

**OHIO**

**SENATE**

**JOURNAL**

**TUESDAY, NOVEMBER 28, 2006**

TWO HUNDRED FORTY-FIRST DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, November 28, 2006, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Grace Baptist Church, Cedarville, 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:

**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.

To the Committee on Judiciary - Criminal Justice.

**Sub. H. B. No. 285**-Representatives Willamowski, Beatty, Brown, Bulp, Carano, Cassell, Chandler, Collier, Core, DeBose, Domenick, Evans, C., Evans, D., Faber, Fende, Fessler, Flowers, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hughes, Latta, Luckie, Mason, Otterman, Patton, T., Perry, Raussen, Reidelbach, Schaffer, Schlichter, Seaver, Seitz, Stewart, D., Stewart, J., Strahorn, Uecker, Wagoner, Williams, Yates, Yuko.

To enact section 5149.031 of the Revised Code to prohibit parole officers of the Adult Parole Authority from being required to use private vehicles for certain purposes during the course of their employment.

To the Committee on Judiciary - Criminal Justice.

**S. B. No. 395**-Senators Clancy, Carey, Schuler.

To amend section 3923.05 and to enact section 3923.80 of the Revised Code to prohibit certain insurers from limiting or excluding coverage for injuries occurring as a consequence of an insured's being intoxicated or under the influence of any narcotic.

To the Committee on Insurance, Commerce and Labor.

**S. B. No. 396**-Senators Stivers, Clancy, Schuler, Goodman, Hagan, Armbruster, Spada, Miller, D., Niehaus, Cates.

To amend sections 3769.03, 3769.08, 3769.083, 3769.085, and 3769.088 and to enact sections 3769.0811, 3769.0812, and 3769.0813 of the Revised Code to authorize wagering at a track on horse races that are telecast via an instant racing system and to levy a tax on amounts wagered in this manner.

To the Committee on Finance and Financial Institutions.

**S. B. No. 397**-Senators Niehaus, Armbruster, Clancy, Padgett.

To amend section 1510.04 of the Revised Code to increase the maximum amount that may be assessed on the production of oil and natural gas to fund the Oil and Natural Gas Marketing Program.

To the Committee on Energy and Public Utilities.

YES - 5: J. KIRK SCHURING, KIMBERLY A. ZURZ, JEFF JACOBSON, C. J. PRENTISS, BILL HARRIS.

NO - 0.

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

Said bills were considered a second time and referred to committee as recommended.

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Schuring submitted the following report:

The standing committee on Rules to which were referred the appointments

by the Governor of:

**Willis E. Bailey**, Republican, from Canal Winchester, Franklin County, Ohio, as a Member of the Minority Development Financing Advisory Board for a term beginning May 5, 2006 and ending at the close of business August 30, 2012, replacing Mandwel D. Patterson, who resigned.

**Roger B. Booker**, Independent, from Columbus, Franklin County, Ohio, as a Member of the Capitol Square Review and Advisory Board for a new term beginning May 1, 2006 and ending at the close of business April 22, 2009.

**Sudershan K. Garg**, Independent, from Canfield, Mahoning County, Ohio, as a Member of the Youngstown State University Board of Trustees for a term beginning May 5, 2006 and ending at the close of business May 1, 2015.

**Gilbert Gary Kaster**, Democrat, from McConnelsville, Morgan County, Ohio, as a Member of the Forestry Advisory Council for a new term beginning May 5, 2006 and ending at the close of business February 28, 2010.

**J. Randolph Mott**, Republican, from Casstown, Miami County, Ohio, as a Member of the Ohio Soil and Water Conservation Commission for a new term beginning June 30, 2006 and ending at the close of business June 30, 2010.

**Kathy L. Smith**, Democrat, from Mansfield, Morrow County, Ohio, as a Member of the Forestry Advisory Council for a term beginning May 5, 2006 and ending at the close of business February 28, 2010.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 10: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, STEPHEN C. AUSTRIA, JAY HOTTINGER, J. KIRK SCHURING, TOM ROBERTS, TERESA FEDOR, C. J. PRENTISS, KIMBERLY A. ZURZ.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

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 | Fedor      |
| Fingerhut | Gardner    | Goodman  | Grendell   |
| Hagan     | Hottinger  | Jacobson | Jordan     |
| Kearney   | Miller D   | Miller R | Mumper     |
| Niehaus   | Padgett    | Prentiss | Roberts    |
| Schuler   | Schuring   | Spada    | Stivers    |
| Wachtmann | Zurz       |          | Harris-31. |

So the Senate advised and consented to said appointments.

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 401**-Representatives Law, Flowers, Coley, Uecker, Patton, S., Bulp, Evans, D., Key, Perry, Sayre, Blessing, Book, Brown, DeBose, Distel, Dolan, Domenick, Driehaus, Fende, Hagan, Harwood, Hughes, Koziura, Martin, McGregor, J., Otterman, Patton, T., Reed, Reidelbach, Schaffer, Setzer, Smith, G., Stewart, D., Wagoner, Widener, Williams, Yuko Senators Cates, Grendell, Armbruster, Niehaus, Mumper, Miller, D., Fedor, Kearney.

To amend sections 505.38, 737.08, 737.22, 3737.66, 4765.01, 4765.04, 4765.49, and 4765.55 of the Revised Code to provide for the adoption of rules governing firefighter training, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 401**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Cates
Clancy	Coughlin	Fedor	Fingerhut
Gardner	Goodman	Grendell	Hagan
Hottinger	Jacobson	Jordan	Kearney
Miller D	Miller R	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
Zurz			Harris-30.

Senator Carey voted in the negative-1.

So the bill passed.

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

Senator Cates moved to amend the title as follows:

Add the names: "Austria, Roberts, Stivers."

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

The motion was agreed to and the title so amended.

**INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bills were introduced and considered the first time:

**S. B. No. 398**-Senator Schuler.

To amend sections 4511.21 and 4511.251 of the Revised Code to establish a speed limit of 45 miles per hour on a portion of State Route 123 located within Warren County.

**S. B. No. 399**-Senator Stivers.

To amend section 4749.01 and to enact new sections 3951.01 to 3951.04, 3951.041, and 3951.05 to 3951.10 and sections 3951.11 to 3951.18, and to repeal sections 3951.01, 3951.02, 3951.03, 3951.04, 3951.041, 3951.05, 3951.06, 3951.07, 3951.08, 3951.09, 3951.10, and 3951.99 of the Revised Code to make changes to the Public Insurance Adjuster Law.

**OFFERING OF RESOLUTIONS**

Senator Gardner offered the following resolution:

**S. R. No. 253**-Senator Gardner.

Honoring the Toledo St. John's Jesuit High School boys cross country team as the 2006 Division I runner-up.

The question being, "Shall the resolution, **S. R. No. 253**, be adopted?"

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, George W. Byers, Jr., Republican, from London, Madison County, Ohio, as a Member of the Motor Vehicle Dealers Board for a new term beginning November 9, 2006 and ending at the close of business October 4, 2009.

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 13th 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, John T. Campbell, Republican, from Columbus, Franklin County, Ohio, as a Member of the Hearing Aid Dealers and Fitters Licensing Board for a term beginning November 9, 2006, and ending at the close of business January 25, 2010, replacing Phyllis Mosley, 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 13th 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, Louis J. Carson, Republican, from Carroll, Fairfield County, Ohio, as a Member of the Motor Vehicle Dealers Board for a new term beginning November 9, 2006 and ending at the close of business October 4, 2009.

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 13th 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, Maurice M. Leiser, Democrat, from University Heights, Cuyahoga County, Ohio, as a Member of the Motor Vehicle Salvage Dealer's Licensing Board for a new term beginning November 9, 2006 and ending at the close of business July 31, 2009.

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 13th 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, William J. Lhota, Republican, from Worthington, Franklin County, Ohio, as a Member of the Board of Building Appeals for a new term beginning November 9, 2006 and ending at the close of business October 13, 2010.

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 13th 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, Davida L. Parsons, Republican, from Albany, Athens County, Ohio, as a Member of the Board of Speech-Language Pathology and Audiology for a new term beginning November 9, 2006 and ending at the close of business September 26, 2009.

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 13th 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, Lewis R.

Smoot, Jr., Democrat, from New Albany, Franklin County, Ohio, as a Member of the Ohio Venture Capital Authority for a term beginning November 9, 2006, and ending at the close of business January 31, 2007, replacing Terrence W. Gasper, 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 13th 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, Brian P. Younkin, Republican, from Columbus, Delaware County, Ohio, as a Member of the Motor Vehicle Dealers Board for a term beginning November 9, 2006, and ending at the close of business October 4, 2009, replacing Evan Atkinson, 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 13th 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, Patricia M. Zurlinden, Democrat, from Cincinnati, Hamilton County, Ohio, as a Member of the Board of Speech-Language Pathology and Audiology for a new term beginning November 9, 2006 and ending at the close of business September 26, 2009.

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 13th 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 PRESIDENT**

Pursuant to Senate Rules 19 and 20, the President of the Senate makes the following appointment change to the following Senate Standing Committee:

**Removes** Senator Wilson from the Standing Committee on Finance and Financial Institutions

**Appoints** Senator Kearney as a member of the Standing Committee on Finance and Financial Institutions

**Removes** Senator Dann as Ranking Minority member of the Standing Committee on Highways and Transportation

**Appoints** Senator Hagan as Ranking Minority member of the Standing Committee on Highways and Transportation

On the motion of Senator Jacobson, the Senate adjourned until Wednesday, November 29, 2006 at 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,  
Clerk.