OHIO

SENATE

JOURNAL

TUESDAY, APRIL 1, 2003

THIRTY-THIRD DAY
Senate Chamber, Columbus, Ohio
Tuesday, April 1, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Joe Hotchkiss, Gahanna Community Congregational Church, Gahanna, Ohio, followed by the Pledge of Allegiance to the Flag.

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

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 7-Senators Coughlin, Harris, Goodman, Amstutz, Mumper, Jacobson, DiDonato, Stivers, Hottinger, Wachtmann.

To amend sections 111.16, 1701.01, 1701.831, 1707.01, 1707.02, 1707.08, 1707.09, 1707.11, 1707.16, 1707.23, 1707.28, 1707.40, 1707.41, 1707.42, 1707.43, 1707.44, and 2913.02 and to enact sections 1707.131 and 1707.261 of the Revised Code to modify the Corporation Law regarding special meetings of shareholders in connection with tender offer, control share acquisition bids; to modify the Securities Law with respect to securities to which it applies, requirements for registration of securities, the designation of the Secretary of State to receive service of process, the application of remedies under the Securities Law, the Attorney General's enforcement authority on behalf of persons injured by a violation, the statutes of limitations governing an action for specified violations, and the prohibitions against certain misleading actions; to increase the criminal penalty for certain theft offenses and create a new criminal aggravated theft offense; and to specify a fee for filing a service of process with the Secretary of State, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 7**, pass?"

Senator Coughlin moved to amend as follows:

In line 1732, delete the second "of" and insert "with".

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 7**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan

Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Prentiss	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-33.

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 : "Randy Gardner, Herington, Schuring, Spada."

The motion was agreed to and the title so amended.

Sub. S. B. No. 18-Senator Coughlin.

To amend section 3735.27 of the Revised Code to change the composition of certain metropolitan housing authorities, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 18**, pass?"

The yeas and nays were taken and resulted - yeas 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Carey	Carnes	Coughlin	Randy Gardner
Robert Gardner	Goodman	Harris	Hottinger
Jacobson	Jordan	Mumper	Nein
Roberts	Schuler	Schuring	Spada
Stivers	Wachtmann		White-23.

Those who voted in the negative were: Senators

Brady	Dann	DiDonato	Fedor
Fingerhut	Hagan	Herington	Mallory
Miller			Prentiss-10.

So the bill passed.

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

The title was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

S. B. No. 63-Senators Hagan, DiDonato, Brady, Fingerhut, Dann, Miller.

To amend sections 124.13, 124.134, 325.19, and 3319.084 and to enact section 5923.052 of the Revised Code to require that certain public employees called to military duty continue to accrue vacation leave while on duty.

S. B. No. 64-Senators Goodman, Randy Gardner, Stivers, Jacobson.

To amend sections 1337.091, 1339.66, 2107.27, and 2109.62 and to enact sections 1339.621 and 2107.24 of the Revised Code to provide for distribution of the trust estate upon a probate court's termination of small trusts and representation in a trust, to specify the circumstances for the revocation or nonrevocation of a power of attorney upon the termination of the marriage or separation agreement between the principal and the principal's spouse as attorney in fact, and to provide a procedure for a probate court to treat a document as a will notwithstanding its noncompliance with the statutory formalities for executing wills.

S. B. No. 65-Senators Wachtmann, Jordan, Carey, Mumper, Amstutz, Hottinger.

To amend section 3101.01 of the Revised Code to specifically declare that same-sex marriages are against the strong public policy of the state, to declare that the recognition or extension of the specific statutory benefits of legal marriage to nonmarital relationships is against the public policy of the state, and to make other declarations regarding same-sex marriages.

OFFERING OF RESOLUTIONS

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

S. R. No. 218-Senator Herington.

Honoring Richard and Sue Abbot on their retirement.

S. R. No. 219-Senator Mumper.

Honoring the Brush Wellman Manufacturing Facility on its Fiftieth Anniversary.

S. R. No. 220-Senator Carnes.

Honoring Fred and Betty Lou Wilson on their Golden Wedding Anniversary.

S. R. No. 221-Senator Carnes.

Honoring Carl and Betty Lou McKee on their Golden Wedding Anniversary.

S. R. No. 222-Senator Carnes.

Honoring Howard and Jackie Edgar on their Golden Wedding Anniversary.

S. R. No. 223-Senator Carnes.

Honoring Mr. and Mrs. Harrison Lacy on their Sixtieth Wedding Anniversary.

S. R. No. 224-Senator Carnes.

Honoring John and Bonnie Hunter on their Golden Wedding Anniversary.

S. R. No. 225-Senator Carnes.

Honoring Mr. and Mrs. Robert Hartline on their Seventieth Wedding Anniversary.

S. R. No. 226-Senator Austria.

Honoring Cyrus and Maryls Circle on their Golden Wedding Anniversary.

S. R. No. 227-Senator Austria.

Honoring Robert and Mary Rader on their Seventieth Wedding Anniversary.

S. R. No. 228-Senator Austria.

Honoring Donald and Marcell Rogers on their Sixtieth Wedding Anniversary.

S. R. No. 229-Senator Austria.

Honoring William and Jean Thornburg on their Sixtieth Wedding Anniversary.

S. R. No. 230-Senator Miller.

Honoring the Ohio Civil Rights Commission as the host of a fair housing conference.

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 passed the following bills in which the concurrence of the Senate is requested:

H. B. No. 43 - Representatives Core, Willamowski, Collier, Seitz, Hollister, Gibbs, Olman, Hagan, Widener, Calvert, Hartnett, McGregor, Reinhard, Setzer, Schaffer, Gilb, Jolivette, Woodard, Carmichael, Otterman, Allen, Strahorn, Williams, White, Carano, Flowers, Ujvagi, Webster, Perry, Seaver, DeBose, Niehaus, Domenick, Book, Brown, Buehrer, Cates, Chandler, Cirelli, Clancy, Daniels, DeWine, Distel, D. Evans, Faber, Hoops, Hughes, Kearns, Key, S. Patton, T. Patton, Peterson, Raussen, Redfern, Reidelbach, Schlichter, Schneider, S. Smith, J. Stewart, Taylor, Trakas, Wagner, Widowfield, Yates.

To enact sections 6111.50 to 6111.56 of the Revised Code to establish requirements for the use of credible data in administering the Water Pollution

Control Law.

H. B. No. 53 - Representatives Seitz, Raussen, Schneider, Hagan, T. Patton, McGregor, Chandler, Carano, Calvert, Wolpert, Jolivette, Kearns, Otterman, Allen, Koziura, Ujvagi, Niehaus, S. Patton, Webster, S. Smith, DeBose, Harwood, Olman, Flowers, Widowfield, Daniels, Cirelli, Domenick, Schlichter, Price, Skindell, C. Evans, Walcher, Barrett, Brown, Buehrer, Cates, Clancy, Collier, Core, Distel, D. Evans, Gibbs, Gilb, Hartnett, Hoops, Hughes, Key, Miller, Perry, Reidelbach, Schmidt, Seaver, Setzer, Sferra, D. Stewart, J. Stewart, Taylor, Widener, Yates.

To amend sections 5309.24, 5309.25, 5309.95, 5309.96, 5309.98, 5310.03, and 5310.07 and to enact section 5309.031 of the Revised Code to allow a county recorder to maintain registered land records by the use of photographic, magnetic, electronic, or certain other processes, means, or displays.

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 House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

Sub. H. B. No. 24 - Representatives Wolpert, McGregor, Flowers, Reidelbach, Seitz, Husted, Widowfield, Fessler, Olman, Daniels, Walcher, Ujvagi, Collier, Cirelli, Wagner, C. Evans, Schlichter, Sferra, Price, Cates, Hughes, Kearns, Schneider, D. Stewart, J. Stewart.

To amend sections 703.21 and 1905.01, and to enact section 703.201 of the Revised Code to permit the dissolution of a village under certain conditions, to limit mayors courts to municipal corporations with a population of over 100 persons, and to amend the version of section 1905.01 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

Am. H. B. No. 36 - Representatives Willamowski, Core, Latta, Book, Harwood, Schlichter, Seitz, Chandler, Cirelli, C. Evans, Flowers, Hagan, Hughes, Otterman, Reidelbach, Schmidt, J. Stewart.

To amend section 3105.18 and to enact section 3105.73 of the Revised Code relative to the award of attorney's fees and litigation expenses in certain domestic relations cases.

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 House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 90 - Representatives Kearns, McGregor, Olman, Fessler, Hagan, Reidelbach, Jolivette, J. Stewart, Webster, Flowers, Taylor, Seitz, Clancy, Setzer, Oelslager, Hollister, Collier, Williams, Grendell, Cates, Trakas, Reinhard, Carmichael, Buehrer, Niehaus, Walcher, Wolpert.

To amend sections 511.27, 1545.21, 1901.07, 3501.01, 3501.02, 3501.17, 3503.16, 3505.01, 3505.32, 3509.01, 3509.03, 3509.05, 3511.02, 3511.04, 3511.11, 3513.01, 3513.05, 3513.12, 3513.121, 3513.151, 3513.262, 3513.30, 3517.10, 3517.106, 3517.11, and 5705.23 of the Revised Code to change the day of the primary election to the first Tuesday after the first Monday in May in each year and to change the date after which certain General Assembly candidates must file their campaign finance statements by electronic means of transmission from March 1, 2004, to May 1, 2004.

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 agreed to the report of the Committee of Conference on matters of difference between the two houses on

Am. Sub. H. B. No. 87 - Representative Buehrer, et al.

Attest: LAURA P. CLEMENS,
Clerk.

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:

Am. S. B. No. 12 - Senator Randy Gardner, et al.

Am. Sub. H. B. No. 87 - Representative Buehrer, et al.

Attest: SONJA A. HERD,
Assistant Clerk.

The President signed said bills.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 173.03 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the **Ohio Advisory Council for the Aging** :

Senator Wachtmann

Senator Fingerhut

Pursuant to Section 4112.12(A) of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the **Commission on African-American Males** :

Senator Goodman

Senator Nein

Senator Miller

Pursuant to Section 1551.35 of the Ohio Revised Code, the President of the Senate appoints the following senators to serve on the **Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office** :

Senator Spada

Senator DiDonato

On the motion of Senator Randy Gardner the Senate adjourned until Wednesday, April 2, 2003 at 1:30 p.m.

Attest: MATTHEW T. SCHULER,
Clerk.