

OHIO

SENATE

JOURNAL

FRIDAY, APRIL 1, 2005

THIRTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Friday, April 1, 2005, 11:00 o'clock a.m.

The Senate met pursuant to adjournment.

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

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 116-Senators Spada, Gardner, Schuring, Hottinger, Fedor, Fingerhut, Miller, Hagan, Dann, Zurz.

To amend sections 1739.05, 1751.01, 1751.02, 3923.28, 3923.30, and 3923.51 and to enact sections 3923.281 and 3923.282 of the Revised Code to prohibit, subject to certain exceptions, discrimination in group health care policies, contracts, and agreements in the coverage provided for the diagnosis, care, and treatment of biologically based mental illnesses.

S. B. No. 117-Senators Mallory, Dann, Fedor, Jacobson, Miller.

To amend section 2307.60 of the Revised Code to provide that a final judgment, entered after a trial or upon a plea of guilty in certain criminal actions generally precludes the offender from denying any fact essential to sustain that judgment when entered in evidence in a civil proceeding that is based on the criminal act.

S. B. No. 118-Senator Mumper.

To amend section 3901.386 of the Revised Code to require insurers and other third-party payers to accept and honor assignment-of-benefit agreements entered into between plan beneficiaries and treating health care providers.

OFFERING OF RESOLUTIONS

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

S. R. No. 46-Senator Mumper.

Honoring the Upper Sandusky High School boys basketball team on winning the 2005 Division II State Championship.

S. R. No. 47-Senator Gardner.

Honoring Ralph Cubberly as the 2005 Ohio Division II Wrestling Coach of the Year.

S. R. No. 48-Senator Miller.

Honoring the Africentric High School boys basketball team as the 2005 Division IV State Champion.

S. R. No. 49-Senator Fedor.

Honoring Jon Hendricks for Outstanding Achievement in the Arts.

S. R. No. 50-Senator Mumper.

Honoring Matt Guhn as a 2005 Division II State Wrestling Champion.

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 messages from the Governor which were 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, William G. Brantingham, Democrat, from Winona, Columbiana County, Ohio, as a Member of the Emergency Response Commission for a new term beginning March 11, 2005 and ending at the close of business January 13, 2007.

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 11th day of March in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Greg Hemker, Independent, from Clayton, Montgomery County, Ohio, as a Member of the Emergency Response Commission for a term beginning March 11, 2005, and ending at the close of business January 13, 2007, replacing James Carleton, 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 11th day of March in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Daryl P. Hennessy, Republican, from Columbus, Franklin County, Ohio, as a Member of the Development Financing Advisory Council for a term beginning March 11, 2005, and ending at the close of business December 31, 2009, replacing Perry Varnadoe, 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 11th day of March in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Ricky D. Hoffman, Democrat, from Bremen, Fairfield County, Ohio, as a Member of the Emergency Response Commission for a new term beginning March 11, 2005 and ending at the close of business January 13, 2007.

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 11th day of March in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Kimberly C. Evers, Republican, from Eastlake, Lake County, Ohio, as a Member of the Financial Planning and Supervision Commission for the City of Eastlake for a term beginning March 11, 2005 and serving at the pleasure of the Governor, replacing Michael H. Slocum, who resigned.

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 11th day of March in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, James J. Mermis, Republican, from Columbus, Franklin County, Ohio, as a Member of the Ohio Board of Dietetics for a term beginning March 11, 2005, and ending at the close of business June 30, 2009, replacing Jonathan S. Hughes, who resigned.

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 11th day of March in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, J. Randal Van Dyne, Republican, from Findlay, Hancock County, Ohio, as a Member of the Emergency Response Commission for a new term beginning March 11, 2005 and ending at the close of business January 13, 2007.

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 11th day of March in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Mike Robinette, Independent, from Dayton, Montgomery County, Ohio, as a Member of the Emergency Response Commission for a term beginning March 11, 2005, and ending at the close of business January 13, 2007, replacing Kenneth Leblanc, 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 11th day of March in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

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

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Gary G. Thobaben, Republican, from Eastlake, Lake County, Ohio, as a Member of the Financial Planning and Supervision Commission for the City of Eastlake for a term beginning March 11, 2005 and serving at the pleasure of the Governor,

replacing Ken Roberts, who resigned.

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 11th day of March in the year of our Lord, two thousand and five.

[Seal]

Bob Taft,
Governor.

Said appointments were referred to the Committee on Rules.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 183.12 of Am. Sub. S.B. No. 242 of the 124th General Assembly, the President of the Senate appoints the following senators to serve as non-voting members on the Southern Ohio Agricultural and Community Development Foundation:

Senator Niehaus
Senator Roberts

Pursuant to Section 5111.34 (A) (7) of Am. Sub. H.B. No. 94 of the 124th General Assembly, the President of the Senate appoints the following senators to serve on the Nursing Facility Reimbursement Study Council:

Senator Wachtmann
Senator Fingerhut

Pursuant to Section 5111.34 (A) (7) of Am. Sub. H.B. No. 94 of the 124th General Assembly, the President of the Senate and the Speaker of the House jointly appoint Senator Wachtmann to serve as the Chair of the Nursing Facility Reimbursement Study Council.

Pursuant to Section 3704.14 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Motor Vehicle Inspection and Maintenance Program Legislative Oversight Committee:

Senator Armbruster (Vice Chairman)
Senator Schuring
Senator Hagan

Pursuant to Section 4928.58 of am. Sub. S.B. No. 3 of the 123rd General Assembly, the President of the Senate appoints the following senators to serve on the Public Benefits Advisory Board:

Senator Spada
Senator Fedor

Pursuant to Section 3702.81 (C) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the Physician Loan Repayment Advisory Board:

Senator Carey
Senator Hagan

Pursuant to Section 122.29 (B) of the Ohio Revised Code, the President of the Senate appoints Senator Austria to replace Senator Amstutz on the Industrial Technology Enterprise Advisory Council.

On the motion of Senator Jacobson, the Senate adjourned until Tuesday, April 5, 2005 at 1:30 p.m.

Attest:

MATTHEW T. SCHULER,
Clerk.