

OHIO

SENATE

JOURNAL

WEDNESDAY, NOVEMBER 30, 2022

ONE HUNDRED NINETY-NINTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, November 30, 2022, 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 Manning recognized Mr. Kurt Russell as the 2022 National Teacher of the Year.

Senator Gavarone recognized Noor Abukaram, a student at The Ohio State University, as the recipient of the Billie Jean King Youth Award.

Senator Manning recognized the North Ridgeville High School Skeet team as the 2022 OSHSCTL State Champion.

Senator Kunze recognized the Upper Arlington High School Boys and Girls Water Polo Teams as the 2022 State Champions.

Senator Reineke recognized Michael Linton on his visit to the Statehouse.

Senator Cirino recognized members of the Kent State Student Government on their visit to the Statehouse.

Senator Kunze recognized Belle Post, a student from Worthington Kilbourne High School, who is shadowing her today.

Senator Reineke recognized Senior Legislative Aide, Joseph Cicchillo, on his outstanding service to the Ohio Senate.

Senator Dolan and Senator Craig recognized Senator Martin for his exemplary service to the Ohio Senate.

**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:

Am. H. B. No. 150-Representatives Hillyer, Leland, et al.

To amend sections 120.521 and 5747.01 and to enact sections 3333.13,

3333.131, 3333.132, 3333.133, 3333.134, 3333.135, 3333.136, and 3333.137 of the Revised Code to establish the Rural Practice Incentive Program, to establish a task force to study Ohio's indigent defense system, and to make an appropriation.

To the Committee on Finance.

Sub. H. B. No. 283-Representatives Abrams, Lampton, et al.

To amend sections 3321.141, 4507.11, 4508.02, 4510.036, 4511.043, 4511.204, and 4511.991 and to enact sections 4507.214, 4511.122, and 4511.992 of the Revised Code to expand the texting while driving prohibition to a general prohibition against using an electronic wireless communications device while driving, with certain exceptions, and to create data collection requirements based on associated violations of the distracted driving laws.

To the Committee on Judiciary.

H. B. No. 403-Representatives Fowler Arthur, Miller, A., et al.

To amend section 3319.313 of the Revised Code to require a school district superintendent or administrator of a public or chartered nonpublic school to file a report with the Department of Education regarding a teacher that retired under threat of disciplinary investigation.

To the Committee on Primary and Secondary Education.

H. B. No. 419-Representatives Troy, Seitz, et al.

To amend sections 5101.63 and 5101.99 of the Revised Code to make failure to make a mandatory report of adult abuse, neglect, or exploitation a fourth degree misdemeanor.

To the Committee on Judiciary.

Sub. H. B. No. 433-Representative Gross, et al.

To amend sections 2925.01, 4709.01, 4713.01, 4713.07, 4713.081, 4713.09, 4713.10, 4713.14, 4713.25, 4713.28, 4713.30, 4713.31, 4713.35, 4713.41, 4713.56, 4713.57, 4713.58, 4713.60, and 4713.62; to enact new section 4713.69; and to repeal section 4713.69 of the Revised Code to enact the Provider of Boutique Services Opportunity Act regarding natural hair stylists and boutique salon registrants.

To the Committee on Government Oversight and Reform.

Sub. H. B. No. 439-Representatives Galonski, Hillyer, et al.

To amend sections 5122.01 and 5122.10 of the Revised Code to make changes to the law regarding involuntary treatment for mentally ill persons subject to a court order.

To the Committee on Judiciary.

S. J. R. No. 8-Senators McColley, Rulli

Applying to the Congress of the United States for a limited national convention for the exclusive purpose of proposing an amendment to the Constitution of the United States to establish term limits for members of Congress.

To the Committee on Government Oversight and Reform.

S. B. No. 367-Senator Schuring, et al.

To amend sections 145.11, 742.11, 3307.15, 3309.15, 3345.16, 4123.44, 4123.442, and 5505.06 and to enact section 3345.161 of the Revised Code regarding environmental, social, and corporate governance policies with respect to the state retirement systems, Bureau of Workers' Compensation, and state institutions of higher education.

To the Committee on Finance.

S. B. No. 368-Senator O'Brien

To amend sections 3310.03, 3310.031, 3310.032, 3310.033, 3310.034, 3310.036, 3310.07, 3313.975, and 5747.72 and to repeal sections 3310.035 and 3310.05 of the Revised Code to enact the Parent Educational Freedom Act to expand eligibility for Educational Choice scholarships, to cease the operation of the Pilot Project Scholarship Program on July 1, 2023, and to increase the existing income tax credit for homeschooling expenses from \$250 to \$2000.

To the Committee on Primary and Secondary 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, 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 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. 288-** Senator Manning having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: NATHAN H. MANNING, CECIL THOMAS, PAULA HICKS-HUDSON, ROB MCCOLLEY, THERESA GAVARONE, KIRK SCHURING

NO - 1: NIRAJ ANTANI

Senator Hackett submitted the following report:

The standing committee on Insurance, to which was referred **S. B. No. 302-** Senators Hackett, Reineke, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 12: BOB D. HACKETT, MARK ROMANCHUK, HEARCEL F. CRAIG, ANDREW O. BRENNER, MATT DOLAN, JAY HOTTINGER, STEPHEN A. HUFFMAN, STEPHANIE KUNZE, GEORGE F. LANG, TIM SCHAFFER, CECIL THOMAS, STEVE WILSON

NO - 0.

Senator Roegner submitted the following report:

The standing committee on Government Oversight and Reform, to which was referred **Sub. H. B. No. 542-** Representatives Roemer, Sobecki, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 5: KRISTINA D. ROEGNER, ROB MCCOLLEY, FRANK HOAGLAND, BOB PETERSON, TIM SCHAFFER

NO - 2: HEARCEL F. CRAIG, CECIL THOMAS

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:

Bajoria, Sheetal, Independent, from Dublin, Delaware County, Ohio, as a Member of the Ohio Casino Control Commission for a term beginning May 20, 2022, ending at the close of business February 21, 2026, replacing Ranjan Manoranjan, whose term expired.

Battles, Dorothy, from Thompson, Geauga County, Ohio, as a Member of the State Board of Emergency Medical, Fire, and Transportation Services for a term beginning June 2, 2022, ending at the close of business November 12, 2024, replacing George B. Snyder, whose term expired.

Brown, Jillian, from Blue Ash, Hamilton County, Ohio, as a Member of the Accountancy Board for a term beginning June 13, 2022, ending at the close of business October 20, 2028, replacing Margaret A. Gilmore, whose term expired.

Candisky, Caryn, Republican, from Bay Village, Cuyahoga County, Ohio, as a Member of the State Lottery Commission for a term beginning June 13, 2022, ending at the close of business August 1, 2023, replacing Sean A. Whalen, whose term expired.

Coleman, Carlysle, from Worthington, Franklin County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning May 6, 2022, ending at the close of business December 31, 2025, replacing Rodney Craig Armstrong, whose term expired.

Freeman, Tracy, from Pickerington, Fairfield County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning July 1, 2022, ending at the close of business June 30, 2025, replacing Josh E. Knights, whose term expired.

Gupta, Nita, Independent, from Wadsworth, Medina County, Ohio, as a Member of the State Lottery Commission for a new term beginning August 2, 2022, ending at the close of business August 1, 2025, replacing Nita Gupta, whose term expired.

Hughes, Jonathan, Republican, from Dublin, Franklin County, Ohio, as a Member of the State Lottery Commission for a new term beginning August 2, 2022, ending at the close of business August 1, 2025, Jonathan S. Hughes, whose term expired.

Krane, Carissa, Democrat, from Xenia, Greene County, Ohio, as a Member of the Ohio Tuition Trust Authority Investment Board for a term beginning June 17, 2022, ending at the close of business January 30, 2026, replacing Michael Vernon Wible, whose term expired.

Mayle, Timothy, Republican, from Findlay, Hancock County, Ohio, as a Member of the Transportation Review Advisory Council for a new term beginning July 15, 2022, ending at the close of business June 29, 2027, replacing Timothy Ronald Mayle, whose term expired.

Nelson, Shawn, from Upper Arlington, Franklin County, Ohio, as a Member of the Public Benefits Advisory Board for a new term beginning July 21, 2022, ending at the close of business June 30, 2025, replacing Shawn Edward Nelson, whose term expired.

Proud, Mark, from Columbus, Franklin County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning May 6, 2022, ending at the close of business December 31, 2025, replacing Ronald Clark, whose term expired.

Rickel, Mark, Republican, from Columbus, Franklin County, Ohio, as a Member of the State Lottery Commission for a new term beginning August 2, 2022, ending at the close of business August 1, 2025, replacing Mark L. Rickel, whose term expired.

Royer, John, from Columbus, Franklin County, Ohio, as a Member of the Housing Trust Fund Advisory Committee for a new term beginning May 20, 2022, ending at the close of business March 18, 2025, replacing John W. Royer, whose term expired.

Sarver, John, from Brook Park, Cuyahoga County, Ohio, as a Member of the Public Benefits Advisory Board for a term beginning July 1, 2022, ending at the close of business June 30, 2025, replacing David Rinebolt, who resigned.

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

YES – 13: NICKIE J. ANTONIO, ANDREW O. BRENNER, HEARCEL F. CRAIG, MATT DOLAN, THERESA GAVARONE, BOB D. HACKETT, JAY HOTTINGER, MATT HUFFMAN, STEPHANIE KUNZE, 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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

Wilson

Yuko

Huffman, M.-31

So the Senate advised and consented to said appointments.

REPORTS OF CONFERENCE COMMITTEES

Senator Blessing submitted the following report:

The committee of conference to which the matters of difference between the two houses were referred on **Sub. S.B. No. 56**, Senator Blessing - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the House with the following amendments:

In line 1 of the title, delete "2744.01, 2744.05," and insert "3937.18"

In line 5 of the title, delete ", to modify the definition of"

Delete lines 6 and 7 of the title

In line 8 of the title, delete "Political Subdivision Sovereign Immunity Law" and insert ", to regulate uninsured motorist coverage relating to persons provided immunity under the Political Subdivision Sovereign Immunity Law"

In line 13, delete "2744.01, 2744.05," and insert "3937.18"

Delete lines 109 through 449

After line 449, insert:

"Sec. 3937.18. (A) Any policy of insurance delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state that insures against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle, may, but is not required to, include uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages.

Unless otherwise defined in the policy or any endorsement to the policy, "motor vehicle," for purposes of the uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages, means a self-propelled vehicle designed for use and principally used on public roads, including an automobile, truck, semi-tractor, motorcycle, and bus. "Motor vehicle" also includes a motor home, provided the motor home is not stationary and is not being used as a temporary or permanent residence or office. "Motor vehicle" does not include a trolley, streetcar, trailer, railroad engine, railroad car, motorized bicycle, golf cart, off-road recreational vehicle, snowmobile, fork lift, aircraft, watercraft, construction equipment, farm tractor or other vehicle designed and principally used for agricultural purposes, mobile home, vehicle traveling on

treads or rails, or any similar vehicle.

~~(B)(B)(1)~~ For purposes of any uninsured motorist coverage included in a policy of insurance, an "uninsured motorist" is the owner or operator of a motor vehicle if any of the following conditions applies:

~~(1)-(a)~~ There exists no bodily injury liability bond or insurance policy covering the owner's or operator's liability to the insured.

~~(2)-(b)~~ The liability insurer denies coverage to the owner or operator, or is or becomes the subject of insolvency proceedings in any state.

~~(3)-(c)~~ The identity of the owner or operator cannot be determined, but independent corroborative evidence exists to prove that the bodily injury, sickness, disease, or death of the insured was proximately caused by the negligence or intentional actions of the unidentified operator of the motor vehicle. For purposes of division ~~(B)(3)-(B)(1)(c)~~ of this section, the testimony of any insured seeking recovery from the insurer shall not constitute independent corroborative evidence, unless the testimony is supported by additional evidence.

~~(4)-(d)~~ The owner or operator has diplomatic immunity.

~~(5)-(e)~~ The owner or operator has immunity under Chapter 2744. of the Revised Code.

(2)(a) A policy of motor vehicle insurance or a program of self-insurance covering motor vehicles shall not exclude a person who is provided immunity under Chapter 2744. of the Revised Code from the definition of "uninsured motorist" used in the policy or program.

(b) Division (B)(2)(a) of this section applies to all policies of motor vehicle insurance amended, issued, or renewed, as well as all programs of self-insurance in operation on and after, six months after the effective date of this amendment.

(c) The amendments to division (B)(2) of this section made by S.B. 56 of the 134th general assembly are not to be construed as affecting a policy of motor vehicle insurance or a program of self-insurance covering motor vehicles except to the limited extent provided in those amendments and no other changes are to be implied.

(3) An "uninsured motorist" does not include the owner or operator of a motor vehicle that is self-insured within the meaning of the financial responsibility law of the state in which the motor vehicle is registered.

(C) If underinsured motorist coverage is included in a policy of insurance, the underinsured motorist coverage shall provide protection for insureds thereunder for bodily injury, sickness, or disease, including death, suffered by any insured under the policy, where the limits of coverage available for payment to the insured under all bodily injury liability bonds and insurance policies covering persons liable to the insured are less than the

limits for the underinsured motorist coverage. Underinsured motorist coverage in this state is not and shall not be excess coverage to other applicable liability coverages, and shall only provide the insured an amount of protection not greater than that which would be available under the insured's uninsured motorist coverage if the person or persons liable to the insured were uninsured at the time of the accident. The policy limits of the underinsured motorist coverage shall be reduced by those amounts available for payment under all applicable bodily injury liability bonds and insurance policies covering persons liable to the insured.

For purposes of underinsured motorist coverage, an "underinsured motorist" does not include the owner or operator of a motor vehicle that has applicable liability coverage in the policy under which the underinsured motorist coverage is provided.

(D) With respect to the uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages included in a policy of insurance, an insured shall be required to prove all elements of the insured's claim that are necessary to recover from the owner or operator of the uninsured or underinsured motor vehicle.

(E) The uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages included in a policy of insurance shall not be subject to an exclusion or reduction in amount because of any workers' compensation benefits payable as a result of the same injury or death.

(F) Any policy of insurance that includes uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages may, without regard to any premiums involved, include terms and conditions that preclude any and all stacking of such coverages, including but not limited to:

(1) Interfamily stacking, which is the aggregating of the limits of such coverages by the same person or two or more persons, whether family members or not, who are not members of the same household;

(2) Intrafamily stacking, which is the aggregating of the limits of such coverages purchased by the same person or two or more family members of the same household.

(G) Any policy of insurance that includes uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages and that provides a limit of coverage for payment of damages for bodily injury, including death, sustained by any one person in any one automobile accident, may, notwithstanding Chapter 2125. of the Revised Code, include terms and conditions to the effect that all claims resulting from or arising out of any one person's bodily injury, including death, shall collectively be subject to the limit of the policy applicable to

bodily injury, including death, sustained by one person, and, for the purpose of such policy limit shall constitute a single claim. Any such policy limit shall be enforceable regardless of the number of insureds, claims made, vehicles or premiums shown in the declarations or policy, or vehicles involved in the accident.

(H) Any policy of insurance that includes uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages may include terms and conditions requiring that, so long as the insured has not prejudiced the insurer's subrogation rights, each claim or suit for uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages be made or brought within three years after the date of the accident causing the bodily injury, sickness, disease, or death, or within one year after the liability insurer for the owner or operator of the motor vehicle liable to the insured has become the subject of insolvency proceedings in any state, whichever is later.

(I) Any policy of insurance that includes uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages may, subject to section 3937.46 of the Revised Code, include terms and conditions that preclude coverage for bodily injury or death suffered by an insured under specified circumstances, including but not limited to any of the following circumstances:

(1) While the insured is operating or occupying a motor vehicle owned by, furnished to, or available for the regular use of a named insured, a spouse, or a resident relative of a named insured, if the motor vehicle is not specifically identified in the policy under which a claim is made, or is not a newly acquired or replacement motor vehicle covered under the terms of the policy under which the uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages are provided;

(2) While the insured is operating or occupying a motor vehicle without a reasonable belief that the insured is entitled to do so, provided that under no circumstances will an insured whose license has been suspended, revoked, or never issued, be held to have a reasonable belief that the insured is entitled to operate a motor vehicle;

(3) When the bodily injury or death is caused by a motor vehicle operated by any person who is specifically excluded from coverage for bodily injury liability in the policy under which the uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages are provided;

(4) While any employee, officer, director, partner, trustee, member, executor, administrator, or beneficiary of the named insured, or any relative of any such person, is operating or occupying a motor vehicle, unless the

employee, officer, director, partner, trustee, member, executor, administrator, beneficiary, or relative is operating or occupying a motor vehicle for which uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages are provided in the policy;

(5) When the person actually suffering the bodily injury, sickness, disease, or death is not an insured under the policy.

(J) In the event of payment to any person under the uninsured motorist coverage, underinsured motorist coverage, or both uninsured and underinsured motorist coverages, and subject to the terms and conditions of that coverage, the insurer making such payment is entitled, to the extent of the payment, to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of that person against any person or organization legally responsible for the bodily injury or death for which the payment is made, including any amount recoverable from an insurer that is or becomes the subject of insolvency proceedings, through such proceedings or in any other lawful manner. No insurer shall attempt to recover any amount against the insured of an insurer that is or becomes the subject of insolvency proceedings, to the extent of those rights against the insurer that the insured assigns to the paying insurer.

(K) Nothing in this section shall prohibit the inclusion of underinsured motorist coverage in any uninsured motorist coverage included in a policy of insurance.

(L) The superintendent of insurance shall study the market availability of, and competition for, uninsured and underinsured motorist coverages in this state and shall, from time to time, prepare status reports containing the superintendent's findings and any recommendations. The first status report shall be prepared not later than two years after October 31, 2001. To assist in preparing these status reports, the superintendent may require insurers and rating organizations operating in this state to collect pertinent data and to submit that data to the superintendent.

The superintendent shall submit a copy of each status report to the governor, the speaker of the house of representatives, the president of the senate, and the chairpersons of the committees of the general assembly having primary jurisdiction over issues relating to automobile insurance."

In line 818, delete "2744.01, 2744.05," and insert "3937.18"

Managers on the Part of the
Senate

/S/ LOUIS W. BLESSING, III
LOUIS W. BLESSING, III

/S/ ROB MCCOLLEY
ROB MCCOLLEY

Managers on the Part of the
House of Representatives

/S/ BILL SEITZ
BILL SEITZ

/S/ AL CUTRONA
AL CUTRONA

/S/ CECIL THOMAS
CECIL THOMAS

/S/ TAVIA GALONSKI
TAVIA GALONSKI

The question being, "Shall the report of the committee of conference be agreed to?"

Senator Schaffer moved that he be excused from voting pursuant to Senate Rule No. 59.

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

The motion was agreed to.

The question recurred, "Shall the report of the committee of conference be agreed to?"

The yeas and nays were taken and resulted – yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

So the report of committee of conference was agreed to.

RESOLUTIONS REPORTED BY COMMITTEE

S. R. No. 204-Senator Hoagland.

To urge the President of the United States not to allow members of the United States Armed Forces to be punished or reprimanded in any way for refusing to submit to a COVID-19 vaccine.

WHEREAS, The United States Secretary of Defense, with the endorsement of President Biden, is requiring members of the armed forces to submit to a COVID-19 vaccination that is fully approved by the Food and Drug Administration; and

WHEREAS, The United States Air Force is requiring active duty members to be fully vaccinated against COVID-19 by November 2, 2021; and

WHEREAS, The United States Navy is requiring all members to be fully vaccinated against COVID-19 by November 28, 2021, and all Navy Reserve members by December 28, 2021; and

WHEREAS, The United States Marine Corps is requiring all active-duty members to be fully vaccinated against COVID-19 by November 28, 2021, and all reservists by December 28, 2021; and

WHEREAS, The United States Air Force National Guard and Air

Force Reserve are requiring members to be fully vaccinated against COVID-19 by December 2, 2021; and

WHEREAS, The United States Army is requiring all active-duty members to be fully vaccinated against COVID-19 by December 15, 2021, and all National Guard members by June 30, 2022; and

WHEREAS, The United States Army released a statement detailing that soldiers who refuse to submit to a COVID-19 vaccination "will first be counseled by their chain of command and medical providers" and "continued failure to comply could result in administrative or non-judicial punishment – to include relief of duties or discharge"; and

WHEREAS, The United States Army has further stated, "Commanders, command sergeants major, first sergeants and officers in Command Select List...positions who refuse to be vaccinated - and are not pending an exemption request – face suspension and relief if they refuse to comply"; and

WHEREAS, The United States Army has further stated, "Officers and noncommissioned officers who have been selected and are waiting to assume [Command Select List] command, key billet or nominative sergeant major positions...will likewise be subject to removal from the list for those assignments should they refuse to be vaccinated without a pending or approved exemption"; and

WHEREAS, Such reprimands can be career-ending, according to the United States Army; now therefore be it

RESOLVED, That we, the members of the Ohio Senate of the 134th General Assembly, urge the President not to allow members of the United States Armed Forces to be punished or reprimanded in any way, including discharge, for refusing to submit to a COVID-19 vaccination; and be it further

RESOLVED, That the Clerk of the Ohio Senate transmit duly authenticated copies of this resolution to the President of the United States, the United States Secretary of Defense, all members of the Ohio Congressional delegation, and the news media of Ohio.

The question being, “Shall the resolution, **S. R. No. 204**, be adopted?

The yeas and nays were taken and resulted – yeas 25, nays 6, 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 Antonio, Craig, Martin, Sykes, Thomas, and Yuko voted in the

negative-6.

So the resolution was adopted.

BILLS FOR THIRD CONSIDERATION

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, 4713.24, 4713.25, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.39, 4713.41, 4713.46, 4713.49, 4713.55, 4713.56, 4713.57, 4713.58, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.66, and 4713.99; to enact new sections 4709.02, 4709.03, 4709.05, 4709.10, 4709.13, 4713.44, 4713.45, and 4713.69 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, 4713.45, and 4713.69 of the Revised Code to make changes to the law governing the regulation of cosmetologists and barbers, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 542**, pass?"

The yeas and nays were taken and resulted – yeas 24, nays 7, 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
Schaffer	Schuring	Wilson	Huffman, M.-24

Senators Antonio, Craig, Martin, Rulli, Sykes, Thomas, and Yuko voted in the negative-7.

So the bill passed.

The title was amended as follows:

Add the names: "Hackett, Huffman, S., McColley, O'Brien, Roegner."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 219-Senator Craig.

Cosponsors: Senators Yuko, Maharath, Thomas, Antonio, Schuring, Sykes.

To amend sections 125.22, 4112.12, 4112.13, and 6301.10 of the Revised Code to change the name of a commission to the Commission on African-Americans and to modify membership of the Commission, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 219**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

So the bill passed.

The title was amended as follows:

Add the names: "Brenner, Hottinger, Lang, Martin, McColley, Reineke, Romanchuk."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 288-Senator Manning.

To amend sections 9.79, 109.11, 109.42, 109.57, 109.572, 109.71, 109.73, 109.75, 109.79, 109.801, 149.43, 307.93, 307.932, 313.10, 341.42, 753.32, 1547.11, 1547.111, 1547.99, 2151.23, 2151.358, 2152.02, 2152.10, 2152.11, 2152.12, 2152.121, 2746.02, 2901.01, 2901.011, 2901.13, 2903.06, 2903.08, 2903.13, 2903.214, 2907.05, 2913.02, 2923.12, 2923.125, 2923.128, 2923.1213, 2923.16, 2925.11, 2925.12, 2925.14, 2925.141, 2929.01, 2929.13, 2929.14, 2929.141, 2929.142, 2929.143, 2929.15, 2929.20, 2929.24, 2929.25, 2930.03, 2930.06, 2930.16, 2930.17, 2935.01, 2935.10, 2939.21, 2941.1413, 2941.1415, 2941.1421, 2941.1423, 2945.71, 2945.73, 2950.151, 2950.99, 2951.02, 2951.041, 2953.25, 2953.31, 2953.32, 2953.34, 2953.37, 2953.38, 2953.52, 2953.521, 2953.57, 2953.58, 2953.59, 2953.61, 2967.04, 2967.12, 2967.13, 2967.131, 2967.132, 2967.193, 2967.26, 2967.28, 3770.021, 4301.69, 4301.99, 4506.01, 4510.04, 4510.17, 4511.181, 4511.19, 4511.191, 4511.192, 4511.193, 4511.195, 4511.21, 4723.28, 4729.16, 4729.56, 4729.57, 4729.96, 4730.25, 4731.22, 4734.31, 4752.09, 4759.07, 4760.13, 4761.09, 4762.13, 4774.13, 4778.14, 5120.035, 5120.66, 5139.45, 5147.30, and 5149.101; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2953.37 (2953.35), 2953.38 (2953.36), 2953.52 (2953.33), and 2953.56 (2953.37); to enact sections 109.772,

109.773, 2152.022, 2305.118, 2903.18, 2907.13, 2907.14, 2953.39, 4731.86, 4731.861, 4731.862, 4731.864, 4731.865, 4731.867, 4731.869, 4731.8610, 4731.8611, and 5139.101; and to repeal sections 2953.321, 2953.33, 2953.35, 2953.36, 2953.51, 2953.53, 2953.54, 2953.55, and 2967.19 of the Revised Code to modify various aspects of the law regarding crimes and corrections, trial procedures, correctional officers and employees, coroner records, inmate internet access, civil protection orders, delinquent child adjudications and case transfers, youthful offender parole review, OVI and other traffic offenses, certificates of qualification for employment, licensing collateral sanctions, criminal record sealing and expungement, and certain assisted reproduction matters, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 288**, pass?"

Senator Manning moved to amend as follows:

In line 34 of the title, after "sections" insert "2941.1416,"

In line 59, after "2953.34" insert ", 2953.37"

Delete lines 13828 through 13831

In line 28799, after "sections" insert "2941.1416,"

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

The motion to amend was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 288**, pass?"

The yeas and nays were taken and resulted – yeas 29, nays 2, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Cirino
Craig	Dolan	Gavarone	Hackett
Hoagland	Hottinger	Huffman, S.	Johnson
Kunze	Lang	Manning	Martin
McColley	O'Brien	Peterson	Reineke
Roegner	Romanchuk	Rulli	Schuring
Sykes	Thomas	Wilson	Yuko
			Huffman, M.-29

Senators Antani and Schaffer voted in the negative-2.

So the bill passed.

The title was amended as follows:

Add the names: "Antonio, Blessing, Cirino, Craig, Gavarone, Hackett, Huffman, S., Johnson, Kunze, Lang, McColley, Reineke, Schuring, Sykes, Thomas."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 302-Senators Hackett, Reineke.

Cosponsors: Senators Cirino, Lang, Schaffer, Wilson.

To amend sections 4141.06, 4141.26, 4141.28, 4141.281, 4507.53, 5120.212, 5703.21, 5747.065, and 5747.18 and to enact sections 4141.163, 4141.287, 4141.288, 4141.302, 4141.34, and 4141.60 of the Revised Code and to amend Section 8 of S.B. 18 of the 134th General Assembly, as subsequently amended, to make changes to the Unemployment Compensation Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 302**, pass?"

The yeas and nays were taken and resulted – yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

So the bill passed.

The title was amended as follows:

Add the names: "Antonio, Blessing, Brenner, Dolan, Gavarone, Hottinger, Johnson, Kunze, Manning, McColley, Peterson, Roegner, Romanchuk, Schuring, Thomas."

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, November 27, 2022, 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.

OFFERING OF RESOLUTIONS

Senator Hottinger offered the following resolution:

S. R. No. 454-Senator Hottinger.

Relative to mileage reimbursement.

The question being, "Shall the resolution, **S. R. No. 454**, be adopted?"

The yeas and nays were taken and resulted – yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

So the resolution was adopted.

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

S. R. No. 455 - Senator Roegner.

Honoring the Copley High School girls soccer team on winning the 2022 Division II State Championship.

S. R. No. 456 - Senator Huffman, M.

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

Honoring Dale B. Martin for his exemplary service to the Ohio Senate.

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

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Rules No. 19 and 20, the President of the Senate removes Senator George F. Lang and temporarily appoints Senator Bob Peterson as a member of the Government Oversight and Reform Committee for the purposes of the November 30, 2022 meeting.

On the motion of Senator Hottinger, the Senate recessed until 9:45 a.m.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has agreed to the report of the committee of conference on matters of difference between the two houses on:

Sub. S. B. No. 56-Senator Blessing – et al.

Attest:

Bradley J. Young,
Clerk.

On the motion of Senator Reineke, the Senate adjourned until Tuesday,
December 6, 2022 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.