

OHIO

SENATE

JOURNAL

TUESDAY, MAY 24, 2022

ONE HUNDRED FIFTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 24, 2022, 9:30 a.m.

The Senate met pursuant to adjournment.

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

Senator O'Brien 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 Gavarone submitted the following report:

The standing committee on Local Government and Elections, to which was referred **S. B. No. 299**-Senator Schaffer having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

Delete lines 111 through 113

In line 114, delete "4" and insert "3"

YES - 5: THERESA GAVARONE, SANDRA O'BRIEN, JERRY C.
 CIRINO, STEPHANIE KUNZE, NATHAN H. MANNING

NO - 1: VERNON SYKES

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. 341 - Senator Schuring.

To amend sections 122.85, 5726.55, 5726.98, 5733.59, 5747.66, 5747.98, 5751.54, and 5751.98 and to enact sections 122.852, 5726.58, 5747.67, and 5751.55 of the Revised Code to modify the film and theater tax credit and to authorize a tax credit for capital improvement projects relating to the film and theater industries.

S. B. No. 342 - Senators Schuring, Lang.

To enact section 4517.262 of the Revised Code to generally exempt a motor vehicle dealer from liability for the contents of a third-party motor vehicle history report.

S. B. No. 343 - Senator Dolan.

To declare the General Assembly's intent to enact legislation making capital appropriations for the biennium ending June 30, 2024.

S. B. No. 344 - Senator Schuring.

To amend sections 107.036 and 5747.98 and to enact section 122.91 of the Revised Code to create the Ohio community revitalization program, authorizing nonrefundable income tax credits for undertaking community projects.

OFFERING OF RESOLUTIONS

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

S. R. No. 356 - Senator Blessing.

Honoring Raegan Briggs on winning a 2022 State Wrestling Championship.

S. R. No. 357 - Senator Blessing.

Honoring Chloe Dearwester on winning a 2022 State Wrestling Championship.

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

So the resolutions were 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:

Sub. S. B. No. 15 -Senator Wilson

Cosponsors: Senators Brenner, Schuring, Blessing, Cirino, Craig, Fedor, Gavarone, Hackett, Huffman, S., Lang, O'Brien, Peterson, Roegner, Schaffer, Sykes, Yuko Representatives Abrams, Carruthers, Galonski, Grendell, Hillyer, John, Johnson, Jones, Kick, McClain, Patton, Seitz, Sheehy, Stephens, Swearingen, Wiggam, Young, T.

To enact sections 301.221, 319.41, 321.50, 507.14, 733.82, 3354.101, 3357.101, 3358.061, 3375.361, and 6119.61 of the Revised Code to change the circumstances in which certain fiscal officers may be held liable for a loss of public funds.

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

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 concurred in the passage of the following bill:

Am. S. B. No. 236 -Senators Wilson, Lang

Cosponsors: Senators Reineke, Cirino, Brenner, Blessing, Hackett, Hottinger, Johnson, McColley, Peterson, Romanchuk, Rulli, Schaffer, Thomas, Yuko
Representatives Hicks-Hudson, Lampton, Lepore-Hagan, Miller, J., Miranda, Seitz, West

To amend sections 1345.81 and 3901.41 of the Revised Code to enable insurers using an online platform to automatically enroll purchasers in digital communications and to modify a requirement regarding the use of salvage motor vehicle parts in repairs.

With the following additional amendments, in which the concurrence of the Senate is requested.

In line 1 of the title, delete "section" and insert "sections 1345.81 and"

In line 4 of the title, after "communications" insert "and to modify a requirement regarding the use of salvage motor vehicle parts in repairs"

In line 5, delete "section" and insert "sections 1345.81 and"

After line 6, insert:

"Sec. 1345.81. (A) As used in this section:

(1) "Aftermarket crash part" means a replacement for any of the nonmechanical sheet metal or plastic parts that generally constitute the exterior of a motor vehicle, including inner and outer panels.

(2) "Nonoriginal equipment manufacturer aftermarket crash part" or "non-OEM aftermarket crash part" means any aftermarket crash part that is not made by or for the manufacturer of the motor vehicle.

(3) "Repair facility" means any motor vehicle dealer, garage, body shop, or other commercial entity that undertakes the repair or replacement of those parts that generally constitute the exterior of a motor vehicle.

(4) "Installer" means any individual who actually performs the work of replacing or repairing parts of a motor vehicle.

(5) "Insurer" means any individual serving as an agent or authorized representative of an insurance company, involved with the coverage for repair of the motor vehicle in question.

(B) Any insurer who provides an estimate for the repair of a motor vehicle based in whole or in part upon the use of any non-OEM aftermarket crash part in the repair of the motor vehicle and any repair facility or installer who intends to use a non-OEM aftermarket crash part in the repair of a motor vehicle shall comply with the following provisions, as applicable:

(1) If the person requesting the repair chooses to receive a written estimate, the insurer, repair facility, or installer providing the estimate shall identify, clearly in the written estimate, each non-OEM aftermarket crash part and shall contain a written notice with the following language in ten-point or larger type: "This estimate has been prepared based upon the use of one or more aftermarket crash parts supplied by a source other than the manufacturer of your motor vehicle. Warranties applicable to these aftermarket crash parts are provided by the parts manufacturer or distributor rather than by your own motor vehicle manufacturer." Receipt and approval of the written estimate shall be acknowledged by the signature of the person requesting the repair at the bottom of the written estimate.

(2) If the person requesting the repair chooses to receive an oral estimate or no estimate at all, the insurer, repair facility, or installer providing the estimate or seeking the person's approval for repair work to commence shall furnish or read to the person a written notice as described in division (B)(1) of this section at the time that the oral estimate is given or when the person requesting the repair gives his approval for the repair work to commence. If the person has chosen to receive an oral estimate or no estimate, the written notice described in division (B)(1) of this section shall be provided with the final invoice for the repair.

(C) Any non-OEM aftermarket crash part manufactured after ~~the effective date of this act~~ October 16, 1990, shall have permanently affixed thereto, or inscribed thereon, prior to the installation of the part, the business name or logo of the manufacturer.

Whenever practical, the location of the affixed or inscribed information upon the part shall ensure that the information shall be accessible after installation.

(D) An insurer, repair facility, or installer may use a salvage motor vehicle part in the repair of a motor vehicle, if the salvage motor vehicle part is of a like kind and quality to the part in need of repair and is ~~removed~~ sourced from a ~~salvage motor vehicle~~ by a salvage motor vehicle dealer licensed under Chapter 4738. of the Revised Code.

(E) Any violation of this section in connection with a consumer transaction as defined in section 1345.01 of the Revised Code is an unfair and deceptive act or practice as defined by section 1345.02 of the Revised Code."

In line 188, delete "section" and insert "sections 1345.81 and"

In line 189, delete "is" and insert "are"

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. 242 -Representatives Young, B., Weinstein

Cosponsors: Representatives Lipps, Hoops, Stewart, Brent, Riedel, O'Brien, Galonski, Boggs, Russo, Miller, J., Click, Miranda, Jarrells, Johnson, Schmidt, Lepore-Hagan, Miller, A., Young, T., Jones, Sheehy, Ingram, White, Leland, Liston, Abrams, Baldridge, Bird, Blackshear, Brown, Carruthers, Creech, Cross, Crossman, Davis, Denson, Fraizer, Hall, Hicks-Hudson, Hillyer, Humphrey, John, Kick, Lampton, Loychik, Manning, Oelslager, Patton, Pavliga, Plummer, Ray, Robinson, Skindell, Smith, K., Smith, M., Stein, Sweeney, Troy, Upchurch, West, Wilkin

To enact section 5.294 of the Revised Code to designate April as "Autism Acceptance Month."

H. B. No. 333 -Representatives Miranda, White

Cosponsors: Representatives Carfagna, Ingram, Troy, Smith, K., Smith, M., Weinstein, Miller, J., Miller, A., Brent, Young, T., Sheehy, Sobecki, Addison, Boggs, Brown, Carruthers, Crossman, Davis, Denson, Edwards, Hicks-Hudson, Jarrells, Jones, Leland, Lepore-Hagan, Liston, Manning, O'Brien, Robinson, Russo, Skindell, Sweeney, Upchurch, West, Speaker Cupp

To enact section 3319.091 of the Revised Code to require the Department of Education to make recommendations for a job description for school counselors and to designate at least one staff member as a school counselor liaison.

Sub. H. B. No. 343 -Representative White

Cosponsors: Representatives Seitz, Stewart, Carfagna, Galonski, Ginter, Young, T., Leland, Abrams, Addison, Baldrige, Blackshear, Brent, Brown, Carruthers, Click, Creech, Crossman, Davis, Denson, Hicks-Hudson, Jarrells, LaRe, Lepore-Hagan, Manning, Miller, J., Miranda, O'Brien, Oelslager, Patton, Richardson, Riedel, Robinson, Russo, Schmidt, Sheehy, Skindell, Smith, K., Smith, M., Stein, Swearingen, Sweeney, Upchurch, Weinstein, West, Speaker Cupp

To amend sections 9.39, 109.42, 109.91, 149.43, 1901.31, 1907.20, 2151.356, 2151.358, 2152.20, 2152.81, 2152.811, 2335.35, 2743.191, 2743.70, 2907.02, 2907.05, 2907.10, 2929.18, 2929.20, 2929.22, 2929.28, 2930.01, 2930.02, 2930.03, 2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 2930.09, 2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 2930.17, 2930.18, 2930.19, 2937.11, 2945.481, 2945.482, 2945.72, 2947.051, 2951.041, and 2953.32; to enact new section 2930.07 and sections 2152.203, 2929.281, 2930.011, 2930.041, 2930.042, 2930.043, 2930.044, 2930.051, 2930.063, 2930.071, 2930.072, 2930.121, 2930.131, 2930.161, 2930.162, 2930.171, 2930.191, and 2945.483; and to repeal section 2930.07 of the Revised Code to make changes relative to the rights of crime victims.

Am. H. B. No. 353 -Representatives Click, Miranda

Cosponsors: Representatives Carfagna, Creech, Callender, Gross, Jarrells, John, Lightbody, LaRe, Miller, A., Miller, J., Patton, Russo, Smith, K., Young, T., White, Ferguson, Weinstein, Leland, Addison, Baldrige, Blackshear, Boggs, Brent, Brown, Carruthers, Crossman, Davis, Fowler Arthur, Fraizer, Ginter, Hall, Hillyer, Ingram, Johnson, Kick, Lepore-Hagan, McClain, O'Brien, Oelslager, Richardson, Riedel, Robinson, Roemer, Schmidt, Smith, M., Stein, Stephens, Stevens, Sweeney, Upchurch, West, Young, B., Speaker Cupp

To enact section 3345.024 of the Revised Code to enact "The Testing Your Faith Act" to require each state institution of higher education to adopt a policy providing students with religious accommodations.

Am. H. B. No. 364 -Representative Patton

Cosponsors: Representatives Carruthers, Ginter, Hoops, Jones, Loychik, Manning, Seitz, Stephens, Troy

To amend section 4909.172 of the Revised Code to make changes to the application process for the waterworks infrastructure improvement surcharge.

Sub. H. B. No. 372 -Representatives Ray, Roemer

Cosponsors: Representatives Johnson, Click, Abrams, Carruthers, Cutrona, Dean, Fraizer, Ginter, Gross, John, Jones, Lampton, Loychik, Merrin, Oelslager, Seitz, Stevens, White

To amend sections 3781.19 and 3781.20 and to enact section 3781.21 of the Revised Code to make changes to the law relating to building inspections.

Am. H. B. No. 377 -Representatives Hall, Swearingen

Cosponsors: Representatives Riedel, Click, Seitz, Carfagna, White, Jones, Callender, Edwards, Roemer, West, Abrams, Addison, Baldridge, Blackshear, Brent, Brown, Carruthers, Cross, Cutrona, Davis, Denson, Fraizer, Ghanbari, Hicks-Hudson, Humphrey, Ingram, Jarrells, Leland, Lepore-Hagan, Lipps, Liston, Loychik, Miller, J., Miranda, O'Brien, Oelslager, Robinson, Russo, Sheehy, Smith, K., Smith, M., Sweeney, Troy, Upchurch, Weinstein, Young, T., Speaker Cupp

To amend Section 220.11 of H.B. 168 of the 134th General Assembly to make an appropriation related to coronavirus local fiscal recovery.

Am. Sub. H. B. No. 422 -Representatives Fraizer, West

Cosponsors: Representatives Click, Creech, Ferguson, Hall, Lipps, Seitz, Stoltzfus, Ingram, Sobecki, Wiggam, Carruthers, Fowler Arthur, Gross, Merrin

To amend sections 701.10, 729.49, 735.29, and 743.04 and to enact sections 319.65, 701.101, 701.102, 701.20, 701.21, 701.22, 701.23, 701.24, 701.25, 701.26, 729.491, 729.492, 735.291, 743.041, 3745.15, 3745.151, 3745.152, 3745.153, 3745.154, 3745.155, 3745.156, 3745.157, 3745.158, 3745.159, 3745.1510, and 3745.1511 of the Revised Code regarding limitations on recovery and lien imposition by municipalities against property owners of non-owner-occupied properties for unpaid water, sewer, and disposal services rates and charges.

Sub. H. B. No. 542 -Representatives Roemer, Sobecki

Cosponsors: Representatives Fraizer, Carruthers, Gross, Hicks-Hudson, Humphrey, Ingram, Jarrells, Leland, Lepore-Hagan, Miller, J., O'Brien, Pavliga, Plummer, Sheehy, Young, T., West

To amend sections 2925.01, 3333.26, 4709.01, 4709.07, 4709.08, 4709.09, 4709.11, 4709.12, 4709.14, 4709.99, 4713.01, 4713.02, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.17, 4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.39, 4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, 4713.69, and 4713.99; to enact new sections 4709.02, 4709.03, 4709.05, 4709.10, 4709.13, 4713.44, and 4713.45 and sections 4709.031, 4709.051, 4709.071, 4709.072, 4709.073, 4709.091, 4709.111, and 4709.112; and to repeal sections 4709.02, 4709.03, 4709.05, 4709.10, 4709.13, 4709.23, 4713.26, 4713.36, 4713.44, and 4713.45 of the Revised Code to make changes to the law governing the regulation of cosmetologists and barbers.

Sub. H. B. No. 545 -Representatives Abrams, Baldridge

Cosponsors: Representatives LaRe, Seitz, Miller, K., Young, T., Jones, White, Ghanbari, Gross, Richardson, Miller, A., Miller, J., Brown, Carruthers, Click, Edwards, Ginter, Hall, Hillyer, John, Leland, Lepore-Hagan, Liston, McClain, Miranda, O'Brien, Oelslager, Patton, Pavliga, Plummer, Ray, Roemer, Schmidt, Stein, Swearingen, Weinstein, Speaker Cupp

To amend section 4735.05 and to enact sections 2317.023 and 4113.42 of the Revised Code to generally allow for privileged testimonial communications between a peer support team member and an individual receiving peer support services or advice from the team member.

Sub. H. B. No. 564 -Representative Koehler

Cosponsors: Representatives Seitz, Ginter, Carruthers, Abrams, Creech, Fraizer, Gross, Hall, Holmes, Jones, Kick, Miller, J., Miller, K., Stein, Wiggam

To amend section 3501.054 of the Revised Code to permit certain public officials to collaborate with or accept money from a nongovernmental person or entity for using a building to train precinct election officials, to temporarily expand the category of first responders of certain townships who are considered part-time for purposes of health coverage, and to declare an emergency.

Am. H. B. No. 567 -Representatives Stewart, Brown

Cosponsors: Representatives Smith, K., Miller, A., Humphrey, Young, T., LaRe, Lanese, Carfagna, Koehler, Fraizer, Crossman, Manning, Hillyer, Hall, Galonski, Kick, Leland, Merrin, Skindell, White, Brent, Hicks-Hudson, Jarrells, Lepore-Hagan, O'Brien, Patton, Pavliga, Russo, Sheehy, Wiggam

To amend section 2303.12 of the Revised Code to generally require the clerk of the court of common pleas to make available the court's general docket, including documents on each civil case file, on the clerk of court's web site.

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. 338-Representative Hoops – et al.

Attest:

Bradley J. Young,
Clerk.**Message from the House of Representatives**

Mr. President:

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

H. C. R. No. 28 -Representative Stewart

Cosponsors: Representatives Bird, Carfagna, Fraizer, Hall, John, Riedel, Boggs, Cross, Hoops, Humphrey, Lampton, Leland, Liston, Merrin, O'Brien, Russo, Stevens, West, Young, T.

To urge the National Collegiate Athletics Association to restore the vacated wins and records from the 2010 football season of the Ohio State University.

Attest:

Bradley J. Young,
Clerk.

The question being, “Shall the concurrent resolution, **H. C. R. No. 28**, be adopted?”

On the motion of Senator Hackett, **H. C. R. No. 28** was referred to the Committee on Rules and Reference.

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:

Am. Sub. H. B. No. 30-Representatives Wiggam, Kick – et al.**Sub. H. B. No. 338-Representative Hoops – et al.**

Attest:

Bradley J. Young,
Clerk.

The President signed said bills.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3119.023(C)(7) of the Ohio Revised Code, the President of the Senate removes Theresa Gavarone and appoints Stephanie Kunze to serve on the Ohio Child Support Guideline Advisory Council.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5123.603 (B)(1) of the Revised Code, the President of the Senate appoints the following senator to serve on the joint committee to examine the activities of the state's protection and advocacy system and client assistance program:

Vernon Sykes

MESSAGE FROM THE PRESIDENT

Pursuant to Rules No. 19 and 20, the President of the Senate temporarily removes Senator Stephen A. Huffman and appoints Senator Bill Reineke to the Primary and Secondary Education Committee for the purposes of the May 24, 2022 committee meeting.

On the motion of Senator Hackett, the Senate adjourned until Wednesday, May 25, 2022 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.