

OHIO

SENATE

JOURNAL

TUESDAY, MAY 9, 2006

ONE HUNDRED EIGHTIETH DAY
Senate Chamber, Columbus, Ohio
Tuesday, May 9, 2006, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson, Linworth Baptist Church, Worthington, 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 and concurrent resolutions, standing in order for second consideration, be referred to committee as recommended:

H. C. R. No. 40-Representatives Schneider, Flowers, Setzer, Smith, G., Beatty.

Recognizing Co-op Education Week in Ohio, May 14-20, 2006.

To the Committee on Education.

H. C. R. No. 41-Representatives Beatty, Calvert, DeWine, Flowers, Schlichter, Carano, Healy.

Recognizing Nurses Month in the State of Ohio, May 2006.

To the Committee on Health, Human Services and Aging.

S. B. No. 322-Senators Gardner, Coughlin, Schuler, Schuring, Wachtmann, Mumper, Jacobson, Carey, Hottinger, Spada.

To amend sections 2903.06, 2903.08, 2903.11, 2923.02, 4507.08, 4510.13, and 4510.54 and to enact section 4510.18 of the Revised Code to require a court to impose a lifetime driver's license suspension for attempted murder by means of a motor vehicle, felonious assault using a motor vehicle, and aggravated vehicular homicide and vehicular homicide under certain circumstances; to permit a court to impose a lifetime driver's license suspension for aggravated vehicular assault; and to establish that driving under these specified lifetime suspensions is a felony of the third degree.

To the Committee on Judiciary - Criminal 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 and concurrent resolutions 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:

Aaron C. Askew, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 10, 2006 and ending at the close of business January 14, 2009.

R. Andrew Bell, Republican, from Springfield, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a term beginning March 10, 2006 and ending at the close of business November 30, 2008, replacing Cathy S. Balas, who resigned.

Linda Caron, Republican, from Dayton, Montgomery County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 10, 2006 and ending at the close of business January 14, 2009.

George G. Cloyd, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of The Ohio State University Board of Trustees for a term beginning December 30, 2005 and ending at the close of business May 13, 2009.

Kathleen M. Fox, Independent, from Columbus, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 10, 2006 and ending at the close of business January 14, 2009.

Ellen H. Hardyman, Republican, from Columbus, Franklin County, Ohio, as a Member of the Savings and Loan Associations and Savings Banks Board for a new term beginning 10, 2006 and ending at the close of business January 31, 2009.

Sandra C. Hull, Republican, from Wooster, Wayne County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 10, 2006 and ending at the close of business January 14, 2009.

Donald A. Hutslar, Independent, from Worthington, Franklin County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 10, 2006 and ending at the close of business January 14, 2009.

Betty L. Kimbrew, Democrat, from Chardon, Geauga County, Ohio, as a Member of the Savings and Loan Associations and Savings Banks Board for a new term beginning 10, 2006 and ending at the close of business January 31, 2009.

Joseph W. Leonard, Democrat, from Oxford, Butler County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 10, 2006 and ending at the close of business January 14, 2009.

Mary Ann Olding, Republican, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 10, 2006 and ending at the close of business January 14, 2009.

John D. Ong, Republican, from Hudson, Summit County, Ohio, as a Member of The Ohio State University Board of Trustees for a term beginning December 30, 2005 and ending at the close of business May 13, 2010.

Nancy A. Otis, Republican, from Celina, Mercer County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 10, 2006 and ending at the close of business January 14, 2009.

Jeffrey T. Tilman, Independent, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Historic Site Preservation Advisory Board for a new term beginning March 10, 2006 and ending at the close of business January 14, 2009.

Leslie H. Wexner, from New Albany, Franklin County, Ohio, as a Member of The Ohio State University Board of Trustees for a term beginning December 30, 2005 and ending at the close of business May 13, 2011.

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

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

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 | Austria | Carey | Cates |
| Clancy | 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 | | Harris-31. |

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

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, was considered the third time.

The question being, "Shall the bill, **Am. Sub. H. B. No. 301**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|----------|----------|------------|
| Amstutz | Austria | Carey | Cates |
| Clancy | 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 | | 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, Miller, D., Padgett, Roberts, Stivers, Zurz, Kearney, Fedor."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 226-Senators Cates, Wilson, Zurz, Stivers, Niehaus, Mumper, Kearney, Miller, D., Fedor.

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. S. B. No. 226**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|----------|----------|-----------|-----------|
| Amstutz | Austria | Cates | Clancy |
| Dann | Fedor | Fingerhut | Gardner |
| Goodman | Grendell | Hagan | Hottinger |
| Jacobson | Jordan | Kearney | Miller D |
| Miller R | Mumper | Niehaus | Padgett |
| Prentiss | Roberts | Schuler | Schuring |

Spada
Zurz

Stivers

Wachtmann

Wilson
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 name: "Grendell."

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

The motion was agreed to and the title so amended.

S. B. No. 280-Senators Schuring, Jordan, Armbruster, Gardner, Stivers, Carey, Grendell, Padgett, Fingerhut, Miller, R., Zurz, Clancy, Austria, Hagan, Miller, D..

To enact section 4503.433 of the Revised Code to authorize the display of combat battle stars on certain special combat or military license plates, was considered the third time.

The question being, "Shall the bill, **S. B. No. 280**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|----------|----------|------------|
| Amstutz | Austria | Carey | Cates |
| Clancy | 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 | | Harris-31. |

So the bill passed.

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

Senator Schuring moved to amend the title as follows:

Add the names: "Fedor, Goodman, Harris, Hottinger, Niehaus, Prentiss, Roberts, Schuler, Spada, Wachtmann, Wilson, Kearney, Dann, Jacobson."

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 bill was introduced and considered the first time:

S. B. No. 323-Senators Spada, Stivers, Austria, Armbruster, Clancy, Jacobson, Niehaus, Coughlin, Goodman, Hagan, Kearney.

To amend sections 3734.13, 3745.01, and 3745.08 and to enact sections 3734.61 to 3734.65 of the Revised Code to prohibit the purchase of mercury or mercury-added measuring devices by schools, to prohibit the sale and distribution of mercury-containing thermometers, mercury-added novelties, and mercury-containing thermostats, to establish certain exceptions from the prohibitions, and to establish other requirements concerning mercury and certain mercury-containing products.

OFFERING OF RESOLUTIONS

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

S. R. No. 205-Senator Padgett.

Honoring Kristin Daugherty as Ms. Basketball for 2006.

S. R. No. 206-Senator Stivers.

Honoring Joseph Streb as a 2006 Ohio High School Fencing Association State Champion.

S. R. No. 207-Senators Austria, Armbruster, Clancy, Dann, Fedor, Fingerhut, Gardner, Harris, Kearney, Miller, D., Mumper, Schuler, Stivers, Wachtmann, Wilson.

Recognizing National Older Americans Month, May 2006.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

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:

S. B. No. 268 - Senators Stivers, Schuler, Mumper, Amstutz, Armbruster, Austria, Clancy, Goodman, Hottinger, Prentiss, Spada, Kearney, Harris, Representatives Smith, G., Daniels, Evans, D., Faber, Hughes, Koziura, Patton, T., Perry, Setzer, Wolpert, Aslanides, Barrett, Chandler, Domenick,

Driehaus, Evans, C., Flowers, McGregor, J., Seitz

To amend section 3901.48 and to enact section 3915.16 of the Revised Code to adopt the Interstate Insurance Product Regulation Compact.

Attest:

Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following concurrent resolution in which the concurrence of the Senate is requested:

H. C. R. No. 30 - Representatives Peterson, Wolpert, Chandler, Yuko, Fende, Mitchell, McGregor, J., Collier, Daniels, Uecker, Bubp, Allen, Barrett, Beatty, Blessing, Bocchieri, Book, Brown, Buehrer, Calvert, Carano, Cassell, Coley, Combs, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, Evans, C., Evans, D., Faber, Fessler, Flowers, Garrison, Hagan, Hartnett, Healy, Hoops, Hughes, Key, Kilbane, Latta, Law, Martin, Mason, McGregor, R., Otterman, Patton, T., Perry, Raussen, Redfern, Reed, Reidelbach, Sayre, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, Skindell, Stewart, D., Stewart, J., Strahorn, Sykes, Taylor, Ujvagi, Wagoner, Webster, Widowfield, Willamowski, Williams, Yates

To designate the village of Sunbury, Ohio, as the home of the Ohio Fallen Heroes Memorial.

Attest:

Laura P. Clemens,
Clerk.

The question being, "Shall the concurrent resolution, **H. C. R. No. 30**, be adopted?"

On the motion of Senator Jacobson, **H. C. R. No. 30**, was referred to the Committee on Reference.

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:

Sub. H. B. No. 454 - Representatives Coley, Wagoner, Hartnett, Harwood, Brown, Bubb, Allen, Aslanides, Bocchieri, Collier, DeBose, Dolan, Domenick, Evans, C., Fende, Hughes, McGregor, J., Patton, T., Reidelbach, Schneider, Seitz, Setzer, Smith, G.

To amend sections 121.07, 1101.15, 1109.15, 1109.43, 1111.02, 1111.04, 1111.06, 1111.07, 1111.08, 1121.30, 1151.14, 1151.321, 1161.18, 1161.51, 1181.25, 1315.21, 1315.99, 1733.25, 4719.01, and 4973.17; to enact new sections 1151.348, 1315.01 to 1315.11, and 1315.16 to 1315.18; to enact sections 1161.601, 1315.081, 1315.101, 1315.12, 1315.121, 1315.122, 1315.13, 1315.14, 1315.15, 1315.151, 1315.152, 1315.153, and 1315.161; to repeal sections 1151.348, 1315.01, 1315.02, 1315.03, 1315.04, 1315.05, 1315.06, 1315.07, 1315.08, 1315.09, 1315.10, 1315.11, 1315.16, 1315.17, and 1315.18; and to repeal section 1125.28 of the Revised Code, as it results from S.B. 293 of the 121st General Assembly, to authorize financial institutions to enter into debt suspension and cancellation contracts; to authorize savings banks to engage in trust business; to require savings and loan associations only engage in trust business under the Trust Company Law; to change the function, operations, and investing authority of bankers' banks; to change entities that may be financial institution qualified trustees and entities that may transfer trust company business; to authorize a savings and loan association or a savings bank board of directors to create committees to carry out certain functions of the board; to modify the Money Transmitter Law, to remove Ohio Peace Officer Training Commission certification as a criterion for serving as a financial institution police officer, to exempt financial institution police officers who are employed as police officers before April 14, 2006, from peace officer training, and to declare an emergency.

Attest:

Laura P. Clemens,
Clerk.

Said bill was 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 Senate amendments to:

Sub. H. B. No. 245 - Representative Reinhard - et al.

Sub. H. B. No. 279 - Representative Hughes - et al.

Am. Sub. H. B. No. 385 - Representative Brinkman - et al.

Attest:

Laura P. Clemens,
Clerk.

On the motion of Senator Jacobson, the Senate adjourned until Wednesday,
May 10, 2006 at 1:30 p.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.