kunze, Antonio

To amend section 2901.13 of the Revised Code to extend, from the age of majority to age 26, the tolling of the period of limitation for offenses involving a wound, injury, disability, or condition that indicates abuse or neglect of a child.

To the Committee on Judiciary.

S. B. No. 227-Senator Williams, et al.

To establish the Public Assistance Benefits Cliff Study Committee.

To the Committee on Government Oversight and Reform.

S. B. No. 228-Senator Schaffer, et al.

To amend section 4141.43 and to enact section 4141.433 of the Revised Code to establish legislative oversight of executive action regarding voluntary federal unemployment compensation programs.

To the Committee on Insurance.

S. B. No. 229-Senator Blessing, et al.

Regarding the use of a blended learning model by public and chartered nonpublic schools during the 2021-2022 school year and to declare an emergency.

To the Committee on Primary and Secondary Education.

YES - 13: 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 were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Blessing submitted the following report:

The standing committee on Ways and Means, to which was referred **S. B. No. 47**-Senators Brenner, Peterson having had the same under consideration, reports it back and recommends its passage.

YES - 5: KRISTINA D. ROEGNER, LOUIS W. BLESSING, III, JAY HOTTINGER, MATT DOLAN, JERRY C. CIRINO

NO - 0.

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:

Bankowitz, Rachel, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning June 21, 2021, ending at the close of business January 14, 2024, replacing Rachel E. Bankowitz, whose term expired.

Hall, Michael, from Columbus, Franklin County, Ohio, as a Member of the Capitol Square Review and Advisory Board for a term beginning June 4, 2021, and continuing at the pleasure of the Governor, replacing Laurel Dawson, .

Hobbs, Stuart, from Columbus, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning March 10, 2021, ending at the close of business January 14, 2024, replacing Stuart D. Hobbs, whose term expired.

Hull, Sandra, from Wooster, Wayne County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning June 21, 2021, ending at the close of business January 14, 2024, replacing Sandra C.

Hull, whose term expired.

Kaelin, Nathaniel, from Hamilton, Butler County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning March 10, 2021, ending at the close of business January 14, 2024, replacing Nathaniel B. Kaelin, whose term expired.

Porter, Samuel, from Columbus, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning March 10, 2021, ending at the close of business January 14, 2024, replacing Samuel H. Porter III, whose term expired.

Rice, Daniel, from Cuyahoga Falls, Summit County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning April 9, 2021, ending at the close of business January 14, 2024, replacing Daniel M. Rice, whose term expired.

Robison, Elwin, Republican, from Kent, Portage County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a term beginning April 16, 2021, ending at the close of business January 14, 2024, replacing Elwin C. Robison, whose term expired.

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

YES – 13: 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 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Antani	Blessing	Brenner	Cirino
Craig	Dolan	Gavarone	Hackett
Hoagland	Hottinger	Huffman, S.	Johnson
Kunze	Lang	Maharath	Manning
McColley	O'Brien	Peterson	Reineke
Roegner	Romanchuk	Rulli	Schaffer
Schuring	Sykes	Thomas	Wilson
Yuko			Huffman, M.-30

So the Senate advised and consented to said appointments.

RESOLUTIONS REPORTED BY COMMITTEE

S. R. No. 175-Senator Romanchuk.

Cosponsors: Senators McColley, Brenner.

To memorialize PJM Interconnection, L.L.C. and the Federal Energy Regulatory Commission to urge the preservation of the Minimum Offer Price Rule for the PJM capacity market.

WHEREAS, The State of Ohio has pursued deregulation of electricity to increase consumer choice and encourage the development of a competitive electricity marketplace, beginning with the passage of S.B. 3 of the 123rd General Assembly; and

WHEREAS, There have been billions of dollars of investment in new generation resources in Ohio since deregulation began in 1999; and

WHEREAS, The State of Ohio has rejected state subsidization of various generation resources in favor of encouraging competition; and

WHEREAS, The main purpose of the PJM Interconnection, L.L.C. capacity market is to secure long-term generation commitments from resources that are capable of performing consistently, even in extreme conditions, to ensure there is always an adequate supply of generation resources to meet the needs of consumers within PJM's region; and

WHEREAS, The Minimum Offer Price Rule was established by PJM to prevent state-subsidized generation resources from exercising market power by offering those resources into the PJM capacity market at artificially low prices and to ensure that new resources are competitively offered into PJM's capacity market by establishing a specific minimum dollar amount that a generation resource can offer into the capacity market; and

WHEREAS, PJM is now proposing to eliminate the Minimum Offer Price Rule and replace it with an alternative model that would allow state policies to influence the PJM capacity market and decrease competition; and

WHEREAS, The elimination of the Minimum Offer Price Rule would increase the risk of a critical reliability problem within the PJM states and would force Ohioans to bear costs associated with other states' generation resource preferences; now therefore be it

RESOLVED, That we, the members of the Senate of the 134th General Assembly of the State of Ohio, call upon PJM and the Federal Energy Regulatory Commission to evaluate whether state-subsidized generation resources have a material impact on price formation in PJM's capacity market and whether such subsidization will result in states that have rejected such subsidization being forced to bear increased costs and adversely impact the market's ability to attract and retain commitments from the generation resources necessary to ensure regional reliability; and be it further

RESOLVED, That we, the members of the Senate of the 134th General Assembly of the State of Ohio, call upon PJM and the Federal Energy Regulatory Commission to retain the Minimum Offer Price Rule and reject all efforts to eliminate or replace it; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to each member of the PJM Board of Managers and the PJM Members Committee, each of the commissioners of the Federal Energy Regulatory Commission, and the news media of Ohio.

The question being, “Shall the resolution, **S. R. No. 175**, be adopted?

The yeas and nays were taken and resulted – yeas 25, nays 5, 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 Craig, Maharath, Sykes, Thomas, and Yuko voted in the negative-5.

So the resolution was adopted.

The title was amended as follows:

Add the names: "Cirino, Hackett, Hoagland, Johnson, Lang, Reineke, Schaffer, Schuring."

The question being, “Shall the motion be agreed to?”

The motion was agreed to and the title so amended.

S. R. No. 176-Senator Schaffer.

Cosponsors: Senators Dolan, Brenner.

To urge Congress to protect the natural gas and oil industry from disproportionate tax increases or other punitive measures.

WHEREAS, The natural gas and oil industry has provided the United States with a path to national security, economic prosperity, and environmental progress; and

WHEREAS, The industry supports 11.3 million jobs across the country, powers the nation's economy, and generates billions in revenue for the federal and state governments in rent, royalties, and corporate and income tax payments, including \$14 billion for state treasuries through severance taxes in 2019 alone; and

WHEREAS, The natural gas and oil industry contributes significantly to jobs in Ohio's communities and to state-of-the-art emissions reduction technologies; and

WHEREAS, The industry contributed more than \$58.7 billion to Ohio's economy in 2019; and

WHEREAS, The industry supported more than 375,000 jobs in Ohio, including accounting for more than \$24.6 billion in wages in 2019; and

WHEREAS, Direct industry jobs pay seven times higher than the federal minimum wage and 70% higher than the national average; and

WHEREAS, Research shows that every direct job in the natural gas and oil industry generates an additional 3.8 jobs in Ohio; and

WHEREAS, The industry's investments in the United States have led to a 15% decrease in household energy costs over the last decade--while costs for food, education, and health care have skyrocketed; and

WHEREAS, Those cheaper energy costs are crucial to working families in our communities and across the country; and

WHEREAS, The natural gas and oil industry should not be prevented from recovering costs that other industries are eligible to recover simply because the natural gas and oil industry operates in a different economic sector; and

WHEREAS, Federal tax law allows industries across the manufacturing sector to recover costs related to job creation and other operational investments; and

WHEREAS, These common tax mechanisms allow these industries to create jobs; invest in our communities; fund critical education, infrastructure, and social service programs; and deliver the energy that working families rely on every day; now therefore be it

RESOLVED, That we, the members of the Senate of the 134th General Assembly of the State of Ohio, in adopting this resolution, respectfully oppose federal policies that will increase the costs and taxes on the larger business community; and be it further

RESOLVED, That we, the members of the Senate of the 134th General Assembly of the State of Ohio, urge the Congress of the United States to fight any attempt to target the natural gas and oil industry by disproportionately increasing the tax burden, or by other punitive measures on the companies that are leading our post-pandemic recovery; and be it further

RESOLVED, That these attempts are negatively impacting the constituents of the districts we represent; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to every member of the Cabinet of President Joseph

R. Biden and Ohio's Congressional delegation and to the members of the Capitol Press Corps.

The question being, "Shall the resolution, **S. R. No. 176**, be adopted?

The yeas and nays were taken and resulted – yeas 25, nays 5, 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 Craig, Maharath, Sykes, Thomas, and Yuko voted in the negative-5.

So the resolution was adopted.

The title was amended as follows:

Add the names: "Cirino, Hackett, Hoagland, Hottinger, Johnson, Lang, McColley, O'Brien, Peterson, Reineke, Schuring."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 25-Senator Gavarone.

Cosponsors: Senators Manning, Fedor.

To amend sections 2925.01 and 2925.03 and to enact section 2925.15 of the Revised Code to enhance penalties for certain drug trafficking offenses committed in the vicinity of a substance addiction services provider or a recovering addict, to prohibit defrauding an alcohol, drug, or urine screening test, and to name the act's provisions the Relapse Reduction Act, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 25**, pass?"

The yeas and nays were taken and resulted – yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

Blessing	Brenner	Cirino	Craig
Dolan	Gavarone	Hackett	Hoagland
Hottinger	Huffman, S.	Johnson	Kunze
Lang	Maharath	Manning	McColley
O'Brien	Peterson	Reineke	Roegner
Romanchuk	Rulli	Schaffer	Schuring

Sykes

Thomas

Wilson

Yuko
Huffman, M.-29

Senator Antani voted in the negative-1.

So the bill passed.

The title was amended as follows:

Add the names: "Blessing, Cirino, Dolan, Hackett, Hottinger, Johnson, Reineke, Romanchuk, Rulli, Schaffer, Schuring, 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, September 12, 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. 230 - Senator Roegner.

To amend sections 317.32, 1337.11, 1337.12, 1337.22, 1337.25, 2107.01, 2107.03, 2107.07, 2107.17, 2107.18, 2107.24, 2107.27, 2107.29, 2107.30, 2107.31, 2107.33, 2107.60, 2107.63, 2129.05, 2133.01, 2133.02, 5302.22, 5817.01, and 5817.05 and to enact sections 1337.121 and 2107.031 of the Revised Code to expand the laws on wills, declarations or living wills, durable powers of attorney for health care, and transfer on death designation affidavits by providing for their execution electronically.

S. B. No. 231 - Senator Hottinger.

Cosponsors: Senators Cirino, Blessing, Schaffer, Antonio.

To amend section 5747.11 of the Revised Code to expressly authorize the issuance of an income tax refund in the name of a deceased taxpayer's fiduciary.

S. B. No. 232 - Senators Fedor, Antonio.

Cosponsors: Senators Yuko, Craig, Thomas, Maharath.

To amend sections 3517.01, 3517.08, 3517.10, 3517.102, 3517.105, 3517.106, 3517.107, 3517.13, 3599.03, 3921.22, and 4503.03 of the Revised Code to modify the campaign finance law and to name this act the Ohio Anti-Corruption Act.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 55, the following resolution was offered:

S. R. No. 183 - Senator Johnson.

Honoring the Kiwanis Club of Portsmouth on its Centennial.

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

So the resolution was adopted.

On the motion of Senator Hottinger, the Senate adjourned until Tuesday, September 21, 2021 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.