

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 23, 2007

FIFTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Wednesday, May 23, 2007, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Lumpe, Christ the King Church, Columbus, 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:

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.

To the Committee on Judiciary - Civil Justice.

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.

To the Committee on Judiciary - Civil Justice.

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.

To the Committee on Judiciary - Civil Justice.

YES - 4: J. KIRK SCHURING, TOM ROBERTS, TERESA FEDOR, BILL HARRIS.

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 Carey submitted the following report:

The standing committee on Finance and Financial Institutions, to which was referred **S. B. No. 125**-Senator Stivers, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: GARY W. CATES, STEVE STIVERS, TOM NIEHAUS, PATRICIA M. CLANCY, DALE MILLER, TOM ROBERTS, ERIC H. KEARNEY, RANDY GARDNER, RAY MILLER.

NO - 3: RON AMSTUTZ, JOHN A. CAREY, JOY PADGETT.

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

The report of the committee was accepted.

Senator Schuring submitted the following report:

The standing committee on Rules to which was referred the appointment by the Governor of:

Eric D. Fingerhut, from Shaker Heights, Cuyahoga County, Ohio, as Chancellor of the Ohio Board of Regents for a term pursuant to Sub. H. B. No. 2 of the 127th General Assembly.

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

YES - 10: BILL HARRIS, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, LANCE T. MASON, TOM ROBERTS, TERESA FEDOR, RAY MILLER.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment by the Governor?"

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 advised and consented to said appointment.

BILLS FOR THIRD CONSIDERATION

Am. S. B. No. 36-Senator Schuler.

Cosponsors: Senators Clancy, Mumper, Schaffer, Cates.

To amend sections 504.01, 504.02, and 505.031 of the Revised Code to permit townships with a population of at least three thousand five hundred but less than five thousand in its unincorporated territory to adopt a limited home rule government under certain conditions, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 36**, 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 Schuler moved to amend the title as follows:

Add the names: "Wilson, Kearney."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 125-Senator Stivers.

Cosponsors: Senators Clancy, Goodman, Spada, Mason, Schuler, Cates, Cafaro, Smith.

To amend sections 924.01, 924.04, 924.07, 924.09, 924.10, 3769.03, 3769.08, 3769.083, 3769.085, and 3769.088 and to enact sections 924.011, 924.071, 3769.0811, 3769.0812, and 3769.0813 of the Revised Code to authorize wagering at a track on horse races that are telecast via an instant racing system, to levy a tax on amounts wagered in this manner, and to enable certain persons associated with the equine industry to establish an equine marketing program, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 125**, pass?"

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

Those who voted in the affirmative were: Senators

Bocchieri	Cafaro	Cates	Clancy
Coughlin	Fedor	Gardner	Goodman
Grendell	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Roberts	Sawyer	Schuler	Schuring
Smith	Spada	Stivers	Wilson
			Harris-25.

Senators Amstutz, Austria, Buehrer, Carey, Faber, Jacobson, Padgett, and Schaffer voted in the negative-8.

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: "Grendell, Mumper, Wilson."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Austria moved that Senators absent the week of Sunday, May 20, 2007, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 175-Senator Coughlin.

Cosponsors: Senators Clancy, Carey, Schuler, Buehrer, Jacobson, Goodman.

To amend sections 3705.01 and 3705.20 and to enact sections 517.071, 759.49, 1721.091, 3727.16, and 4731.82 of the Revised Code to enact the Grieving Parents Act, regarding fetal death certificates for, and burials of, the product of human conception that suffers a fetal death.

S. B. No. 176-Senator Bocchieri.

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

To amend sections 2311.07, 2311.08, 2743.03, 3319.13, 5903.02, 5903.99, and 5923.05, to enact section 2743.091, and to repeal sections 124.29 and 5903.01 of the Revised Code to establish specified employment rights for private sector employees in the uniformed services, to permit a person aggrieved under the federal "Uniformed Services Employment and Reemployment Rights Act" to file a claim against the person's employer in a state court, to require the clerk of the Court to give such action priority on the Court's dockets, and to prohibit the Court from requiring a plaintiff to pay court costs.

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:

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

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

Attest:

Laura P. Clemens,
Clerk.

The President signed said bills.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, May 24, 2007, 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.