

OHIO

SENATE

JOURNAL

WEDNESDAY, FEBRUARY 8, 2006

ONE HUNDRED FORTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, February 8, 2006, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Bruce Livingston, Antioch Alliance Church, Logan, 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:

Am. Sub. H. B. No. 301-Representatives Seitz, Fessler, Combs, Wagoner, Coley, Trakas, Reidelbach, Gilb, White, Schneider, Willamowski, Allen, Aslanides, Barrett, Book, Carano, Cassell, Collier, Core, DeGeeter, Domenick, Evans, C., Fende, Flowers, Garrison, Gibbs, Harwood, Healy, Hughes, Key, McGregor, J., McGregor, R., Miller, Mitchell, Oelslager, Otterman, Patton, T., Sayre, Seaver, Webster, Yuko, Beatty, Mason.

To amend sections 111.16, 1701.01, 1701.10, 1701.11, 1701.17, 1701.18, 1701.19, 1701.40, 1701.41, 1701.44, 1701.51, 1701.54, 1701.57, 1701.58, 1701.62, 1701.63, 1701.73, 1701.75, 1701.76, 1701.81, 1701.831, 1701.84, 1701.85, 1701.92, 1704.02, 1704.03, 1705.09, 1705.19, 1705.40, 1705.41, 1705.42, 1707.01, 1707.041, 1707.20, 1707.44, 1775.01, 1775.05, 1775.14, 1775.45 to 1775.52, 1782.435, 1782.436, and 1782.437 and to enact sections 1701.782, 1701.792, 1701.802, 1701.811, 1701.821, 1701.921, 1705.361, 1705.371, 1705.381, 1705.391, 1705.61, 1707.142, 1775.53 to 1775.56, 1782.438, 1782.439, 1782.4310, 1782.4311, and 1782.65 of the Revised Code to authorize and specify applicable provisions to conversions of business entities by corporations, limited liability companies, and general, limited liability, and limited partnerships; to expand the limited liability of registered limited liability partnerships; to limit liability to limited partnerships; to modify the Corporation Law relating to regulations or articles, shareholder rights, delegation authority, acceptable payments for shares, director meetings, executive committees, actions authorized after bankruptcy, distributions to shareholders when the issuing corporation "spins off" a subsidiary corporation, reorganization and restructuring of holding company corporations, and control share acquisitions; to modify the Limited Liability Company Law to specify acceptable forms of contributions; and to modify the Securities Law relating to dealer recordkeeping and filing requirements, tender offers, and incorporation in Ohio law of future amendments to federal securities laws.

To the Committee on Judiciary - Civil Justice.

H. B. No. 368-Representatives Wolpert, Widowfield, Ujvagi, Miller, Evans, D., McGregor, J., Brown, Fende, Patton, S., Flowers, Combs, Evans, C., Seaver, Webster.

To amend section 4399.14 of the Revised Code to remove the prohibition against a minor being in a public dance hall unless accompanied by a parent or legal guardian.

To the Committee on State and Local Government and Veterans' Affairs.

S. B. No. 271-Senators Hottinger, Miller, Fedor.

To enact section 5.073 of the Revised Code to designate the Newark Earthworks as the official prehistoric monument of the state.

To the Committee on State and Local Government and Veterans' Affairs.

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

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **H. B. No. 310**-Representative Oelslager, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Schuring, Dann, Kearney, Zurz.

YES - 7: JIM JORDAN, PATRICIA M. CLANCY, STEPHEN C. AUSTRIA, MARC DANN, ERIC H. KEARNEY, KIMBERLY A. ZURZ, J. KIRK SCHURING.

NO - 0.

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

The report of the committee was accepted.

Senator Schuring submitted the following report:

The standing committee on Rules to which were referred the appointment by the Governor of:

Mary Beth Carroll, Republican, from Akron, Summit County, Ohio, as a Member of the Workers Compensation Oversight Commission for a term beginning October 7, 2005 and ending at the close of business September 1, 2008.

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

YES - 9: BILL HARRIS, RANDY GARDNER, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JAY HOTTINGER, J. KIRK SCHURING, ROBERT F. HAGAN, TERESA FEDOR, KIMBERLY A. ZURZ, C. J. PRENTISS.

NO - 0.

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

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Wilson	Zurz	Harris-32.

So the Senate advised and consented to said appointment.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 33-Senators Spada, Jacobson, Amstutz, Schuler, Mumper, Armbruster, Dann, Zurz Representatives Webster, Hagan, Allen, Healy, Patton, T., Daniels, Stewart, D., Coley, Smith, G., Book, Brown, Cassell, Chandler, Combs, DeBose, DeGeeter, Distel, Domenick, Driehaus, Evans, C., Fende, Fessler, Flowers, Garrison, Gilb, Harwood, Hughes, Key, Koziura, Mason, McGregor, J., Miller, Mitchell, Oelslager, Otterman, Patton, S., Raussen, Reidelbach, Sayre, Seaver, Setzer, Skindell, Ujvagi, Williams, Yuko.

To enact section 1349.61 of the Revised Code to prohibit the sale of a gift card that has an expiration date that is less than two years after the date the gift card is issued and to prohibit, for two years after issuance, any service charges or fees having the effect of reducing the value of the gift card, were taken up.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 29, nays 3, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Hagan	Hottinger	Jacobson	Jordan
Kearney	Miller	Mumper	Niehaus
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wilson	Zurz
			Harris-29.

Senators Grendell, Padgett, and Wachtmann voted in the negative-3.

So the Senate concurred in the amendments of the House of Representatives.

Pursuant to Senate Rule No. 47, Senator Kearney moved that his name be added to the title.

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

S. B. No. 227-Senators Mumper, Brady, Clancy, Coughlin, Padgett, Armbruster, Dann, Wachtmann.

To enact section 5533.331 of the Revised Code to designate a portion of State Route 423 within Marion County the "Deputy Brandy Winfield Memorial Highway, was considered the third time."

The question being, "Shall the bill, **S. B. No. 227**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

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

Senator Mumper moved to amend the title as follows:

Add the names: "Austria, Carey, Cates, Fedor, Grendell, Harris, Hottinger, Prentiss, Schuring, Spada, Stivers, Wilson, Zurz, Goodman."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 257-Representatives Hagan, Evans, D., Strahorn, Ujvagi, Chandler, Allen, Barrett, Beatty, Brown, Calvert, Carano, Cassell, Combs, DeBose, Domenick, Evans, C., Faber, Fende, Flowers, Garrison, Harwood, Hughes, Martin, Mason, McGregor, J., Oelslager, Patton, T., Sayre, Schaffer, Seitz, Smith, S., Stewart, D., Stewart, J., Taylor, Widowfield, Yates, Yuko Senators Hagan, Wilson.

To enact sections 3721.041 and 3727.19 of the Revised Code to require nursing homes and other homes for the elderly to offer residents vaccinations against influenza and pneumonia and to require hospitals to offer certain patients vaccinations against influenza and pneumonia, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 257**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Brady
Carey	Cates	Clancy	Coughlin
Dann	Fedor	Gardner	Goodman
Grendell	Hagan	Hottinger	Jacobson
Jordan	Kearney	Miller	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Spada	Stivers
Wachtmann	Wilson	Zurz	Harris-32.

So the bill passed.

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

Senator Coughlin moved to amend the title as follows:

Add the names: "Amstutz, Clancy, Niehaus, Padgett, Schuring."

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, February 5, 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.

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, Daniel H. D. Becker, Republican, from Struthers, Mahoning County, Ohio, as a Member of the Financial Planning and Supervision Commission for Struthers City School District for a term beginning February 3, 2006, and continuing at the pleasure of the Governor, replacing Anthony Frattaroli, 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 6th day of February 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, Ronald K. Burford, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning February 3, 2006 and ending at the close of business December 31, 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 4th day of February 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, Eric Von Hendrix, from Cleveland, Cuyahoga County, Ohio, as a Member of the Ohio Venture Capital Authority for a new term beginning February 3, 2006 and ending at the close of business January 31, 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 6th day of February 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, Gregg E.

Hollenbaugh, Republican, from Fairfield, Butler County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a new term beginning February 3, 2006 and ending at the close of business December 31, 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 6th day of February 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, Betty J. Kemper, Republican, from Rocky River, Cuyahoga County, Ohio, as a Member of the Ohio Housing Finance Agency for a new term beginning January 27, 2006 and ending at the close of business January 31, 2012.

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 27th day of January 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, Karen R. Kleinhenz, Republican, from Cleveland Heights, Cuyahoga County, Ohio, as a Member of the Ohio Venture Capital Authority for a new term beginning February 3, 006 and ending at the close of business January 31, 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 6th day of February 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, Gary L. Vest, Republican, from Powell, Delaware County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a new term beginning February 3, 2006 and ending at the close of business December 31, 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 6th day of February in the year of our Lord, two thousand and six.

[Seal]

Bob Taft,
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, February 9, 2006 at 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.