

OHIO

SENATE

JOURNAL

TUESDAY, MAY 22, 2007

FIFTIETH DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 22, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ken Kirk, Grove City United Methodist Church, Grove City, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Schuring reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 172-Senator Cafaro.

Cosponsors: Senators Grendell, Fedor, Roberts, Kearney, Mason, Boccieri, Smith, Miller, D., Morano, Wilson.

To amend section 319.281 and to enact sections 3718.30 to 3718.38 of the Revised Code to delay the application of the rules adopted under the Household and Small Sewage Treatment Systems Law that are related to the rehabilitation, renovation, improvement, or replacement of an existing household sewage treatment system, to establish the Household Sewage Treatment System Revolving Loan Program and the Household Sewage Treatment System Grant Program in the Department of Health to provide loans and grants to eligible persons for repairs to or upgrades of household sewage treatment systems, to make appropriations, and to declare an emergency.

To the Committee on Environment and Natural Resources.

S. B. No. 173-Senator Cates.

Cosponsors: Senators Schuring, Gardner, Miller, R., Grendell, Goodman, Mumper, Schaffer, Stivers, Miller, D., Jacobson, Mason, Clancy, Fedor, Spada, Kearney, Morano, Coughlin, Roberts.

To amend sections 955.02, 955.10, 955.12, 955.20, 955.26, and 1901.183 and to enact sections 956.01 to 956.19, 956.98, and 956.99 of the Revised Code to establish licensing requirements and standards of care for certain dog breeding kennels and dog intermediaries.

To the Committee on State and Local Government and Veterans' Affairs.

YES - 5: J. KIRK SCHURING, TOM ROBERTS, TERESA FEDOR, BILL HARRIS, JEFF JACOBSON.

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 Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. B. No. 144**-Senator Stivers, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 43, delete " (C)" and insert " (D)"

In line 52, after " (C)" insert " In meeting the requirements under division (B) of this section, the director shall not develop educational materials that will impose an administrative or financial burden on any of the entities or persons listed in section 3701.64 of the Revised Code.

(D)"

In line 68, delete " citizens" and insert " citizens"

Co-Sponsors: Schuring, Padgett, Morano.

YES - 12: KEVIN J. COUGHLIN, STEPHEN BUEHRER, PATRICIA M. CLANCY, DAVID GOODMAN, LARRY A. MUMPER, JOY PADGETT, J. KIRK SCHURING, DALE MILLER, SUSAN L. MORANO, CAPRI S. CAFARO, SHIRLEY A. SMITH, RANDY GARDNER.

NO - 0.

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

The report of the committee was accepted.

Senator Stivers submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Am. H. B. No. 100**-Representative Brinkman, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Miller, D., Kearney, Faber, Stivers, Clancy, Schaffer, Cates.

YES - 9: DALE MILLER, ERIC H. KEARNEY, STEPHEN C. AUSTRIA, STEVE STIVERS, KEITH L. FABER, PATRICIA M. CLANCY, TIMOTHY O. SCHAFFER, GARY W. CATES, ROBERT L. SCHULER.

NO - 0.

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

The report of the committee was accepted.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 16 - By Initiative.

Cosponsors: Representatives Batchelder, Bulp, Domenick, Hagan, J., Hottinger, Huffman, Wagner Senator Amstutz.

To amend section 503.52 and to enact sections 715.55 and 2907.40 of the Revised Code to restrict the hours of operation of sexually oriented businesses, to prohibit patrons and employees of a sexually oriented business who are not immediate family members from touching each other while on the premises of that business and while the employee is nude or seminude, and to require the state to indemnify a township or municipal corporation for liability incurred in enforcing a resolution or ordinance that regulates adult entertainment establishments, is adopted in conformance with the Attorney General's guidance, and is found by a court to be unconstitutional or otherwise legally defective, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 16**?"

The yeas and nays were taken and resulted - yeas 25, nays 8, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Gardner	Goodman

Grendell	Jacobson	Kearney	Miller R
Niehaus	Padgett	Schaffer	Schuler
Schuring	Spada	Stivers	Wilson
			Harris-25.

Senators Fedor, Mason, Miller D, Morano, Mumper, Roberts, Sawyer, and Smith voted in the negative-8.

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

The amendments of the House of Representatives to:

Am. S. B. No. 20-Senator Clancy.

Cosponsors: Senators Gardner, Stivers, Faber, Mumper, Padgett, Schuring, Schaffer, Kearney, Miller, D., Roberts, Coughlin, Cates, Austria, Buehrer, Cafaro, Carey, Fedor, Goodman, Grendell, Harris, Mason, Miller, R., Morano, Niehaus, Schuler, Smith, Spada, Wilson, J., Jacobson Representatives Gibbs, Bubb, Blessing, Brinkman, Hagan, J., Latta, Patton, Widener, Wolpert, Bolon, Chandler, Healy, Letson, Miller, Yates, Adams, Aslanides, Bacon, Barrett, Batchelder, Beatty, Book, Brady, Brown, Budish, Celeste, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, Distel, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Flowers, Foley, Garrison, Goodwin, Goyal, Hagan, R., Harwood, Heard, Hottinger, Huffman, Hughes, Jones, Koziura, Luckie, Lundy, Mallory, Mandel, McGregor, R., Oelslager, Okey, Peterson, Raussen, Reinhard, Sayre, Schindel, Schlichter, Schneider, Seitz, Setzer, Skindell, Stebelton, Stewart, D., Stewart, J., Strahorn, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Wagoner, Webster, White, Widowfield, Williams, B., Yuko, Zehringer.

To amend section 5747.37 of the Revised Code to increase the income tax adoption credit from \$500 per child to \$1,500, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Am. S. B. No. 20**?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Mumper	Niehaus	Padgett	Roberts
Sawyer	Schaffer	Schuler	Schuring
Smith	Spada	Stivers	Wilson
			Harris-33.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 100-Representative Brinkman.

Cosponsors: Representatives Adams, Bacon, Batchelder, Blessing, Boyd, Bupp, Chandler, Coley, Combs, Flowers, Gibbs, Goodwin, Hottinger, Huffman, Hughes, Otterman, Patton, Uecker, Widowfield, Williams, S., Zehringer Senators Miller, D., Kearney, Faber, Stivers, Clancy, Schaffer, Cates.

To amend sections 102.02, 102.06, 109.981, 119.01, 131.02, 1707.01, 3345.12, 3923.41, 3923.44, 3923.47, 4121.01, 4121.12, 4121.121, 4121.122, 4121.123, 4121.125, 4121.126, 4121.128, 4121.37, 4121.441, 4121.48, 4121.61, 4121.67, 4121.70, 4123.25, 4123.29, 4123.291, 4123.311, 4123.32, 4123.34, 4123.341, 4123.342, 4123.35, 4123.351, 4123.37, 4123.411, 4123.44, 4123.441, 4123.47, 4123.50, 4123.511, 4123.512, 4123.66, 4123.80, 4123.82, 4123.92, 4125.05, 4127.07, 4127.08, 4131.04, 4131.06, 4131.13, 4131.14, 4131.16, 4167.02, 4167.07, 4167.08, 4167.09, 4167.11, and 4167.14; to enact sections 121.52, 3923.43, 3923.441, 3923.442, 3923.443, 3923.444, 4121.129, 4121.75 to 4121.79, 4123.321, and 4123.442; to repeal section 4121.06 of the Revised Code; to amend Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly, as subsequently amended; and to amend Section 3 of Am. H.B. 67 of the 126th General Assembly, as subsequently amended, to abolish the Workers' Compensation Oversight Commission, the Internal Security Committee, and the Services Committee of the Workers' Compensation System; to create the Workers' Compensation Council, Bureau of Workers' Compensation Board of Directors, and specified working committees, to transfer the powers and duties of the Oversight Commission to the Board and the working committees, to make other changes in the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation and the Industrial Commission for the biennium beginning July 1, 2007, and ending June 30, 2009, and to provide authorization and conditions for the operation of the Bureau's and the Commission's programs, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 100**, pass?"

Senator Stivers moved to amend as follows:

In line 3892, delete " Three" and insert " Five"

In line 3894, delete " two" and insert " three"

In line 3895, after " employers" insert " who employ one hundred or more employees, one of whom shall represent employers who employ less than

one hundred employees"

In line 3896, after the underlined comma insert "one of whom shall represent injured workers."

In line 3900, delete "three" and insert "five"

In line 3924, delete "one"

In line 3925, delete "member" and insert "two members"; delete "a term" and insert "terms"

In line 3926, delete "one member" and insert "two members"

In line 3927, delete "a term" and insert "terms"

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

The amendment was agreed to.

Senator Jacobson moved that the motion, whereby the amendment to **Sub. H. B. No. 100** - Representative Brinkman was agreed to, be now reconsidered.

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

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Mumper	Niehaus	Padgett	Roberts
Sawyer	Schaffer	Schuler	Schuring
Smith	Spada	Stivers	Wilson
			Harris-33.

The motion to reconsider was agreed to.

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

Senator Jacobson moved to amend the amendment.

In line 16 of the amendment after "delete" insert "the second"

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

The amendment to the amendment was agreed to.

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

The amendment as amended was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 100**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Clancy
Coughlin	Faber	Fedor	Gardner
Goodman	Grendell	Jacobson	Kearney
Mason	Miller D	Miller R	Morano
Mumper	Niehaus	Padgett	Roberts
Sawyer	Schaffer	Schuler	Schuring
Smith	Spada	Stivers	Wilson
			Harris-33.

So the bill passed.

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

Senator Stivers moved to amend the title as follows:

Add the names: "Amstutz, Buehrer, Fedor, Goodman, Harris, Mason, Miller, R., Mumper, Padgett, Roberts, Sawyer, Schuring, Smith, Spada, Wilson, Gardner."

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

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 174-Senator Buehrer.

Cosponsors: Senators Carey, Coughlin, Gardner, Schuler.

To amend section 3701.99 and to enact section 3701.94 of the Revised Code to prohibit human cloning.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 76-Senator Austria.

In memory of Sergeant David Christoff.

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

So the resolution was adopted.

Message from the House of Representatives

Mr. President:

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

Sub. H. B. No. 46 -Representatives Stewart, J., DeGeeter.

Cosponsors: Representatives Stewart, D., Daniels, Patton, Budish, Williams, S., Koziura, Sayre, Hite, Gibbs, Aslanides, Batchelder, Bolon, Book, Boyd, Brown, Bubp, Celeste, Chandler, Combs, DeBose, Distel, Domenick, Dyer, Evans, Flowers, Foley, Garrison, Goyal, Hagan, R., Harwood, Healy, Heard, Hughes, Latta, Letson, Luckie, Mallory, Miller, Oelslager, Okey, Otterman, Peterson, Strahorn, Sykes, Szollosi, Uecker, White, Williams, B., Yates.

To enact section 1349.52 of the Revised Code to require a consumer reporting agency to place a security freeze on a consumer's credit report in response to a consumer's request.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered the first time.

Message from the House of Representatives

Mr. President:

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

Am. H. B. No. 89 -Representative Coley.

Cosponsors: Representatives Wachtmann, Garrison, Fessler, McGregor, J., Healy, Evans, Wagner, Seitz, Stebelton, Setzer, Latta, Combs, Adams, Hite, Webster, Blessing, Harwood, Aslanides, Bacon, Boyd, Chandler, Collier, Core, DeBose, Dolan, Domenick, Gibbs, Hagan, J., Hottinger, Huffman, Hughes, Jones, Koziura, Mallory, Mandel, McGregor, R., Otterman, Patton, Sayre, Schindel, Schneider, Strahorn, Uecker, Wagoner, White, Wolpert, Zehringer.

To amend section 2305.37 of the Revised Code to provide persons who donate consumer goods to a charitable agency with qualified immunity from civil liability for harm that allegedly arises because the consumer goods are not fit for use and to establish a qualified immunity from civil liability for certain charitable agencies that distribute perishable food or consumer goods

free of charge to individuals in need.

Attest: Laura P. Clemens,
Clerk.

Said bill was considered the first time.

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 bill:

Am. S. B. No. 58 -Senator Coughlin. - et al.

Attest: Laura P. Clemens,
Clerk.

The President signed said bill.

MESSAGE FROM THE PRESIDENT

Pursuant to Executive Order 2007-8S (5) (b) of the 127th General Assembly, the President of the Senate appoints the following members to serve on the Interagency Council on Homelessness and Affordable Housing:

Senator Clancy
Senator Roberts

MESSAGE FROM THE PRESIDENT

Pursuant to Section 755.03 (A) of H.B. No. 67 of the 127th General Assembly, the President of the Senate and the Speaker of the House of Representatives jointly appoint the following public member to serve on the Ohio Transportation Task Force:

C. Clark Street P.E. (representing the Ohio Contractors Association)
Columbus, Ohio 43216-0909

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, May 23, 2007, 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.