

**OHIO**

**SENATE**

**JOURNAL**

MONDAY, DECEMBER 11, 2006

TWO HUNDRED FORTY-SEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Monday, December 11, 2006, 9:30 a.m.**

The Senate met pursuant to adjournment.

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

Senator Schuler was selected to preside according to the rule.

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

**INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bill was introduced and considered the first time:

**S. B. No. 403**-Senator Austria.

To impose a one-year moratorium on any new for-profit special hospital commencing operation and to permit the Director of Health to seek an injunction for a violation of the moratorium.

**OFFERING OF RESOLUTIONS**

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

**S. R. No. 258**-Senators Harris, Amstutz, Armbruster, Austria, Carey, Cates, Clancy, Coughlin, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hagan, Jacobson, Jordan, Kearney, Miller, D., Miller, R., Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, Wilson, Zurz.

Honoring Senator Jay Hottinger on his service to the Ohio Senate.

**S. R. No. 259**-Senators Harris, Amstutz, Austria, Carey, Cates, Clancy, Coughlin, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hagan, Hottinger, Jacobson, Jordan, Kearney, Miller, D., Miller, R., Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, Wilson, Zurz.

Honoring Senator Jeffrey J. Armbruster on his service to the Ohio Senate.

**S. R. No. 260**-Senators Harris, Amstutz, Armbruster, Austria, Carey, Cates, Clancy, Coughlin, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hottinger, Jacobson, Jordan, Kearney, Miller, D., Miller, R., Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, Wilson, Zurz.

Honoring Senator Robert F. Hagan on his service to the Ohio Senate.

**S. R. No. 261**-Senators Harris, Amstutz, Armbruster, Austria, Carey, Cates, Clancy, Coughlin, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hagan, Hottinger, Jacobson, Jordan, Kearney, Miller, D., Miller, R., Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wilson, Zurz.

Honoring Senator Lynn R. Wachtmann on his service to the Ohio Senate.

**S. R. No. 262**-Senators Harris, Amstutz, Armbruster, Austria, Carey, Cates, Clancy, Coughlin, Dann, Fedor, Fingerhut, Gardner, Goodman, Grendell, Hagan, Hottinger, Jacobson, Jordan, Kearney, Miller, D., Miller, R., Mumper, Niehaus, Padgett, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, Wilson, Zurz.

Honoring Senator C.J. Prentiss for her service to the Ohio Senate.

**S. R. No. 263**-Senators Harris, Amstutz, Armbruster, Austria, Carey, Cates, Clancy, Coughlin, Dann, 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.

Honoring Senator Charlie Wilson on his service to the Ohio Senate.

**S. R. No. 264**-Senators Harris, Amstutz, Armbruster, Austria, Carey, Cates, Clancy, Coughlin, Dann, Fedor, Gardner, Goodman, Grendell, Hagan, Hottinger, Jacobson, Jordan, Kearney, Miller, D., Miller, R., Mumper, Niehaus, Padgett, Prentiss, Roberts, Schuler, Schuring, Spada, Stivers, Wachtmann, Wilson, Zurz.

Honoring Senator Eric D. Fingerhut on his service to the Ohio Senate.

**S. R. No. 265**-Senators Harris, 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, Wilson, Zurz.

Honoring Senator Jim Jordan on his service to the Ohio Senate.

**S. R. No. 266**-Senators Harris, 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, Wilson, Zurz.

Honoring Senator Marc Dann on his service to the Ohio Senate.

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 message from the Governor which was 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, Darrell L. Gitz, Republican, from Columbus, Franklin County, Ohio, as a Member of the State Veterinary Medical Licensing Board for a new term beginning January 1, 2007 and ending at the close of business December 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 4th day of December in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,  
Governor.

Said appointment was 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 concurred in the passage of the following bill:

**Sub. S. B. No. 5** - Senators Hottinger, Harris Representatives Daniels, Barrett, Blessing, Evans, D., Faber, Gibbs, Martin, Patton, T., Raussen, White, J., Brown, Collier, Combs, DeBose, Domenick, Evans, C., Fende, Fessler, Flowers, Hagan, Otterman, Schaffer, Schneider, Seitz, Setzer, Smith, G., Strahorn, Wagoner, White, D.

To amend sections 1731.01, 1731.03, 1731.04, 1731.09, 1751.04, 1751.12, 1751.34, 3924.04, and 3924.06 and to enact sections 3905.56, 3923.81, and 3961.01 to 3961.09 of the Revised Code to regulate discount medical plan organizations concerning provider agreements and marketing, disclosure,

cancellation, and refund requirements; to make changes to the Small Employer Health Care Alliances Law and the Small Employer Health Benefit Plans Law; to exempt health insuring corporations covering only medicaid recipients from examination by the director of health; to allow health insuring corporations to offer insurance products with a high annual deductible; to require insurance consultants to disclose compensation in certain circumstances; and to limit the amount of copayments and deductibles paid by persons insured by health benefit plans.

As a substitute bill, in which the concurrence of the Senate is requested:

Attest: Laura P. Clemens,  
Clerk.

Said amendments were laid over under the rule.

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. 239** - Representatives Schneider, Reidelbach, Brinkman, Faber, Seitz, Kearns, Flowers, Hood, Aslanides, Blessing, Bubb, Buehrer, Coley, Collier, Combs, Daniels, DeGeeter, Distel, Dolan, Domenick, Driehaus, Fessler, Garrison, Gibbs, Gilb, Hagan, Hoops, Kilbane, Latta, Law, Martin, McGregor, J., Oelslager, Patton, T., Raga, Raussen, Reinhard, Schaffer, Seaver, Setzer, Smith, G., Taylor, Trakas, Uecker, Wagner, Wagoner, Walcher, White, J., Widener, Widowfield, Willamowski, Wolpert, Calvert, Cassell, Core, White, D., Schlichter

To amend section 5101.55 and to enact sections 9.041, 3701.511, 3702.33, and 5101.56 of the Revised Code to declare that it is the public policy of the state to prefer childbirth over abortion, to permit any person to petition a court of common pleas for an order enjoining the operation of a health care facility without a license, to modify the laws governing public funding of abortions, and to prohibit the use of funds appropriated for genetic services to be used for abortion-related purposes.

**Sub. H. B. No. 271** - Representatives Bubb, Hood, Martin, McGregor, J., Uecker, Key, Patton, S., Harwood, Blessing, Calvert, Carano, Chandler, DeGeeter, Domenick, Evans, C., Fende, Fessler, Foley, Hughes, Mason, Otterman, Patton, T., Schlichter, Schneider, Seitz, Smith, G., Wagoner, Yates

To amend sections 4503.233, 4503.234, 4507.02, 4507.164, 4510.10, 4510.16, and 4510.41 and to repeal section 4510.161 of the Revised Code to make immobilization of a vehicle and impoundment of its license plates for the offense of "driving under financial responsibility law suspension or cancellation" discretionary rather than mandatory when the offender has not more than one previous violation in the preceding five years, to authorize the imposition of a fine equal to the value of the vehicle when title to a vehicle that is subject to an immobilization order is assigned or transferred without court approval, and to authorize a court to order a payment plan or extension of time for payment of reinstatement fees owed by an offender relative to a suspension of driving privileges.

**H. B. No. 487** - Representatives Widener, Martin, McGregor, R., Wagoner, Seitz, Hartnett, Allen, Koziura, Hagan, Gibbs, Evans, C., Bulp, Chandler, Coley, Combs, DeBose, Dolan, Domenick, Flowers, Hughes, Luckie, McGregor, J., Otterman, Schaffer, Schneider, Smith, G., Williams

To amend sections 153.54, 153.57, 1311.01, 1311.011, 1311.02, 1311.021, 1311.03, 1311.04, 1311.05, 1311.12, 1311.13, 1311.14, 1311.15, 1311.25, 1311.26, 1311.261, 1311.28, 1311.29, 1311.32, 4113.61, 5309.57, and 5525.16 of the Revised Code to specify that an owner, part owner, or lessee of real property, with respect to a home construction contract, must record a notice of commencement only if required by a lending institution, to stipulate that a notice of commencement for a home construction contract expires six years after it is recorded, and to permit court costs and reasonable attorney fees to be included in damages an owner may recover from a lienholder who refuses to release the lien after the owner makes full payment and to stipulate for all types of liens that a mortgage is considered filed first if a mortgage and notice of commencement are filed on the same day.

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 Speaker of the House of Representatives has signed the following bills:

**Am. Sub. S. B. No. 223** - Senator Niehaus- et al.

**Sub. S. B. No. 164** - Senator Schuring- et al.

Attest: Laura P. Clemens,  
Clerk.

The President signed said bills.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives accedes to the request of the Senate for a Committee of Conference on matters of difference between the two Houses on:

**Am. Sub. H. B. No. 259** - Representative Wagner - et al.

The Speaker of the House has appointed as managers on the part of the House on such matters of difference:

Representatives Latta, Wagner and Degeeter.

Attest: Laura P. Clemens,  
Clerk.

**MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule 30, the President of the Senate appoints the following members to serve on the Conference Committee on Am. Sub. H. B. No. 259 of the 126th General Assembly:

Senator Jordan  
Senator Clancy  
Senator Kearney

On the motion of Senator Zurz, the Senate adjourned until Tuesday, December 12, 2006 at 1:30 p.m.

Attest: DAVID A. BATTOCLETTI,  
Clerk.