OHIO

SENATE

JOURNAL

THURSDAY, SEPTEMBER 18, 2003

NINETY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Thursday, September 18, 2003, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Nicholas Furrie, Shiloh Full Gospel Church, Girard, Ohio, followed by the Pledge of Allegiance to the Flag.

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

On the motion of Senator Randy Gardner, the Senate advanced to the Ninth Order of Business, Offering of Resolutions.

OFFERING OF RESOLUTIONS

Senator DiDonato offered the following resolution :

S. R. No. 934-Senator DiDonato.

Relative to the appointment of Kimberly A. Zurz to fill the vacancy in the membership of the Senate created by the resignation of Leigh E. Herington of the 28th Senatorial District.

WHEREAS, Section 11 of Article II, Ohio Constitution, provides for the filling of a vacancy in the Senate by appointment by the members of the Senate who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Leigh E. Herington of the 28th Senatorial District has resigned as a member of the Senate effective September 17, 2003, thus creating a vacancy in the Senate; now therefore be it

RESOLVED, By the members of the Senate who are affiliated with the Democrat party, that Kimberly A. Zurz (Democrat), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the Senate from the 28th Senatorial District is hereby appointed, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the Senate from the 28th Senatorial District, to fill the vacancy created by Leigh E. Herington; and be it further

RESOLVED, That a copy of this Resolution be spread upon the journal of the Senate together with the yeas and nays of the members of the Senate affiliated with the Democrat party voting on the Resolution, and that the Clerk of the Senate shall certify the Resolution and the vote on its adoption to the Secretary of State.

The question being, "Shall the resolution, **S. R. No. 934**, be adopted?"

The yeas and nays were taken and resulted - yeas 10, nays 0, as follows:

Those who voted in the affirmative were: Senators

Brady	Dann	DiDonato	Fedor
Fingerhut	Hagan	Mallory	Miller
Prentiss			Roberts-10.

So the resolution was adopted.

Senator-elect Zurz appeared at the bar of the Senate and was administered the oath of office by the Honorable Gregory L. DiDonato, Minority Leader, 30th District.

On the motion of Senator Randy Gardner, the Senate reverted to the First Order of Business, Reports of Reference and Bills for Second Consideration.

REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION

Senator Carnes 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. 200-Representatives Willamowski, Schneider, Otterman, S. Patton, Flowers, Hagan, Price, Reidelbach, Schmidt, Beatty, Carano, Chandler, Cirelli, Clancy, Daniels, DePiero, Distel, Domenick, C. Evans, Hartnett, Harwood, Hollister, Hughes, Jolivette, Key, McGregor, Niehaus, T. Patton, Perry, Raussen, Redfern, Schaffer, Schlichter, Seitz, Sferra, J. Stewart, Sykes, Wagner, Widener, Widowfield.

To amend sections 3121.59 and 3121.64, to enact section 3125.141, and to repeal sections 3121.60 and 3121.63 of the Revised Code to allow a child support enforcement agency to contract with a private person or entity to provide service of process or to compensate a sheriff for service of process, to eliminate the Program Income Fund, and to require monthly distributions of administrative charge amounts to each county child support enforcement agency.

To the Committee on Health, Human Services and Aging.

S. B. No. 130-Senator Mumper.

To amend sections 2151.07, 2301.02, and 2301.03 of the Revised Code to create the Domestic Relations-Juvenile-Probate Division of the Logan County Court of Common Pleas and to add one judge to the Logan County Court of Common Pleas to be elected in 2004, to amend the version of section 2301.03 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date, and to declare an emergency.

To the Committee on Judiciary - Civil Justice.

JAMES E. CARNES
DOUG WHITE
BILL HARRIS
MARK MALLORY
GREGORY L. DIDONATO

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.

RESOLUTIONS REPORTED BY COMMITTEE

H. C. R. No. 6-Representatives Reidelbach, Raga, Fessler, Gilb, Flowers, Hoops, Niehaus, Wolpert, Seaver, Williams, Young, McGregor, Brinkman, Schmidt, Boccieri, Grendell, Driehaus, Callender, Willamowski, C. Evans, Cates, T. Patton, Aslanides, Jerse, Clancy, Hagan, Hughes, Collier, Oelslager, Gibbs, Schlichter, Kearns, Cirelli, Hollister, Schneider, Harwood, Taylor, White, Jolivette, Buehrer, Carmichael, Core, Daniels, DeBose, DePiero, Distel, Faber, Kilbane, Latta, Olman, Price, Raussen, Reinhard, Schaffer, Seitz, Setzer, G. Smith, D. Stewart, Trakas, Wagner, Widener, Widowfield. -Senators Wachtmann, Jordan, Jacobson.

To memorialize Congress to enact the Human Cloning Prohibition Act of 2003.

WHEREAS, The human embryo is a living organism of the species Homo sapiens at the earliest stages of development (including the single-celled stage), and human cloning creates a human being at the embryonic stage of life and grows this new human being solely to be exploited ("reproductive" cloning) or destroyed (so-called "therapeutic" cloning) through nontherapeutic research and experimentation; and

WHEREAS, Human cloning is a manufacturing process in which a human being is created in a laboratory; human cloning indicates a utilitarian view in which a human being is created merely for usefulness with no respect for the dignity of that human being; and human cloning creates a human being who is the twin of a parent, has no other biological parent, and is the child of the grandparents, thereby causing serious moral, social, and legal issues; and

WHEREAS, Current human cloning attempts pose a substantial risk of producing human beings with unpredictable but potentially devastating health problems; and

WHEREAS, Such human cloning attempts are grossly irresponsible and

unethical; and

WHEREAS, The United States House of Representatives passed the Human Cloning Prohibition Act of 2001, a complete ban, and the President of the United States has called for a complete human cloning ban; and

WHEREAS, A complete human cloning ban is achieved by the passage of the Human Cloning Prohibition Act of 2003 as introduced in the United States Senate by Senator Sam Brownback (S. 245) and in the United States House of Representatives by Representative Dave Weldon (H.R. 234) and is not achieved by the passage of other human cloning prohibition acts that allow the creation of human embryos by cloning so long as they are killed for research; now therefore be it

RESOLVED, That the General Assembly of the State of Ohio urges the 108th Congress of the United States to pass and the President to sign the Human Cloning Prohibition Act of 2003; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and each member of the Ohio Congressional delegation.

The question being, "Shall the concurrent resolution, **H. C. R. No. 6**, be adopted?"

The yeas and nays were taken and resulted - yeas 24, nays 8, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Carey	Carnes	Coughlin	DiDonato
Fedor	Randy Gardner	Robert Gardner	Goodman
Harris	Hottinger	Jacobson	Jordan
Mumper	Nein	Schuler	Schuring
Spada	Wachtmann	Zurz	White-24.

Senators Brady, Dann, Fingerhut, Hagan, Mallory, Miller, Prentiss, and Roberts voted in the negative-8.

So the concurrent resolution was adopted.

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

Senator Wachtmann moved to amend the title as follows:

Add the names : "Amstutz, Austria, Blessing, Carey, Carnes, Schuler, Spada, Harris, White."

The motion was agreed to and the title so amended.

MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday,

September 14, 2003, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 131-Senators Schuring, Amstutz, Austria, DiDonato, Dann.

To amend section 317.32 of the Revised Code to eliminate the two-dollar fee that must be charged by the county recorder for photocopying a document and to instead subject the county recorder to the Public Records Law's "at cost" per reproduced copy requirement.

OFFERING OF RESOLUTIONS

Senator Hagan offered the following concurrent resolution :

S. C. R. No. 16-Senators Hagan, Schuring, Dann, Fedor, DiDonato, Prentiss, Fingerhut, Brady.

To urge the Bush Administration to continue protective tariffs on specific steel products through their original three-year term.

The question being, "Shall the concurrent resolution, **S. C. R. No. 16**, be adopted?"

On motion of Senator Randy Gardner, **S. C. R. No. 16** was referred to the Committee on Reference.

Senator Randy Gardner offered the following resolution :

S. R. No. 935-Senator Randy Gardner.

Relative to mileage reimbursement.

RESOLVED, Pursuant to section 101.27 of the Revised Code and Am. S.R. No. 3--Senator Randy Gardner, Relative to mileage reimbursement, adopted January 7, 2003, the Clerk of the Senate is authorized to add the mileage for Kimberly A. Zurz of 260 miles round trip and to change the mileage for Gregory L. DiDonato, effective October 1, 2003, from 260 miles to 238 miles round trip.

The question being, "Shall the resolution, **S. R. No. 935**, be adopted?"

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

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut

Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Hottinger	Jacobson	Jordan
Mallory	Miller	Mumper	Nein
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wachtmann	Zurz
			White-33.

So the resolution was adopted.

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

S.R. No. 936 - Senator Carnes.

Honoring Joe and Maria Degado on their Sixtieth Wedding Anniversary.

S.R. No. 937 - Senator Carnes.

Honoring Merlin and Patricia Saxton on their Golden Wedding Anniversary.

S.R. No. 938 - Senator Carnes.

Honoring Jack and Emma Belle Cunningham on their Golden Wedding Anniversary.

S.R. No. 939 - Senator Carnes.

Honoring Hugh and Betty Coffman on their Golden Wedding Anniversary.

S.R. No. 940 - Senator Fedor.

Honoring Kenneth and Marilyn Meier on their Golden Wedding Anniversary.

S.R. No. 941 - Senator Fedor.

Honoring Walter and Jeanne LeBarr on their Golden Wedding Anniversary.

S.R. No. 942 - Senator Fedor.

Honoring Laurence and Mary Alice Kish on their Golden Wedding Anniversary.

S.R. No. 943 - Senator Robert Gardner.

Honoring Richard and Eleanor Piepsny on their Golden Wedding Anniversary.

S.R. No. 944 - Senator Robert Gardner.

Honoring Ralph and Kathryn Simmonds on their Golden Wedding Anniversary.

S.R. No. 945 - Senator Stivers.

Honoring Hurbert and Dolores Leggett on their Golden Wedding Anniversary.

S.R. No. 946 - Senator Randy Gardner.

Honoring Meredith Pitts as a National American Miss Ohio Junior Teen 2003.

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

So the resolutions were adopted.

On the motion of Senator Randy Gardner, the Senate adjourned until Tuesday, September 23, 2003 at 9:30 a.m.

Attest: MATTHEW T. SCHULER,
Clerk.