

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, OCTOBER 24, 2007

ONE HUNDREDTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, October 24, 2007, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Gribble, St. Joseph's Cathedral, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**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. 209**-Senator Carey, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Faber, Miller, D., Roberts.

YES - 13: RON AMSTUTZ, KEITH L. FABER, RANDY GARDNER, JOY PADGETT, RAY MILLER, ERIC H. KEARNEY, DALE MILLER, GARY W. CATES, JOHN A. CAREY, STEVE STIVERS, STEPHEN C. AUSTRIA, TOM NIEHAUS, TOM ROBERTS.

NO - 0.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **S. B. No. 214**-Senator Niehaus, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Mumper.

YES - 8: TOM NIEHAUS, TIMOTHY O. SCHAFFER, LARRY A. MUMPER, DAVID GOODMAN, ROBERT F. SPADA, LANCE T. MASON, DALE MILLER, SUSAN L. MORANO.

NO - 0.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **Am. H. B. No. 169**-Representative Wagner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Niehaus, Schaffer, Miller, D., Morano.

YES - 8: ROBERT F. SPADA, LARRY A. MUMPER, DAVID GOODMAN, TIMOTHY O. SCHAFFER, TOM NIEHAUS, DALE MILLER, SUSAN L. MORANO, LANCE T. MASON.

NO - 0.

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

The report of the committee was accepted.

On the motion of Senator Gardner, the Senate recessed.

The Senate met pursuant to the recess.

## **HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS**

The amendments of the House of Representatives to:

**Am. Sub. S. B. No. 155**-Senator Faber.

Cosponsors: Senators Schuler, Grendell, Spada, Kearney, Austria, Boccieri, Buehrer, Cates, Harris. Representatives Blessing, Wagoner, Coley, Latta, Gerberry, Bacon, Batchelder, Seitz, Bolon, Brady, Budish, DeBose, Dodd, Domenick, Driehaus, Dyer, Flowers, Harwood, Hughes, Letson, Luckie, Mallory, McGregor, R., Mecklenborg, Schindel, Skindell, Strahorn, Yuko, Zehringer.

To amend sections 1901.08, 2151.07, 2301.02, 2301.03, 2903.13, and 2903.21 and to enact sections 141.06 and 2101.025 of the Revised Code and to amend Section 6 of Sub. H.B. 336 of the 126th General Assembly to specify the rate of compensation of a member of the current or previous General Assembly who is appointed to judicial office, to create a Domestic Relations-Juvenile-Probate Division of the Champaign County Court of Common Pleas, to designate the Champaign County Probate and Juvenile Judge as a judge of that division, to add a judge to that division to be elected in 2008, to make the Hamilton County Drug Court permanent, to extend the

deadline by which the report of the Joint Committee to Study Court Costs and Filing Fees is due, to change the status of the judge of the Upper Sandusky Municipal Court from part-time to full-time, to make an assault or aggravated menacing committed in a courthouse a felony of the fifth degree, and to declare an emergency, were taken up.

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 0, nays 33, as follows:

Those who voted in the negative were: Senators

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

So the section, Section 6, setting forth the emergency features of the bill did not stand as a part of the bill.

So the Senate did not concur in the amendments of the House of Representatives.

**BILLS FOR THIRD CONSIDERATION**

**Sub. S. B. No. 6**-Senator Niehaus.

Cosponsors: Senators Clancy, Goodman, Smith, Cafaro, Schuring, Faber, Padgett, Mumper, Harris.

To amend sections 125.18, 317.082, 319.28, 319.54, 2305.09, and 2901.13 and to enact sections 109.941, 111.241, 149.434, 149.45, 1349.52, and 1349.53 of the Revised Code to allow a consumer to place a security freeze on the consumer's credit report, to require a public office to redact from a document that is otherwise a public record certain information, to require a public office to redact Social Security numbers or federal tax identification numbers from any document that is made available online to the public through the internet, to require the Office of Criminal Justice Services to make state funding grants available to local law enforcement agencies for enforcement of identity fraud laws, to require the attorney general to support local law enforcement agencies with the enforcement of identity fraud laws, to enact a special statute of limitations for criminal prosecutions and civil actions against identity fraud, to allow a safety worker to request the county auditor to

remove the safety worker's name from the general tax list of real and public utility property and the general duplicate of real and public utility property and insert the safety worker's initials, and to prohibit a county auditor from charging a real property conveyance fee to a safety worker who changes the current owner name on the general tax list of real and public utility property and the general duplicate of real and public utility property to the safety worker's initials, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 6**, pass?"

Senator Miller, R. moved to amend as follows:

In line 34, delete "and"; after "1349.53" insert ", and 4113.11"

Between lines 1132 and 1133, insert:

" **Sec. 4113.11.** (A) As used in this section, "employer" has the same meaning as in section 4113.51 of the Revised Code.

(B) No employer shall use a person's credit score as a factor in making decisions regarding that person's employment, including hiring, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment."

In line 3 of the title, delete "and"

In line 4 of the title, after "1349.53" insert ", and 4113.11"

In line 25 of the title, delete "and"

In line 31 of the title, after "initials" insert ", and to prohibit an employer from using a person's credit score as a factor in making decisions regarding that person's employment"

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

Senator Spada moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 18, nays 15, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Coughlin	Faber	Gardner	Goodman
Grendell	Mumper	Niehaus	Schaffer
Schuler	Schuring	Seitz	Spada
Stivers			Harris-18.

Those who voted in the negative were: Senators

Boccieri	Cafaro	Cates	Fedor
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Padgett	Roberts
Sawyer	Smith		Wilson-15.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 6**, 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	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Gardner	Goodman
Grendell	Jacobson	Kearney	Mason
Miller D	Miller R	Morano	Mumper
Niehaus	Padgett	Roberts	Sawyer
Schaffer	Schuler	Schuring	Seitz
Smith	Spada	Stivers	Wilson
			Harris-33.

So the bill passed.

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

Senator Niehaus moved to amend the title as follows:

Add the names: "Amstutz, Cates, Coughlin, Fedor, Gardner, Mason, Seitz, Schaffer, Spada, Schuler, Boccieri, Miller, D., Jacobson, Austria, Sawyer, Carey, Morano, Wilson, Miller, R.."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 148**-Senator Faber.

Cosponsor: Senator Mumper.

To amend sections 3309.33, 3309.34, 3309.36, 3309.38, and 3309.381 of the Revised Code to revise retirement eligibility requirements for members of the School Employees Retirement System, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 148**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 2, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Buehrer	Carey
Cates	Coughlin	Faber	Fedor
Gardner	Goodman	Grendell	Jacobson

Kearney	Mason	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wilson		Harris-31.

Senators Bocchieri and Cafaro voted in the negative-2.

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, Miller, R., Morano, Niehaus, Sawyer, Seitz, Smith, Wilson, Padgett, Amstutz, Spada."

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

The motion was agreed to and the title so amended.

### MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, October 21, 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 bill was introduced and considered the first time:

**S. B. No. 244**-Senator Sawyer.

Cosponsors: Senators Mason, Kearney, Cates, Coughlin, Goodman, Schuler, Stivers.

To amend sections 2903.214 and 2919.27 of the Revised Code to require that certain persons who engage in menacing by stalking and against whom a civil order of protection is granted be electronically monitored and to authorize courts to require that certain persons convicted of violating a protection order that requires electronic monitoring be electronically monitored.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, October 25, 2007 at 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,  
Clerk.