

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 8, 2023

TWELFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 8, 2023, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Senator Terry Johnson, 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:

President Huffman recognized Chief Legal Counsel, Frank Strigari, on his outstanding service to the Ohio Senate.

Senator Kunze recognized the Thomas Worthington High School Girl's Field Hockey team as the 2022 Buckeye Cup State Champion.

Senator Kunze recognized Terri Simonetti Frost as the 2021-2022 National Coach of the year.

Senator Craig recognized the late Rev. Dr. Phale D. Hale, Sr. in honor of Black History Month.

Senator Cirino recognized Evelyn Magery, the Magery family and members of Mentor School administration on their visit to the Statehouse.

Senator Antonio requested a moment of silence in honor of former State Representative, Dan Ramos.

President Huffman requested a moment of silence in honor of former State Senator, Steven Maurer.

Senator Dolan requested a moment of silence in honor of Jean Botomongo, Chief Economist for Legislative Service Commission.

**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:

S. C. R. No. 2-Senator Schaffer, et al.

To urge Congress to make changes to the Fair Labor Standards Act to allow a person under 16 years of age to be employed between 7 p.m. and 9 p.m.

during the school year.

To the Committee on Workforce and Higher Education.

S. B. No. 22-Senator Manning

To amend section 3513.04 of the Revised Code to allow a primary candidate to become a candidate at the general election by being appointed to fill a ballot vacancy under certain circumstances.

To the Committee on General Government.

S. B. No. 23-Senator Lang

To amend section 9.48 of the Revised Code to expand political subdivision joint purchasing authority to expressly include purchases for construction services.

To the Committee on Government Oversight.

S. B. No. 24-Senator Roegner

To enact section 5.2320 of the Revised Code to designate April as "Sikh Awareness Month."

To the Committee on Government Oversight.

S. B. No. 25-Senator Hackett

To amend sections 323.28, 2329.01, 2329.151, 2329.152, 2329.153, 2329.17, 2329.18, 2329.19, 2329.20, 2329.211, 2329.26, 2329.27, 2329.312, 2329.51, and 2329.52 of the Revised Code relating to real property foreclosures.

To the Committee on Judiciary.

S. B. No. 26-Senator Manning

To amend sections 1547.11, 3701.143, and 4511.19 of the Revised Code to change the laws pertaining to operating a vehicle or watercraft while under the influence of marihuana and the admissibility of evidence for purposes of OVI statutes.

To the Committee on Judiciary.

S. B. No. 27-Senator Roegner

To enact section 3319.34 of the Revised Code to ratify the Interstate

Teacher Mobility Compact.

To the Committee on Education.

S. B. No. 28-Senator Roegner

To enact sections 4730.70 and 4730.71 of the Revised Code to enter into the Physician Assistant Licensure Compact.

To the Committee on Health.

S. B. No. 29-Senator Huffman, S., et al.

To amend section 149.43 and to enact sections 3319.324, 3319.325, and 3319.326 of the Revised Code regarding education records and student data privacy.

To the Committee on Education.

S. B. No. 30-Senator Schaffer, et al.

To amend section 4109.07 of the Revised Code to allow a person under sixteen years of age to be employed after 7 p.m. during the school year.

To the Committee on Workforce and Higher Education.

S. B. No. 31-Senator Schaffer, et al.

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. 32-Senator Schaffer, et al.

To amend section 2923.126 of the Revised Code to generally grant civil immunity for certain injuries to a person who acts in self-defense or defense of another during the commission, or imminent commission, of an offense of violence to protect the members or guests of a nonprofit corporation under certain circumstances.

To the Committee on Judiciary.

S. B. No. 33-Senator Schaffer, et al.

To enact section 5162.213 of the Revised Code to require Medicaid applicants to certify that they have been notified about the Medicaid estate

recovery program.

To the Committee on Medicaid.

S. B. No. 34-Senator Schaffer

To enact section 5.271 of the Revised Code to designate July as "Sarcoma Awareness Month" and to name the act Hank's Law.

To the Committee on Health.

S. B. No. 35-Senators Hoagland, O'Brien

To amend section 109.803 and to enact section 109.802 of the Revised Code and to amend Section 701.70 of H.B. 110 of the 134th General Assembly, as subsequently amended, to create the Law Enforcement Assistance Fund to reimburse for specified costs of peace officer and trooper continuing professional training, to create the Law Enforcement Equipment Fund to provide grants to small local law enforcement agencies to be used for purchasing law enforcement equipment, and to make an appropriation.

To the Committee on Finance.

S. B. No. 36-Senator Blessing, et al.

To amend section 2329.27 and to enact sections 2329.261 and 2329.313 of the Revised Code to grant tenants and certain other eligible bidders rights relating to the purchase of residential property sold at foreclosure.

To the Committee on Community Revitalization.

S. B. No. 37-Senators Blessing, Ingram

To amend sections 2923.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 2925.37, 3123.56, 3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 4509.101, 4509.37, 4509.67, 4510.101, 4510.111, and 4510.17 and to repeal section 4510.32 of the Revised Code to make changes to the laws governing driver's license suspensions for certain drug offenses and failure to pay child support and to the laws governing penalties for failure to provide proof of financial responsibility.

To the Committee on Judiciary.

S. B. No. 38-Senator Blessing, et al.

To enact section 1333.97 of the Revised Code to require retail merchants to

give customers the option to pay by cash.

To the Committee on Small Business and Economic Opportunity.

S. B. No. 39-Senator Schaffer

To amend sections 5739.01 and 5739.02 of the Revised Code to exempt certain baby products from sales and use tax.

To the Committee on Ways and Means.

S. B. No. 40-Senator Roegner

To enact sections 4715.271 and 4715.272 of the Revised Code to enter into the Dentist and Dental Hygienist Compact.

To the Committee on Health.

S. B. No. 41-Senator Roegner

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.

To the Committee on Small Business and Economic Opportunity.

S. B. No. 42-Senators Johnson, Huffman, S., et al.

To enact section 5.022 of the Revised Code to adopt the 1905 Wright Flyer III as the state airplane.

To the Committee on Government Oversight.

S. B. No. 43-Senator Brenner, et al.

To amend sections 323.151, 323.152, 323.153, 4503.064, 4503.065, and 4503.066 of the Revised Code to modify the homestead exemption for the surviving spouse of a disabled veteran.

To the Committee on Ways and Means.

S. B. No. 44-Senator Brenner

To enact section 4743.06 of the Revised Code to require a state occupational licensing agency to accept electronic license applications.

To the Committee on Government Oversight.

S. B. No. 45-Senator O'Brien

To enact section 5534.612 of the Revised Code to designate a bridge spanning the Mahoning River in Trumbull County as the "Veterans Memorial Bridge."

To the Committee on Transportation.

S. B. No. 46-Senator Roegner

To amend sections 147.051, 147.591, 317.32, 1337.11, 1337.12, 1337.22, 1337.25, 1345.01, 2107.01, 2107.03, 2107.07, 2107.17, 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, powers of attorney, and transfer on death designation affidavits by providing for their execution electronically.

To the Committee on Judiciary.

S. B. No. 47-Senator Huffman, S., et al.

To enact section 4117.091 of the Revised Code to prohibit a public employer from providing paid leave or compensation for a public employee to engage in certain union activities.

To the Committee on Judiciary.

S. B. No. 48-Senator Huffman, S., et al.

To amend section 5735.05 of the Revised Code to reduce the tax rate on certain motor fuel.

To the Committee on Transportation.

S. B. No. 49-Senator Reynolds, et al.

To amend sections 3314.03, 3326.11, and 3328.24 and to enact sections 3319.144 and 3320.04 of the Revised Code to enact the Religious Expression Days "R.E.D." Act to require each kindergarten through 12 public school to adopt a policy providing students, teachers, and staff with religious accommodations.

To the Committee on Education.

S. B. No. 50-Senators Wilson, Smith

To amend sections 128.01, 128.02, 128.021, 128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 128.25, 128.26, 128.27, 128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 128.60, 128.63, 128.99, 149.43, 4776.20, 5703.052, 5733.55, and 5751.01; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 128.18 (128.33), 128.22 (128.35), 128.25 (128.37), 128.26 (128.38), 128.27 (128.39), 128.32 (128.96), 128.34 (128.98), 128.40 (128.20), 128.42 (128.40), and 128.45 (128.451); to enact new sections 128.22, 128.25, 128.26, 128.27, 128.42, and 128.45 and sections 128.05, 128.21, 128.211, 128.212, 128.221, 128.23, 128.24, 128.241, 128.242, 128.243, 128.28, 128.41, 128.411, 128.412, 128.413, 128.414, 128.415, 128.416, 128.417, 128.418, 128.421, 128.422, and 128.43; and to repeal sections 128.04, 128.09, 128.15, 128.571, 4742.01, 4742.02, 4742.03, 4742.04, 4742.05, 4742.06, and 4742.07 of the Revised Code to make changes to the law governing 9-1-1 service and to repeal program requirements for emergency-service-telecommunicator training.

To the Committee on Financial Institutions and Technology.

S. B. No. 51-Senator Gavarone

To amend section 3501.05 and to enact section 3501.055 of the Revised Code to establish the Election Integrity Division in the Office of the Secretary of State.

To the Committee on General Government.

S. B. No. 52-Senator Gavarone

To amend section 5739.02 of the Revised Code to exempt sales of United States and Ohio flags from sales and use tax.

To the Committee on Ways and Means.

YES - 14: NICKIE J. ANTONIO, ANDREW O. BRENNER, HEARCEL F. CRAIG, MATT DOLAN, THERESA GAVARONE, BOB D. HACKETT, PAULA HICKS-HUDSON, MATT HUFFMAN, STEPHANIE KUNZE, ROB MCCOLLEY, MICHELE REYNOLDS, TIM SCHAFFER, KIRK SCHURING, KENT SMITH

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 Blessing submitted the following report:

The standing committee on Ways and Means, to which was referred **S. B. No. 10**-Senator Blessing having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Roegner.

YES - 5: LOUIS W. BLESSING, III, KRISTINA D. ROEGNER, KENT SMITH, JERRY C. CIRINO, TIM SCHAFFER

NO - 0.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 10-Senator Blessing.

Cosponsor: Senator Roegner.

To amend section 5701.11 of the Revised Code and to amend Sections 225.12, 265.10, 265.20, and 701.10 of H.B. 45 of the 134th General Assembly to expressly incorporate changes in the Internal Revenue Code since February 17, 2022, into Ohio law, to make changes to the Emergency Rental Assistance program, to revise an existing earmark, to modify the requirements for a temporary arts economic relief grant program, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 6, setting forth the emergency features of the bill, stand as a part of the bill?"

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

Those who voted in the affirmative were: Senators

- | | | | |
|----------|--------------|-------------|----------------|
| Antonio | Blessing | Brenner | Cirino |
| Craig | DeMora | Dolan | Gavarone |
| Hackett | Hicks-Hudson | Huffman, S. | Ingram |
| Johnson | Kunze | Landis | Manning |
| McColley | O'Brien | Reineke | Reynolds |
| Roegner | Romanchuk | Rulli | Schaffer |
| Schuring | Smith | Sykes | Wilkin |
| Wilson | | | Huffman, M.-30 |

So the section, Section 6, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Cirino
Craig	DeMora	Dolan	Gavarone
Hackett	Hicks-Hudson	Huffman, S.	Ingram
Johnson	Kunze	Landis	Manning
McColley	O'Brien	Reineke	Reynolds
Roegner	Romanchuk	Rulli	Schaffer
Schuring	Smith	Sykes	Wilkin
Wilson			Huffman, M.-30

So the bill having received the required constitutional majority passed as an emergency measure.

The title was amended as follows:

Add the names: "Antonio, Cirino, Craig, DeMora, Hackett, Hicks-Hudson, Johnson, Manning, Reineke, Reynolds, Rulli, Schaffer, Smith, Wilkin."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Gavarone moved that Senators absent the week of Sunday, February 05, 2023, 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 bill was introduced and considered for the first time:

S. B. No. 53 - Senators Reynolds, Roegner.

To amend section 124.41 of the Revised Code to lower the minimum age for an original appointment as a police officer from twenty-one to eighteen years of age.

OFFERING OF RESOLUTIONS

Senator Schuring offered the following resolution:

S. R. No. 24-Senator Schuring.

To adopt the rules of the Senate for the 135th General Assembly.

The question being, "Shall the resolution, **S. R. No. 24**, be adopted?"

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

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Cirino
Craig	DeMora	Dolan	Gavarone
Hackett	Hicks-Hudson	Huffman, S.	Ingram
Johnson	Kunze	Landis	Manning
McColley	O'Brien	Reineke	Reynolds
Roegner	Romanchuk	Rulli	Schaffer
Schuring	Smith	Sykes	Wilkin
Wilson			Huffman, M.-30

So the resolution was adopted.

The title was amended as follows:

Add the names: "Senators Cirino, Hackett, Reineke, Rulli."

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

The motion was agreed to and the title so amended.

Senator Huffman, M. offered the following resolution:

S. R. No. 25-Senator Huffman, M.

Permitting the use of the Ohio Senate Chamber and hearing rooms by the Western Ohio National Speech and Debate Association on March 18, 2023.

The question being, "Shall the resolution, **S. R. No. 25**, be adopted?"

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

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Cirino
Craig	DeMora	Dolan	Gavarone
Hackett	Hicks-Hudson	Huffman, S.	Ingram
Johnson	Kunze	Landis	Manning
McColley	O'Brien	Reineke	Reynolds
Roegner	Romanchuk	Rulli	Schaffer
Schuring	Smith	Sykes	Wilkin
Wilson			Huffman, M.-30

So the resolution was adopted.

The title was amended as follows:

Add the names: "Senators Antonio, Blessing, Brenner, Cirino, Gavarone, McColley."

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

The motion was agreed to and the title so amended.

Senator Huffman, M. offered the following resolution:

S. R. No. 26-Senator Huffman, M.

Authorizing the Ohio-West Virginia Youth Leadership Association to use the Ohio Senate Chamber and committee rooms on April 13-15, 2023.

The question being, "Shall the resolution, **S. R. No. 26**, be adopted?"

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

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Cirino
Craig	DeMora	Dolan	Gavarone
Hackett	Hicks-Hudson	Huffman, S.	Ingram
Johnson	Kunze	Landis	Manning
McColley	O'Brien	Reineke	Reynolds
Roegner	Romanchuk	Rulli	Schaffer
Schuring	Smith	Sykes	Wilkin
Wilson			Huffman, M.-30

So the resolution was adopted.

The title was amended as follows:

Add the names: "Senators Blessing, Brenner, Cirino, DeMora, Gavarone, Landis, McColley."

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

The motion was agreed to and the title so amended.

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

S. R. No. 27 - Senator Huffman, M.

Cosponsors: Senators Antani, Antonio, Blessing, Brenner, Cirino, Craig, DeMora, Dolan, Gavarone, Hackett, Hicks-Hudson, Hoagland, Huffman, S., Ingram, Johnson, Kunze, Landis, Lang, Manning, McColley, O'Brien, Reineke, Reynolds, Roegner, Romanchuk, Rulli, Schaffer, Schuring, Smith, Sykes, Wilkin, Wilson.

Honoring Frank Strigari for outstanding service to the Ohio Senate.

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

So the resolution was adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3781.34 (C) of the Ohio Revised Code, the President of the Senate appoints the following member of the public to serve on the Underground Technical Committee for a four-year term, commencing on February 7, 2023 and ending on February 7, 2027.

Mark Potnick (Licking County), representing the stakeholder group of the commercial excavator industry.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3301.49 of the Ohio Revised Code, the President of the

Senate appoints Senator Andrew O. Brenner to the Education Commission of the States for the 135th General Assembly.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 5101.74 (A)(2)(m) of the Ohio Revised code, the President of the Senate appoints Senator Steve Wilson to the Elder Abuse Commission.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 6161.02 of the Ohio Revised Code, the President of the Senate appoints Senator Theresa Gavarone to serve on the Great Lakes Commission for the 135th General Assembly.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 6301.04 (A)(3) of the Ohio Revised Code the President of the Senate appoints the following senators to serve on the Governor's Executive Workforce Board for the 135th General Assembly.

Senator Stephanie Kunze

Senator Bill Reineke

On the motion of Senator Schuring, the Senate adjourned until Tuesday, February 14, 2023 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.