

**OHIO**

**SENATE**

**JOURNAL**

**THURSDAY, MARCH 9, 2006**

ONE HUNDRED FIFTY-NINTH DAY  
 Senate Chamber, Columbus, Ohio  
**Thursday, March 9, 2006, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

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

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **S. B. No. 213**-Senator Clancy, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Hagan.

YES - 10: ROBERT F. HAGAN, RAY MILLER, ERIC D. FINGERHUT, CHARLES A. WILSON, JEFFRY J. ARMBRUSTER, PATRICIA M. CLANCY, DAVID GOODMAN, LARRY A. MUMPER, KEVIN J. COUGHLIN, JEFF JACOBSON.

NO - 0.

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

The report of the committee was accepted.

Senator Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **H. B. No. 265**-Representative Seitz, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In line 8, after "**2107.24.**" insert "(A)"; after "document" insert "that is executed"

In line 16, delete "(A)" and insert "(1)"

In line 18, delete "(B)" and insert "(2)"

In line 20, delete "(C)" and insert "(3)"

In line 21, delete "(B)" and insert "(A)(2)"

Between lines 21 and 22, insert:

"(B) If the probate court holds a hearing pursuant to division (A) of this section and finds that the proponent of the document as a purported will has established by clear and convincing evidence the requirements under divisions (A)(1), (2), and (3) of this section, the executor may file an action in the probate court to recover court costs and attorney's fees from the attorney, if any, responsible for the execution of the document."

YES - 9: STEVE STIVERS, JAY HOTTINGER, LYNN R. WACHTMANN, RON AMSTUTZ, DAVID GOODMAN, ERIC H. KEARNEY, ERIC D. FINGERHUT, MARC DANN, STEPHEN C. AUSTRIA.

NO - 0.

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. 231**-Representatives Mason, McGregor, Otterman, Allen, Brown, Chandler, Williams, Carano, S. Smith, Boccieri, Fende, Driehaus, Ujvagi, Harwood, Oelslager, C. Evans, Key, S. Patton, DeBose, Collier, Reidelbach, Yuko, Beatty, Barrett, Blessing, Book, Buehrer, Cassell, Coley, DeGeeter, Domenick, Flowers, Garrison, Gibbs, Gilb, Hartnett, Hoops, Hughes, Latta, Law, Mitchell, Patton, T., Perry, Peterson, Raussen, Sayre, Schaffer, Schneider, Seaver, Skindell, Smith, G., Stewart, D., Stewart, J., Sykes, Walcher, Willamowski, Woodard, Yates Senators Dann, Kearney.

To amend section 2909.21 and to enact section 2909.081 of the Revised Code to prohibit a person from knowingly discharging a laser into the cockpit of an aircraft and to expand definitions related to terrorism, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 231**, pass?"

On the motion of Senator Fedor, **Sub. H. B. No. 231** was informally passed and retained its place on the calendar.

### **INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bills were introduced and considered the first time:

**S. B. No. 284**-Senators Miller, R., Fingerhut.

To enact section 3517.25 of the Revised Code to prohibit any person from knowingly deceiving another regarding the time, place, or manner of conducting an election or the qualifications for or restrictions on voter

eligibility, to provide for a criminal penalty and a private cause of action against any person who violates that prohibition, to require the Attorney General to investigate allegations of such a violation and, if necessary, take corrective measures, and to require the Attorney General to report to the General Assembly after each election regarding allegations of violations relating to that election.

**S. B. No. 285**-Senators Miller, R., Miller, D., Dann.

To amend sections 117.52, 2305.02, 2743.48, and 2743.49 of the Revised Code to increase the amount of the judgment to be awarded to a person who was imprisoned for a felony and proves that the person was a "wrongfully imprisoned individual" and to provide an additional set of circumstances in which a person qualifies as a "wrongfully imprisoned individual."

**S. B. No. 286**-Senators Miller, R., Miller, D.

To amend sections 1315.22, 1315.35, 1315.37, 1315.39, 1315.40, and 1315.41 and to enact section 1315.45 of the Revised Code to prohibit check-cashing businesses from making loans to a customer who has an outstanding loan with another licensee, to create a statewide database of open loans at check-cashing licensees, and to change the permitted interest rate, fees, and duration of such loans.

**S. B. No. 287**-Senators Niehaus, Schuring, Mumper, Coughlin, Fedor.

To amend sections 2101.11, 2151.421, 3107.014, 3107.031, 3107.032, 3107.10, 3107.12, 3107.141, 3107.61, 5103.16, and 5153.122; to amend, for the purpose of adopting a new section number as indicated in parentheses, sections 3107.031 (3107.032), 3107.032 (3107.034), and 3107.10 (3107.055); to enact new sections 3107.031 and 3107.10 and sections 3107.033, 3107.101, and 5103.0328 of the Revised Code to revise the law governing adoption, foster care, and related laws regarding the Department of Job and Family Services.

**S. B. No. 288**-Senator Hagan.

To amend sections 109.71, 109.73, and 109.79 and to enact sections 1711.351 and 1711.352 of the Revised Code relative to the appointment and commissioning of county agricultural society police officers and to the training of those officers.

**S. B. No. 289**-Senators Grendell, Wachtmann.

To amend sections 3718.02 to 3718.05 of the Revised Code to revise the requirements governing sewage treatment systems rules that the Public Health

Council must adopt and to require the Director of Health to adopt rules developed with the Sewage Treatment System Advisory Committee that establish standards and guidelines for approving a sewage treatment system or components of a system.

### OFFERING OF RESOLUTIONS

Senator Ray Miller offered the following joint resolution:

**S. J. R. No. 8**-Senators Miller, R., Dann, Zurz, Fingerhut.

Proposing to amend Section 2 of Article I of the Constitution of the State of Ohio to prohibit the state or any political subdivision of the state from depriving any person of life, liberty, or property without due process of law or from discriminating against any person within its jurisdiction on the basis of race, color, religion, national origin, or sex.

The question being, "Shall the joint resolution, **S. J. R. No. 8**, be adopted?"

On the motion of Senator Fedor, **S. J. R. No. 8**, was referred to the Committee on Reference.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

**Sub. H. B. No. 347** - Representatives Aslanides, Buehrer, Latta, Webster, Garrison, Hagan, Reidelbach, Schneider, Raga, Faber, Schlichter, Stewart, J., Seaver, Evans, D., Setzer, Carano, Gibbs, Willamowski, Patton, T., Reinhard, Allen, Raussen, Fessler, Bubb, Daniels, Uecker, Hoops, McGregor, J., Seitz, Law, Peterson, Hood, Cassell, Collier, Schaffer, Domenick, Combs, Taylor, Blasdel, Oelslager, White, Carmichael, Flowers, Gilb, Distel, Wagoner, Blessing, Book, Brinkman, Calvert, Coley, Core, DeWine, Evans, C., Hartnett, Martin, McGregor, R., Redfern, Sayre, Wolpert, Yuko

To amend sections 109.731, 109.801, 311.41, 1547.69, 2923.12, 2923.121, 2923.122, 2923.123, 2923.125, 2923.126, 2923.127, 2923.128, 2923.1210, 2923.1213, and 2923.16 and to enact section 9.68 of the Revised Code to revise the laws regarding licenses to carry a concealed handgun and the authority to carry a concealed handgun under such a license; to provide exemptions from certain carrying of firearms-related offenses for persons in compliance with the Ohio Peace Officer Training Commission's firearms requalification program; and to identify the right of any person, except as provided in the U.S. or Ohio Constitution, federal law, or Revised Code, to own, possess, purchase, sell, transfer, transport, store, or keep a firearm, part

of a firearm, firearm component, or ammunition.

**Sub. H. B. No. 442** - Representatives Dolan, McGregor, J., Martin, Combs, Law, Patton, S., Miller, Chandler, Wagoner, Oelslager, Coley, Willamowski, Barrett, Beatty, Blessing, Cassell, Collier, Core, DeBose, DeGeeter, Distel, Domenick, Evans, C., Evans, D., Flowers, Garrison, Gibbs, Hagan, Hartnett, Hughes, Key, Mason, McGregor, R., Mitchell, Otterman, Patton, T., Redfern, Reidelbach, Sayre, Schaffer, Schlichter, Schneider, Setzer, Smith, G., Stewart, D., Stewart, J., Strahorn, Taylor, Walcher, Webster, Wolpert, Woodard, Yates, Yuko

To amend sections 3905.29, 3905.421, 3917.01, 3917.06, 3939.01, 3939.06, 3939.07, 3939.09, and 3941.27 and to enact sections 3905.423 and 3939.11 of the Revised Code to require warranty reimbursement insurance policies for vehicle protection product warranties and reimbursement insurance policies for certain consumer goods service contracts, to require given statements to be included in warranty reimbursement insurance policies and in reimbursement insurance policies for certain consumer goods service contracts, to add conditions related to the issuance of vehicle protection product warranties, to apply the Ohio Consumer Sales Practices Act to the issuance of vehicle protection product warranties and consumer goods service contracts, to make changes regarding the organization and determination of financial capacity of mutual protective associations dealing with property, and to require the filing of group life insurance policy forms with the Superintendent of Insurance.

Attest:

Laura P. Clemens,  
Clerk.

Said bills were considered the first time.

On the motion of Senator Fedor, the Senate adjourned until Tuesday, March 14, 2006 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Assistant Clerk.