

OHIO

SENATE

JOURNAL

WEDNESDAY, NOVEMBER 15, 2006

TWO HUNDRED THIRTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, November 15, 2006, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Ken Kirk, Grove City United Methodist Church, Grove City, 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 bill, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 394-Senators Austria, Armbruster, Clancy, Harris, Spada.

To amend sections 149.43, 317.24, 317.27, and 2921.22 of the Revised Code to exempt certain armed forces discharges that have been recorded with a county recorder from inspection or copying as a public record subject to a journalist's right to inspect such a discharge, and to prohibit a recipient of information illegally obtained from a computer system or cable, telecommunications, or information service, or a person knowing of such a violation, from failing to report the violation to law enforcement authorities.

To the Committee on Judiciary - Civil Justice.

YES - 4: J. KIRK SCHURING, KIMBERLY A. ZURZ, C. J. PRENTISS, BILL HARRIS.

NO - 0.

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

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Armbruster submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 337**-Senator Kearney, having had the same under

consideration, reports it back and recommends its passage.

Co-Sponsors: Miller, D., Dann, Hagan, Clancy.

YES - 6: LYNN R. WACHTMANN, JEFFRY J. ARMBRUSTER,
DALE MILLER, ROBERT F. HAGAN, MARC DANN,
PATRICIA M. CLANCY.

NO - 0.

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

The report of the committee was accepted.

Senator Armbruster submitted the following report:

The standing committee on Highways and Transportation, to which was referred **H. B. No. 236**-Representative White, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Hagan, Clancy.

YES - 6: ROBERT F. HAGAN, LYNN R. WACHTMANN, DALE
MILLER, JEFFRY J. ARMBRUSTER, MARC DANN,
PATRICIA M. CLANCY.

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 **Am. Sub. H. B. No. 83**-Representative Hughes, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

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

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. 83-Representatives Hughes, Coley, Willamowski, Allen, Barrett, Blessing, Book, Brown, Carano, Cassell, Combs, DeBose, Domenick, Evans, C., Flowers, Gilb, Harwood, Key, McGregor, J., Oelslager, Otterman, Patton, T., Perry, Reidelbach, Smith, G., Strahorn, Williams, Woodard, Yuko.

To enact section 2109.361 of the Revised Code to require the probate court, upon application by an affected beneficiary, to determine the fairness of an agreement requiring a fiduciary or beneficiary to pay a percentage of an inheritance or a dollar amount to any person other than the beneficiary and to allow the probate court to approve, modify, or disapprove the agreement, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 83**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Fingerhut	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Kearney	Miller D	Miller R	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Zurz		Harris-31.

So the bill passed.

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

Senator Goodman moved to amend the title as follows:

Add the names: "Goodman, Harris, Miller, D., Schuler."

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, November 12, 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.

OFFERING OF RESOLUTIONS

Senator Jacobson offered the following resolution:

S. R. No. 250-Senator Jacobson.

Relative to mileage reimbursement.

RESOLVED, Pursuant to section 101.27 of the Revised Code and S.R. No. 2--Senator Jacobson, Relative to mileage reimbursement, adopted January 4, 2005, the Clerk of the Senate is authorized to change the mileage for Larry Mumper from 108 miles to 116 miles round trip.

The question being, "Shall the resolution, **S. R. No. 250**, be adopted?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

- | | | | |
|-----------|------------|-----------|------------|
| Amstutz | Arnbruster | Austria | Carey |
| Cates | Clancy | Coughlin | Dann |
| Fedor | Fingerhut | Gardner | Goodman |
| Grendell | Hagan | Hottinger | Jacobson |
| Kearney | Miller D | Miller R | Mumper |
| Niehaus | Padgett | Prentiss | Roberts |
| Schuler | Schuring | Spada | Stivers |
| Wachtmann | Zurz | | Harris-31. |

So the resolution was 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, Thomas M. Ferrell Jr., Democrat, from Sandusky, Erie County, Ohio, as a Member of the Solid Waste Management Advisory Council for a term beginning November 3, 2006, and ending at the close of business June 23, 2008, replacing James Gilliland, 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 7th

day of November in the year of our Lord, two thousand and six.

[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, Larry W. Johns, from Wapakoneta, Auglaize County, Ohio, as a Member of the Solid Waste Management Advisory Council for a term beginning November 3, 2006, and ending at the close of business June 23, 2008, replacing Joseph Sykes, Jr., 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 7th day of November in the year of our Lord, two thousand and six.

[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, Sarah E. Lynn, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Environmental Review Appeals Commission for a term beginning December 1, 2006, and ending at the close of business October 22, 2012, replacing Julianna F. Bull, 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 7th day of November in the year of our Lord, two thousand and six.

[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, Janet Foley Orosz, Republican, from Powell, Delaware County, Ohio, as a Member of the Ohio Fair Plan Underwriting Association Board of Governors for a new term beginning November 3, 2006 and ending at the close of business September 18, 2008.

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 7th day of November in the year of our Lord, two thousand and six.

[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, Michael L. Thomas, Democrat, from Gahanna, Franklin County, Ohio, as a Member of the Ohio Fair Plan Underwriting Association Board of Governors for a new term beginning November 3, 2006 and ending at the close of business September 18, 2008.

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 7th day of November in the year of our Lord, two thousand and six.

[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 bill in which the concurrence of the Senate is requested:

H. B. No. 551 - Representatives Latta, Fende, Setzer, Wolpert, Law, McGregor, J., Evans, D., Seitz, Hughes, Bulp, Yuko, Willamowski, Aslanides, Schaffer, Otterman, Combs, Evans, C., Oelslager, Reidelbach, Webster, Buehrer, Patton, T., Beatty, Brown, Chandler, Collier, Daniels, DeBose, Dolan, Domenick, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hoops, Koziura, Martin, Mason, McGregor, R., Perry, Reinhard, Seaver, Smith, S., Stewart, D., Stewart, J., Strahorn, Uecker, Ujvagi, Williams, Yates

To amend section 5502.52 of the Revised Code to prohibit a person from making a false report that results in the implementation of the statewide emergency alert program or a local or regional emergency alert program.

Attest: Laura P. Clemens,
Clerk.

Said bill was considered the first time.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, November 16, 2006 at 11:00 o'clock a.m.

Attest: DAVID A. BATTOCLETTI,
Clerk.