

**OHIO**

**SENATE**

**JOURNAL**

THURSDAY, MAY 12, 2005

FIFTY-SECOND DAY  
Senate Chamber, Columbus, Ohio  
**Thursday, May 12, 2005, 11:00 o'clock a.m.**

The Senate met pursuant to adjournment.

Pursuant to Senate Rule No. 3, the Clerk called the Senate to order.

Senator Spada was selected to preside according to the rule.

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

**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, Linda Aller, Republican, from Lewis Center, Delaware County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning April 22, 2005 and ending at the close of business March 17, 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 22nd day of April 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, Brian Benick, Independent, from Chippewa Lake, Medina County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning April 22, 2005 and ending at the close of business March 17, 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 22nd day of April 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, Steven P. Binns, Sr., Democrat, from Gahanna, Franklin County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning April 22, 2005 and ending at the close of business March 17, 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 22nd day of April 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, Robert E. Derge, Jr., Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning April 22, 2005 and ending at the close of business March 17, 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 22nd day of April 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, Walter Domer, Jr., Republican, from Dalton, Wayne County, Ohio, as a Member of

the Private Water Systems Advisory Council for a new term beginning April 22, 2005 and ending at the close of business March 17, 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 22nd day of April 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, Scott M. Golden, Republican, from Grove City, Franklin County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning April 22, 2005 and ending at the close of business March 17, 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 22nd day of April 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, Phillip S. McClay, Republican, from Marietta, Washington County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning April 22, 2005 and ending at the close of business March 17, 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 22nd day of April 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, Todd Mount, Republican, from Heath, Licking County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning April 22, 2005 and ending at the close of business March 17, 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 22nd day of April 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, Steve Wright, Republican, from Wooster, Wayne County, Ohio, as a Member of the Private Water Systems Advisory Council for a new term beginning April 22, 2005 and ending at the close of business March 17, 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 22nd day of April 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 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. 34** - Representatives Setzer, Flowers, Kearns, Allen, Webster, DeGeeter, Carano, Taylor, Latta, D. Evans, Gilb, Hughes, Seitz, Willamowski, Perry, Barrett, Boccieri, Brown, Buehrer, Calvert, Cassell,

Collier, Daniels, DeBose, Distel, Domenick, C. Evans, Gibbs, Harwood, Martin, McGregor, T. Patton, Raga, Reidelbach, Schaffer, Seaver, G. Smith, Uecker, Williams

To amend section 2933.24 of the Revised Code to specify that a search warrant must be returned promptly.

**H. B. No. 36** - Representatives Carmichael, Blasdel, J. Stewart, Daniels, McGregor, C. Evans, Kearns, Hoops, T. Patton, Seitz, Skindell, Flowers, Oelslager, Combs, Hughes, D. Evans, Carano, Hartnett, Aslanides, DeWine, Raga, DeGeeter, Allen, Ujvagi, Setzer, Barrett, Reidelbach, Perry, Miller, Strahorn, Taylor, Chandler, Reinhard, Hagan, Schlichter, Brown, Buehrer, D. Stewart, Book, Walcher, Uecker, Beatty, Boccieri, Brinkman, Bulp, Calvert, Cassell, Coley, Collier, DeBose, Distel, Dolan, Domenick, Driehaus, Faber, Fende, Fessler, Gibbs, Gilb, Harwood, Key, Kilbane, Latta, Law, Martin, Mason, Otterman, S. Patton, Raussen, Redfern, Sayre, Schaffer, Schneider, Seaver, G. Smith, Sykes, Wagoner, Webster, Widener, Willamowski, Williams, Wolpert, Yates, Yuko

To enact section 5.2230 of the Revised Code to designate September as "Leukemia, Lymphoma, and Myeloma Awareness Month."

**H. B. No. 102** - Representatives Wolpert, Faber, Core, Seaver, Willamowski, Raussen, Combs, G. Smith, Martin, Hoops, Reidelbach, Harwood, Allen, Buehrer, Cassell, Coley, Collier, Domenick, C. Evans, Flowers, Gibbs, Gilb, Hagan, Hood, Hughes, McGregor, Schaffer, Setzer, White, Williams

To amend section 3111.03 and to enact section 3111.97 of the Revised Code to clarify the parentage of children born as a result of embryo donation.

**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 section 2317.02 of the Revised Code to waive the physician-patient and attorney-client privileges in probate cases under certain circumstances.

**H. B. No. 185** - Representatives Latta, McGregor, C. Evans, Perry, Carano, T. Patton, Daniels, J. Stewart, Coley, Gibbs, Allen, Buehrer, DeBose, Dolan, Domenick, D. Evans, Flowers, Gilb, Hughes, Oelslager, Reidelbach, Seaver, G. Smith, Wagoner, Yuko

To amend section 4705.10 of the Revised Code to require a depository institution maintaining an interest-bearing trust account (IOLTA) for a lawyer,

law firm, or legal professional association to notify the Ohio Supreme Court when a properly payable item is presented for payment from an IOLTA having insufficient funds.

Attest:

Laura P. Clemens,  
Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the adoption of the following concurrent resolutions:

**S. C. R. No. 11** - Senators Austria, Jacobson, Schuler, Amstutz, Brady, Carey, Clancy, Coughlin, Dann, Goodman, Grendell, Harris, Jordan, Mumper, Roberts, Spada, Armbruster, Fedor, Gardner, Hagan, Hottinger, Mallory, Miller, Niehaus, Padgett, Prentiss, Schuring, Wachtmann, Wilson, Zurz  
Representatives DeWine, Kearns, Calvert, Schlichter, Beatty, Flowers, Setzer, D. Stewart, Hartnett, Uecker, Walcher, Blasdel, T. Patton, Mitchell, Book, Allen, Aslanides, Blessing, Bocchieri, Brown, Bulp, Buehrer, Carano, Cassell, Coley, Combs, Daniels, DeBose, Distel, Dolan, Driehaus, C. Evans, D. Evans, Faber, Fessler, Gilb, Hagan, Harwood, Hood, Hoops, Hughes, Kilbane, Latta, Law, Martin, McGregor, Miller, Raga, Reidelbach, Reinhard, Schaffer, Seaver, Seitz, Skindell, G. Smith, J. Stewart, Strahorn, Taylor, Trakas, Wagoner, Webster, Widener, Widowfield, Willamowski, Wolpert, Yuko, Collier, Fende

To memorialize Congress to take appropriate action so that Wright-Patterson Air Force Base is excluded from the list of base closures for the Base Realignment and Closure process.

**S. C. R. No. 13** - Senators Dann, Hagan, Harris, Amstutz, Fedor, Zurz, Goodman, Miller, Grendell, Brady, Armbruster, Austria, Carey, Clancy, Coughlin, Gardner, Hottinger, Jacobson, Jordan, Mallory, Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Wachtmann, Wilson  
Representatives DeWine, Carano, Book, Mitchell, T. Patton, Setzer, Flowers, Walcher, D. Stewart, Hartnett, Uecker, Blasdel, Allen, Aslanides, Barrett, Beatty, Blessing, Bocchieri, Brown, Bulp, Buehrer, Cassell, Coley, Collier, Combs, Daniels, DeBose, DeGeeter, Distel, Dolan, Domenick, C. Evans, D. Evans, Faber, Fende, Garrison, Gilb, Hagan, Harwood, Hood, Hoops, Hughes, Kearns, Key, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Miller,

Otterman, S. Patton, Perry, Raga, Raussen, Redfern, Reidelbach, Schaffer, Schlichter, Schneider, Seaver, Seitz, Skindell, G. Smith, S. Smith, Strahorn, Taylor, Trakas, Ujvagi, Wagoner, White, Widener, Widowfield, Willamowski, Williams, Yates, Yuko, Driehaus

To memorialize Congress to take appropriate action so that the Youngstown Joint Air Reserve Station in Vienna Township, Ohio, is excluded from the list of base closures for the Base Realignment and Closure process.

Attest: Laura P. Clemens,  
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following concurrent resolution:

**S. C. R. No. 7** - Senator Jordan- et al.

Attest: Laura P. Clemens,  
Clerk.

The President signed said concurrent resolution.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

**Am. Sub. S. B. No. 10** - Senator Jordan- et al.

**Sub. H. B. No. 29** - Representative Raussen - et al.

**Sub. H. B. No. 48** - Representative Hughes - et al.

Attest: Laura P. Clemens,  
Clerk.

The President signed said bills.



On the motion of Senator Jordan, the Senate adjourned until Tuesday, May 17, 2005 at 1:30 p.m.

Attest:

MATTHEW T. SCHULER,  
Clerk.