

OHIO

SENATE

JOURNAL

WEDNESDAY, JANUARY 11, 2006

ONE HUNDRED THIRTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, January 11, 2006, 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 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. 279-Representatives Hughes, Seitz, Coley, Willamowski, Core, Mason, Barrett, Beatty, Blessing, Book, Brown, Bupp, Calvert, Carano, Cassell, DeBose, DeGeeter, Distel, Dolan, Domenick, Driehaus, Evans, C., Evans, D., Faber, Fende, Flowers, Garrison, Gibbs, Gilb, Hartnett, Healy, Hoops, Law, Martin, McGregor, J., McGregor, R., Miller, Otterman, Patton, T., Perry, Reidelbach, Sayre, Schaffer, Setzer, Stewart, D., Uecker, Williams, Yates, Yuko.

To enact sections 317.082 and 2923.201 of the Revised Code to prohibit a person from changing, altering, removing, or obliterating the name of the manufacturer, model, manufacturer's serial number, or any other mark of identification on a firearm, to prohibit a person from possessing a firearm knowing or having reasonable cause to believe any such mark of identification on the firearm has been changed, altered, removed, or obliterated, to prohibit the inclusion of an individual's Social Security number on copies of documents submitted for recording in the office of the county recorder, and to create an affirmative defense to associated civil liability of a good faith effort to comply with the noninclusion requirement.

To the Committee on Judiciary - Civil Justice.

H. B. No. 310-Representatives Oelslager, Fessler, C. Evans, Setzer, McGregor, J., Carano, Gilb, Latta, Combs, Reidelbach, Schaffer, Perry, Collier, Fende, Webster, Hughes, Evans, D., Seitz, Willamowski, Bupp, Aslanides, Barrett, Beatty, Blessing, Book, Brown, Buehrer, Calvert, Cassell, DeBose, Distel, Domenick, Flowers, Garrison, Gibbs, Harwood, Healy, Hood, Hoops, Key, Mason, Miller, Mitchell, Otterman, Sayre, Skindell, Stewart, D., Stewart, J., Taylor, Williams, Woodard, Yates, Yuko.

To amend section 2907.08 of the Revised Code to clarify that the prohibitions it sets forth that refer to conduct involving the photographing of another also apply to conduct involving the videotaping, filming, or other recording of another.

To the Committee on Judiciary - Criminal Justice.

Sub. H. B. No. 313-Representatives Stewart, J., Seitz, Webster, McGregor, J., Patton, T., Schneider, Wagoner, Widener, Hagan, Gibbs, Coley, Boccieri, Koziura, Buehrer, Domenick, Evans, C., Healy, Hughes, Martin, Otterman, Reidelbach, Schaffer, Stewart, D., Uecker.

To amend sections 135.18, 135.181, and 135.353 and to enact section 135.144 of the Revised Code to reduce pledging requirements by public depositories securing repayment of public moneys; to specify debt and other obligations of certain out-of-state subdivisions as eligible to secure repayment of state or political subdivision public moneys; and to authorize investment of certain political subdivision and county public moneys in certificates of deposit issued by federally insured banks and savings and loan associations, wherever located, provided certain conditions apply.

To the Committee on Finance and Financial Institutions.

S. B. No. 248-Senator Armbruster.

To amend section 4715.39 of the Revised Code to allow dental assistants to remove orthodontic adhesives, bands, and brackets from teeth.

To the Committee on Health, Human Services and Aging.

YES - 5: J. KIRK SCHURING, KIMBERLY A. ZURZ, C. J. PRENTISS, 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 Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **H. B. No. 144**-Representative Buehrer, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 7: STEVE STIVERS, JAY HOTTINGER, LYNN R. WACHTMANN, RON AMSTUTZ, DAVID GOODMAN, STEPHEN C. AUSTRIA, MARC DANN.

NO - 1: ERIC H. KEARNEY.

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

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 144-Representatives Buehrer, Aslanides, Barrett, Daniels, Domenick, C. Evans, D. Evans, Faber, Flowers, Gilb, Harwood, Hughes, Latta, McGregor, Miller, Oelslager, Reidelbach, Schneider, Seaver, Seitz, G. Smith.

To amend sections 2107.76 and 2317.02 of the Revised Code to waive the physician-patient and attorney-client privileges in probate cases under certain circumstances, to prohibit persons who have not received or waived the right to receive notice of the admission of a will to probate from commencing an action to contest the validity of the will more than three months after the filing of a certificate of giving notice or waiver of notice of the admission of the will to probate, and to provide that the savings statute does not apply to a civil action to contest the validity of a will, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 144**, pass?"

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 | Brady |
| Carey | Cates | Clancy | Coughlin |
| Dann | Fedor | Fingerhut | Gardner |
| Goodman | Grendell | Hagan | Hottinger |
| Jacobson | Jordan | Kearney | Miller |
| Mumper | Niehaus | Padgett | Prentiss |
| Roberts | Schuler | Schuring | Spada |
| Stivers | Wachtmann | Wilson | Zurz |
| | | | Harris-33. |

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the name: "Goodman."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Hottinger moved that Senators absent the week of Sunday, January 8, 2006, 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. 249-Senator Cates.

To amend section 4503.03 of the Revised Code to allow the clerk of a court of common pleas in a county with a population greater than 40,000 to apply to the Registrar of Motor Vehicles to act under contract as a full authority deputy registrar.

S. B. No. 250-Senator Cates.

To amend sections 5901.02 and 5901.03 and to repeal section 5901.021 of the Revised Code and to repeal Section 35 of Am. Sub. S.B. 261 of the 124th General Assembly to terminate certain boards of county commissioners' power to appoint additional members to the veterans service commission in their county.

S. B. No. 251-Senators Spada, Hagan.

To amend sections 127.16, 2921.13, 5110.01, 5110.02, 5110.03, 5110.05, 5110.08, 5110.09, 5110.12, 5110.13, 5110.14, 5110.15, 5110.16, 5110.17, 5110.18, 5110.19, 5110.21, 5110.23, 5110.26, 5110.27, 5110.29, 5110.32, 5110.33, 5110.35, 5110.352, 5110.353, 5110.354, 5110.39, 5110.55, 5110.56, 5110.57, 5110.58, and 5110.59; to enact section 5110.06 and new section 5110.11; and to repeal sections 5110.10, 5110.11, 5110.22, 5110.28, and 5110.351 of the Revised Code to modify the Ohio's Best Rx program.

OFFERING OF RESOLUTIONS

Senator Jacobson offered the following concurrent resolution:

S. C. R. No. 23-Senators Jacobson, Harris, Amstutz, Armbruster, Austria, Brady, Carey, Cates, Clancy, Coughlin, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hagan, Hottinger, Jordan, Kearney, Miller, Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, Wilson, Zurz.

To condemn the harmful, destructive, and anti-Semitic statements of Iranian President Mahmoud Ahmadinejad and to demand an apology for those statements of hate and animosity towards all Jewish people of the world.

WHEREAS, On October 26, 2005, Mahmoud Ahmadinejad, President of the Islamic Republic of Iran, declared that "Israel must be wiped off the map," described Israel as "a disgraceful blot [on] the face of the Islamic world," and declared that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury"; and

WHEREAS, President Ahmadinejad told reporters on December 8, 2005, at an Islamic conference in Mecca, Saudi Arabia, "Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces ... although we don't accept this claim"; and

WHEREAS, Iran funds, trains, and openly supports terrorist groups that are determined to destroy Israel; and

WHEREAS, On December 14, 2005, President Ahmadinejad said live on Iranian television, "[T]hey have invented a myth that Jews were massacred and place this above God, religions and the prophets"; and

WHEREAS, The leaders of the Islamic Republic of Iran, beginning with its founder, the Ayatollah Ruhollah Khomeini, have issued statements of hate against the United States, Israel, and Jewish peoples; and

WHEREAS, An estimated six million Jews were killed in the Nazi Holocaust; and

WHEREAS, The remarks of President Ahmadinejad have been denounced around the world and condemned by, among others, the political leaders of the United States, Arab nations, Israel, Europe, and the United Nations; and

WHEREAS, The United Nations, in General Assembly Resolution 181 (1947), recommended the adoption of the Plan of Partition with Economic Union for Palestine, which called for an independent Jewish State; now therefore be it

RESOLVED, That we, the members of the 126th General Assembly of the State of Ohio, in adopting this resolution, condemn the recent statement by Iranian President Mahmoud Ahmadinejad that denied the occurrence of the Holocaust and supported moving the State of Israel to Europe, support the

demand of the United States Congress for an official apology for these damaging, anti-Semitic statements that ignore history, human suffering, and the loss of life during the Holocaust, and support the call of the United States Congress for Iran to end its support for international terrorism and join other Middle Eastern countries in seeking a successful outcome of the Middle East peace process; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the Secretary-General of the United Nations, the Iranian Ambassador to the United States, the President of the United States, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, and the members of the Ohio Congressional delegation.

The question being, "Shall the concurrent resolution, **S. C. R. No. 23**, 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	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Fingerhut	Gardner
Goodman	Grendell	Hagan	Hottinger
Jacobson	Jordan	Kearney	Miller
Mumper	Niehaus	Padgett	Prentiss
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann	Wilson	Zurz
			Harris-33.

So the concurrent resolution was adopted.

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

The title was agreed to.

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, Bob Taft, Governor of the State of Ohio, do hereby appoint, C. Francis Barrett, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the University of Cincinnati Board of Trustees for a term beginning January 9,

2006, and ending at the close of business January 1, 2015, replacing George A. Schaefer, 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 9th day of January in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,
Governor.

Said appointment was referred to the Committee on Rules.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, January 12, 2006 at 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.