

OHIO

SENATE

JOURNAL

WEDNESDAY, MAY 30, 2007

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

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Allen McClellan, Faith Assembly of God, London, 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. 56-Representative Uecker.

Cosponsors: Representatives McGregor, J., Seitz, Evans, Fende, Wagoner, Setzer, Combs, Adams, Wolpert, Flowers, Gibbs, Bubp, Distel, Blessing, Harwood, Okey, Dyer, Coley, Latta, Batchelder, Bolon, Chandler, Collier, Dodd, Domenick, Driehaus, Hughes, Letson, Luckie, Lundy, Otterman, Sayre, Wachtmann, Yuko.

To amend sections 1923.01, 1923.02, 1923.04, 1923.06, 1923.081, 1923.12, 1923.13, 1923.14, and 3733.11 of the Revised Code to clarify the rights and duties of the parties to an action for a forcible entry and detainer at a manufactured home park.

To the Committee on Judiciary - Civil Justice.

H. B. No. 144-Representative Beatty.

Cosponsors: Representatives Brady, Brown, Celeste, Collier, Combs, Dodd, Fessler, Flowers, Garrison, Harwood, Heard, Miller, Patton, Setzer, Stebelton, Stewart, D., Sykes, Uecker, Widener, Williams, B., Williams, S., Yuko, Skindell, Hite, Carmichael, Schneider, Driehaus, Domenick, Lundy, Book, Daniels, Adams, Aslanides, Bacon, Barrett, Batchelder, Blessing, Bolon, Boyd, Bubp, Budish, Chandler, Coley, DeBose, DeGeeter, DeWine, Distel, Dolan, Dyer, Evans, Fende, Foley, Gerberry, Gibbs, Goodwin, Goyal, Hagan, R., Healy, Hottinger, Huffman, Hughes, Jones, Koziura, Latta, Letson, Luckie, Mallory, Mandel, McGregor, R., Oelslager, Okey, Otterman, Peterson, Raussen, Sayre, Schindel, Schlichter, Stewart, J., Strahorn, Szollosi, Ujvagi, Wachtmann, Wagoner, White, Widowfield, Yates, Zehringer.

To enact section 5.2235 of the Revised Code to designate the month of May as "Nurses Month."

To the Committee on Health, Human Services and Aging.

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.

To the Committee on Health, Human Services and Aging.

S. B. No. 176-Senator Boccieri.

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.

To the Committee on Judiciary - Civil Justice.

S. B. No. 177-Senator Sawyer.

Cosponsors: Senators Miller, D., Schuler, Wilson.

To amend section 4931.99 and to enact section 4931.491 of the Revised Code to prohibit billing or other administrative activities regarding a 9-1-1 call until the emergency is stabilized.

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 Schuring submitted the following report:

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

Maryellen O'Shaughnessy, from Columbus, Franklin County, Ohio, as a Member of the Ohio Thoroughbred Racing Advisory Committee for a term beginning April 4, 2007 and ending at the close of business January 31, 2010, replacing James Morgan, whose term expired.

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

YES - 11: BILL HARRIS, JEFF JACOBSON, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, LANCE T. MASON, TOM ROBERTS, TERESA FEDOR, RANDY GARDNER, 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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Cafaro
Carey	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-31.

So the Senate advised and consented to said appointment.

BILLS FOR THIRD CONSIDERATION**S. B. No. 134**-Senator Faber.

To amend sections 5301.01 and 5301.255 of the Revised Code to provide that memoranda of trust be executed and acknowledged only by the trustee of the trust instead of both the settlor and trustee, was considered the third time.

The question being, "Shall the bill, **S. B. No. 134**, pass?"

Senator Cafaro moved that she be excused from voting under Senate Rule No. 58.

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

The motion was agreed to.

The question recurred, "Shall the bill, **S. B. No. 134**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Carey	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-31.

So the bill passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Harris, Kearney, Sawyer, Wilson, Schuler, Spada, Smith, Mason."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 144-Senator Stivers.

Cosponsors: Senators Goodman, Miller, D., Schuler, Gardner, Schuring, Padgett, Morano.

To enact sections 3701.63, 3701.64, and 5101.135 of the Revised Code to require the Director of Health to establish the Shaken Baby Syndrome Education Program and to require the Department of Job and Family Services

to record in the statewide automated child welfare information system whether a reported case of child abuse involved shaken baby syndrome, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 144**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	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-32.

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: "Austria, Bocchieri, Clancy, Faber, Fedor, Harris, Kearney, Mason, Miller, R., Mumper, Niehaus, Roberts, Sawyer, Schaffer, Spada, Wilson, Cafaro, Buehrer."

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 bills were introduced and considered the first time:

S. B. No. 178-Senator Padgett.

Cosponsors: Senators Smith, Mumper, Goodman.

To amend sections 4715.22, 4715.23, 4715.39, and 4715.64 and to enact sections 4715.221, 4715.222, 4715.223, 4715.224, 4715.225, 4715.226, 4715.227, 4715.228, 4715.229, and 4715.2210 of the Revised Code to permit dental hygienists to enter into collaboration agreements with dentists.

S. B. No. 179-Senator Morano.

Cosponsors: Senators Fedor, Miller, D., Roberts, Miller, R., Smith, Sawyer, Cafaro, Mason.

To amend sections 2907.29, 3313.6011, and 4729.16; to enact sections 1751.661, 3701.047, 3701.135, 3727.11, 3727.12, 3923.602, 3923.611,

4729.43, and 4729.45; to repeal section 3701.046 of the Revised Code; to amend Section 206.42.03 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Section 206.42.09 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and to repeal Section 206.42.06 of Am. Sub. H.B. 66 of the 126th General Assembly regarding assistance for pregnancy prevention.

S. B. No. 180-Senator Cafaro.

Cosponsors: Senators Jacobson, Miller, R., Goodman, Schuler, Boccieri, Cates, Kearney, Morano, Schaffer.

To amend sections 2903.13 and 2903.21 of the Revised Code to make an assault or aggravated menacing committed in a courthouse a felony of the fifth degree.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 77-Senator Roberts.

Cosponsors: Senators Cafaro, Fedor, Kearney, Miller, D., Miller, R., Morano, Sawyer, Smith, Wilson.

Honoring Jason Smith for outstanding service to the Ohio General Assembly.

S. R. No. 78-Senator Cafaro.

Honoring Girard High School RoboCats Team 379 on winning the 2007 FIRST Buckeye Regional Robotics Competition.

S. R. No. 79-Senator Cafaro.

Honoring Warren G. Harding High School Delphi E.L.I.T.E. Team 48 on winning the 2007 FIRST Buckeye Regional Robotics Competition.

S. R. No. 80-Senator Kearney.

Honoring Tiana A. Rollinson for outstanding service to the State of Ohio.

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

So the resolutions were adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following message from the Governor which was read by the Clerk:

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Gary M. DiCeglio, Democrat, from Blacklick, Licking County, Ohio, as a Member of the Industrial Commission of Ohio for a term beginning June 30, 2007 and ending at the close of business June 30, 2013, replacing Patrick J. Gannon, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 23rd day of May in the year of our Lord, two thousand and seven.

[Seal]

Ted Strickland,
Governor.

Said appointment was referred to the Committee on Rules.

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

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 4141.08 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Unemployment Compensation Advisory Council:

Senator Stivers (Chair, Senate Insurance, Commerce and Labor
Committee)
Senator Niehaus
Senator Cafaro

On the motion of Senator Gardner, the Senate adjourned until Thursday,
May 31, 2007, 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.