

OHIO

SENATE

JOURNAL

WEDNESDAY, DECEMBER 6, 2006

TWO HUNDRED FORTY-FIFTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, December 6, 2006, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Michael Gribble, St. Joseph's Cathedral, Columbus, 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:

Sub. H. B. No. 546-Representatives Dolan, Boccieri, Trakas, Evans, D., Seitz, Setzer, Hartnett, Allen, Yuko, Walcher, Chandler, Collier, Cassell, Aslanides, Schlichter, Willamowski, Combs, Widener, McGregor, J., Patton, T., Book, Stewart, D., Beatty, Blessing, Brown, Carano, Carmichael, Coley, Daniels, DeBose, Domenick, Driehaus, Gibbs, Harwood, Hoops, Key, Luckie, Martin, McGregor, R., Otterman, Patton, S., Perry, Sayre, Schneider, Stewart, J., Uecker, Wagoner, Webster, White, J..

To amend sections 3769.083 and 3769.085 and to enact section 3769.22 of the Revised Code to authorize the State Racing Commission to enter into the National Racing Compact in order to provide for the licensure and regulation of individuals involved in the horse racing industry in the Compact states in a specified manner, to change the definition of "Ohio foaled horse," to specify that a thoroughbred mare may leave Ohio for breeding purposes with the Commission's permission and if the mare returns immediately after that activity, to require that all investment earnings on cash balances in the Ohio Thoroughbred Race Fund be credited to the Fund, and to make changes relating to allocations from the Ohio Standardbred Development Fund for harness races.

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

S. B. No. 401-Senator Stivers.

To amend sections 4111.01, 4111.02, and 4111.10, to enact section 4111.14, and to repeal section 4111.08 of the Revised Code to implement Section 34a, Article II, of the Constitution of the State of Ohio and to declare an emergency.

To the Committee on Insurance, Commerce and Labor.

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

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 Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was recommitted **Sub. S. B. No. 155**-Senator Clancy, et al., having had the same under consideration, re-reports back a substitute bill and recommends its passage.

Co-Sponsor: Spada.

YES - 11: RON AMSTUTZ, ROBERT F. SPADA, STEPHEN C. AUSTRIA, GARY W. CATES, DAVID GOODMAN, ROBERT L. SCHULER, STEVE STIVERS, KIMBERLY A. ZURZ, MARC DANN, ERIC D. FINGERHUT, TOM ROBERTS.

NO - 0.

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

The report of the committee was accepted.

Senator Armbruster submitted the following report:

The standing committee on Highways and Transportation, to which was recommitted **Sub. H. B. No. 56**-Representative Raussen, et al., having had the same under consideration, re-reports back a substitute bill and recommends its passage.

YES - 5: JOY PADGETT, J. KIRK SCHURING, PATRICIA M. CLANCY, LYNN R. WACHTMANN, JEFFRY J. ARMBRUSTER.

NO - 4: ROBERT F. HAGAN, MARC DANN, DALE MILLER,
KEVIN J. COUGHLIN.

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

The report of the committee was accepted.

Senator Padgett submitted the following report:

The standing committee on Education, to which was referred **S. B. No. 311**-Senator Gardner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 5: JEFF JACOBSON, JOY PADGETT, JOHN A. CAREY,
LARRY A. MUMPER, GARY W. CATES.

NO - 3: ERIC D. FINGERHUT, RAY MILLER, TERESA
FEDOR.

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 appointments by the Governor of:

Michael P. Bakes, Independent, from Kent, Portage County, Ohio, as a Member of the Ohio Medical Transportation Board for a new term beginning August 11, 2006 and ending at the close of business July 5, 2008.

John H. Crandall, Democrat, from Sylvania, Lucas County, Ohio, as a Member of the Transportation Review Advisory Council for a term beginning May 19, 2006 and ending at the close of business June 30, 2007, replacing Sally Perz, who resigned.

Bill W. Dingus, Republican, from South Point, Lawrence County, Ohio, as a Member of the Transportation Review Advisory Council for a new term beginning June 30, 2006 and ending at the close of business June 30, 2011.

Solomon Jackson, Democrat, from Ostrander, Delaware County, Ohio, as a Member of the Ohio Rail Development Commission for a new term beginning October 27, 2006 and ending at the close of business October 20, 2012.

Charles W. Kranstuber, Republican, from Dublin, Franklin County, Ohio, as a Member of the Workers' Compensation Oversight Commission for a term beginning September 11, 2006 and ending at the close of business September 1, 2009, replacing Thomas H. Bainbridge Jr., whose term expired.

John P. Moore, Democrat, from Columbus, Franklin County, Ohio, as a

Member of the Ohio Medical Transportation Board for a new term beginning August 11, 2006 and ending at the close of business July 5, 2008.

Indira R. Mulligan, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Ohio Medical Transportation Board for a term beginning September 22, 2006 and ending at the close of business July 5, 2008, replacing Roberta Hart, whose term expired.

Janet Foley Orosz, Republican, from Powell, Delaware County, Ohio, as a Member of the Ohio Fair Plan Underwriting Association Board of Governors for a new term beginning November 3, 2006 and ending at the close of business September 18, 2008.

Barbara J. Pasztor, from Perrysburg, Wood County, Ohio, as a Member of the Ohio Medical Transportation Board for a term beginning September 22, 2006 and ending at the close of business July 5, 2007, replacing Betty Kovach, who resigned.

Michael L. Thomas, Democrat, from Gahanna, Franklin County, Ohio, as a Member of the Ohio Fair Plan Underwriting Association Board of Governors for a new term beginning November 3, 2006 and ending at the close of business September 18, 2008.

Patrick J. Ungaro, Democrat, from Youngstown, Trumbull County, Ohio, as a Member the Transportation Review Advisory Council for a new term beginning June 30, 2006 and ending at the close of business June 30, 2011.

David P. Viola, Republican, from Minerva, Stark County, Ohio, as a Member of the Ohio Medical Transportation Board for a new term beginning August 11, 2006 and ending at the close of business July 5, 2008.

Todd J. Walker, Republican, from Chagrin Falls, Cuyahoga County, Ohio, as a Member of the Ohio Medical Transportation Board for a term beginning August 11, 2006 and ending at the close of business July 5, 2008, replacing Lois Griggs, whose term expired.

Harold P. Wolfe, Republican, from Upper Sandusky, Wyandot County, Ohio, as a Member of the Ohio Rail Development Commission for a new term beginning October 27, 2006 and ending at the close of business October 20, 2012.

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, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JAY HOTTINGER, 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?"

Senator Armbruster moved that he be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

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

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	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
Zurz			Harris-30.

So the Senate advised and consented to said appointments.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. Sub. S. B. No. 223-Senators Niehaus, Schuring, Spada, Mumper, Jacobson, Clancy, Armbruster, Coughlin, Hagan, Harris, Kearney, Miller, D., Roberts, Fedor, Zurz, Miller, R. -Representatives Combs, Collier, Widener, McGregor, J., Cassell, Book, Calvert, Chandler, Domenick, Evans, C., Flowers, Gibbs, Gilb, Hoops, Hughes, Luckie, Patton, T., Perry, Reidelbach, Smith, G., Stewart, D., Yuko.

To amend sections 121.04, 121.08, 169.01, 169.13, 169.99, 1322.03, 1322.031, and 4763.05 and to enact sections 169.14, 169.16, and 169.17 of the Revised Code to statutorily recognize the Division of Unclaimed Funds and the Office of Superintendent of Unclaimed Funds in the Department of Commerce and to require the registration of persons who, for compensation, agree to locate or recover the unclaimed funds of another, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Am. Sub. S. B. No. 223**?"

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

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

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 311-Senators Gardner, Padgett, Harris, Clancy, Mumper.

To amend sections 3301.41, 3301.42, 3313.472, 3313.603, 3313.61, 3313.614, 3313.615, 3314.012, 3314.03, 3325.08, and 3345.06 and to enact sections 3301.43, 3301.46, 3302.032, 3313.6013, 3313.6014, 3319.233, 3319.234, 3333.163, 3333.34, and 3345.061 of the Revised Code and to amend Section 6 of Sub. H.B. 115 of the 126th General Assembly to establish the Ohio Core curriculum, to restructure admission requirements and remedial courses in state universities, and to implement other initiatives to enhance secondary and post-secondary education in Ohio and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 311**, pass?"

Senator Fedor moved to amend as follows:

In line 1577, after "**9.**" insert "The Partnership for Continued Learning shall contract with an independent entity to conduct an analysis of the financial resources necessary to implement the Ohio Core curriculum provisions of this act. The Partnership shall require the entity to complete the analysis and submit its written findings to the General Assembly not later than July 1, 2007. The analysis shall include:

(A) Cost estimates that account for the need for new teachers, enhanced teacher salaries, recruitment and retention programs, relicensure and retraining programs, professional development, enhanced student intervention, new science laboratories and equipment, and administration costs;

(B) Potential cost savings, such as student ability to test out of certain college classes, competency-based high school credit, increases in Advanced Placement credits and in credits earned before high school, and distance learning initiatives;

(C) Costs of and recommendations for realignment of existing resources.

Section 10. (A) Except as provided in division (B) of this section, Sections 1 and 2 of this act take effect on October 1, 2007.

(B) The amendments to section 3301.42 of the Revised Code, as enacted by this act, and the enactment in this act of section 3301.43 of the Revised Code take effect on the ninety-first day after this act becomes law.

Section 11."

In line 1586, delete "**10**" and insert "**12**"

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

Senator Gardner moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Hottinger	Jacobson	Mumper
Niehaus	Padgett	Schuler	Schuring
Spada	Stivers	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Grendell
Hagan	Kearney	Miller D	Miller R
Prentiss	Roberts		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 311**, pass?"

Senator Miller, R. moved to amend as follows:

In line 272, delete "to (F)" and insert ", (E), and (K)"

In line 421, delete all after "(F)"

Delete lines 422 through 460

In line 461, delete "(G)"

In line 476, delete "(G)" and insert "(F)"

In line 478, delete "(K)" and insert "(J)"

In line 481, delete "(H)" and insert "(G)"

In line 486, delete "(I)" and insert "(H)"

In line 490, delete "(J)" and insert "(I)"

In line 506, delete "(K)" and insert "(J)"

In line 507, delete "(F)" and insert "(K)"

In lines 517 and 522, delete "(G)" and insert "(F)"

Between lines 525 and 526, insert:

"(K) The state board of education shall adopt standards for excusing from the requirements of the Ohio core curriculum prescribed in division (C) of this section a student who is enrolled in a dropout prevention and recovery program and prescribing alternative requirements for such student to graduate from high school. The standards shall prescribe how to determine whether to excuse a student from the Ohio core curriculum on a student-by-student basis and not on a program-by-program basis."

In line 588, delete "(F)" and insert "(K)"

In line 627, delete "(F)" and insert "qualifies under division (K)"

In line 793, delete "(F)" and insert "(K)"

In line 838, delete "(F)" and insert "(K)"

In line 978, delete "(F)" and insert "(K)"

In line 981, delete "(J)" and insert "(I)"

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

Senator Padgett moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Mumper	Niehaus	Padgett	Schuler
Spada	Stivers	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss
Roberts	Schuring		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 311**, pass?"

Senator Miller, R. moved to amend as follows:

Between lines 309 and 310, insert:

"Each school shall integrate the teaching of information on African-American history and the contributions of African Americans into one or more existing social studies credits required under division (C)(6) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. The information shall be taught in a manner consistent with the social studies academic content standards adopted by the state board of education under section 3301.079 of the Revised Code. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, nonprofit organizations, and institutions of higher education in the state."

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

Senator Gardner moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 21, nays 10, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Hottinger	Jacobson
Mumper	Niehaus	Padgett	Schuler
Schuring	Spada	Stivers	Wachtmann
			Harris-21.

Those who voted in the negative were: Senators

Dann	Fedor	Fingerhut	Hagan
Kearney	Miller D	Miller R	Prentiss
Roberts			Zurz-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 311**, pass?"

The yeas and nays were taken and resulted - yeas 20, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Cates
Clancy	Coughlin	Gardner	Goodman

Grendell	Hottinger	Jacobson	Mumper
Niehaus	Padgett	Schuler	Schuring
Spada	Stivers	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Carey	Dann	Fedor	Fingerhut
Hagan	Kearney	Miller D	Miller R
Prentiss	Roberts		Zurz-11.

So the bill passed.

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

Senator Gardner moved to amend the title as follows:

Add the names: "Jacobson, Cates, Goodman, Niehaus."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 155-Senators Clancy, Dann, Coughlin, Spada.

To amend section 5747.98 and to enact sections 122.85 and 5747.66 of the Revised Code to create a tax credit for individuals who invest in state-certified motion picture productions and to create the Ohio Media Production Advisory Committee to prepare a report about and make recommendations for the growth of the electronic media production industry throughout the state, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 155**, pass?"

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

So the bill passed.

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

Senator Clancy moved to amend the title as follows:

Add the names: "Grendell, Kearney, Miller, D., Mumper, Padgett, Prentiss,

Zurz, Miller, R., Hagan."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 56-Representatives Raussen, Seitz, Brinkman, McGregor, D. Evans, Fessler, Aslanides, Reidelbach, Gilb, Buehrer, Hood, Daniels, Taylor, Martin, Gibbs, Faber, Raga, Blessing, Schneider, Uecker, Bulp, J. Stewart, Schaffer, Webster, Key, Law, Widowfield, Calvert, Coley, Collier, Flowers, Hughes, T. Patton, Peterson, Seaver, Setzer, Trakas, Yates.

To amend section 2921.13 and to enact sections 4511.092, 4511.093, and 4511.094 of the Revised Code to establish conditions for the use of a traffic law photo-monitoring device to detect certain traffic law violations, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 56**, pass?"

Senator Coughlin moved to amend as follows:

Delete lines 151 and 152

In line 153, delete "effect."; delete "that occurs"

In line 154, delete "under such conditions"

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

Senator Jacobson moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 22, nays 9, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Gardner	Goodman
Grendell	Hottinger	Jacobson	Mumper
Niehaus	Padgett	Prentiss	Schuler
Schuring	Spada	Stivers	Wachtmann
Zurz			Harris-22.

Those who voted in the negative were: Senators

Coughlin	Dann	Fedor	Fingerhut
Hagan	Kearney	Miller D	Miller R
			Roberts-9.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 56**, pass?"

Senator Miller, D. moved to amend as follows:

Delete lines 151 and 152

In line 153, delete "effect"; delete "that occurs"

In line 154, delete "under such conditions" and insert ";

(d) A speed limit of thirty-five miles per hour or less, posted on any other public or private roadway"

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

Senator Armbruster moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Gardner	Goodman
Grendell	Hottinger	Jacobson	Mumper
Niehaus	Padgett	Schuler	Schuring
Spada	Stivers	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Coughlin	Dann	Fedor	Fingerhut
Hagan	Kearney	Miller D	Miller R
Prentiss	Roberts		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 56**, pass?"

Senator Miller, D. moved to amend as follows:

In line 212, delete the underlined semicolon and insert an underlined period

Delete lines 213 through 215

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

Senator Armbruster moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Gardner	Goodman
Grendell	Hottinger	Jacobson	Mumper
Niehaus	Padgett	Schuler	Schuring
Spada	Stivers	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Coughlin	Dann	Fedor	Fingerhut
Hagan	Kearney	Miller D	Miller R
Prentiss	Roberts		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 56**, pass?"

Senator Miller, D. moved to amend as follows:

In line 216, delete "(1)"

Delete lines 220 through 232

Delete line 313

In line 314, delete "installed."

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

Senator Armbruster moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Gardner	Goodman
Grendell	Hottinger	Jacobson	Mumper
Niehaus	Padgett	Schuler	Schuring
Spada	Stivers	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Coughlin	Dann	Fedor	Fingerhut
Hagan	Kearney	Miller D	Miller R

Prentiss Roberts Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 56**, pass?"

Senator Miller, D. moved to amend as follows:

In line 240, delete "In the case of a leased or rented"

Delete lines 241 through 243

In line 255, delete "may" and insert "shall"

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

Senator Armbruster moved that the amendment be laid on the table.

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

A roll call was requested which was properly supported.

The yeas and nays were taken and resulted - yeas 20, nays 11, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Gardner	Goodman
Grendell	Hottinger	Jacobson	Mumper
Niehaus	Padgett	Schuler	Schuring
Spada	Stivers	Wachtmann	Harris-20.

Those who voted in the negative were: Senators

Coughlin	Dann	Fedor	Fingerhut
Hagan	Kearney	Miller D	Miller R
Prentiss	Roberts		Zurz-11.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 56**, pass?"

Senator D. Miller moved that **Sub. H. B. No. 56**, be re-referred to the standing committee on Highways and Transportation.

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

The yeas and nays were taken and resulted - yeas 11, nays 20, as follows:

Those who voted in the affirmative were: Senators

Coughlin	Dann	Fedor	Fingerhut
Hagan	Kearney	Miller D	Miller R
Prentiss	Roberts		Zurz-11.

Those who voted in the negative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Gardner	Goodman
Grendell	Hottinger	Jacobson	Mumper
Niehaus	Padgett	Schuler	Schuring
Spada	Stivers	Wachtmann	Harris-20.

The motion was not agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 56**, pass?"

The yeas and nays were taken and resulted - yeas 18, nays 13, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Gardner	Grendell
Hottinger	Jacobson	Mumper	Niehaus
Padgett	Schuler	Schuring	Spada
Wachtmann			Harris-18.

Those who voted in the negative were: Senators

Coughlin	Dann	Fedor	Fingerhut
Goodman	Hagan	Kearney	Miller D
Miller R	Prentiss	Roberts	Stivers
			Zurz-13.

So the bill passed.

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

Senator Armbruster moved to amend the title as follows:

Add the names: "Armbruster, Jacobson."

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

The motion was agreed to and the title so amended.

S. B. No. 384-Senators Schuler, Carey, Clancy, Miller, D., Kearney, Hagan, Schuring.

To enact section 4503.731 of the Revised Code to create Civil Air Patrol license plates, was considered the third time.

The question being, "Shall the bill, **S. B. No. 384**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Dann
Fedor	Gardner	Goodman	Grendell

Hagan	Hottinger	Jacobson	Kearney
Miller D	Miller R	Mumper	Niehaus
Padgett	Prentiss	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
Zurz			Harris-30.

So the bill passed.

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

Senator Schuler moved to amend the title as follows:

Add the names: "Cates, Grendell, Harris, Padgett, Armbruster, Austria, Mumper."

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

The motion was agreed to and the title so amended.

S. B. No. 337-Senators Kearney, Miller, D., Hagan, Dann, Clancy.

To enact section 4503.513 of the Revised Code to create "Historically Black Fraternity-Sorority" license plates, was considered the third time.

The question being, "Shall the bill, **S. B. No. 337**, pass?"

Senator Prentiss moved to amend as follows:

Topic: Membership

In line 9, delete "in good standing"

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

The amendment was agreed to.

The question recurred, "Shall the bill, **S. B. No. 337**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Kearney moved to amend the title as follows:

Add the names: "Austria, Armbruster, Harris, Cates, Fedor, Grendell, Goodman, Hottinger, Carey, Miller, R., Gardner, Prentiss, Roberts, Mumper, Niehaus, Padgett, Jacobson, Zurz, Wachtmann, Stivers."

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

The motion was agreed to and the title so amended.

H. B. No. 236-Representatives White, McGregor, Wagner, D. Evans, Reidelbach, Wolpert, Seitz, Kearns, C. Evans, Faber, Chandler, Otterman, Law, Hagan, Latta, Perry, Wagoner, Collier, Allen, Fende, Barrett, Blessing, Book, Brown, Bubp, Cassell, DeBose, Domenick, Driehaus, Flowers, Hartnett, Harwood, Hughes, Key, Kilbane, Koziura, Patton, T., Raussen, Redfern, Sayre, Schaffer, Schlichter, Schneider, Skindell, Smith, G., Stewart, D., Stewart, J., Taylor, Uecker, Ujvagi, Willamowski, Williams, Yuko, Beatty, Mason Senators Hagan, Clancy.

To amend section 2108.15 and to enact section 4503.721 of the Revised Code to create "Donate Life" license plates, was considered the third time.

The question being, "Shall the bill, **H. B. No. 236**, pass?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

So the bill passed.

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

Senator Wachtmann moved to amend the title as follows:

Add the names: "Amstutz, Armbruster, Austria, Carey, Gardner, Harris, Hottinger, Jacobson, Miller, D., Mumper, Niehaus, Padgett, Roberts, Spada, Wachtmann, Cates, Zurz, Schuler, Kearney."

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, December 3, 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.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 402-Senators Prentiss, Fedor, Roberts, Hagan, Miller, R., Miller, D., Fingerhut, Kearney, Zurz.

To amend sections 4111.01, 4111.02, 4111.03, 4111.04, 4111.05, 4111.06, 4111.08, 4111.09, 4111.10, and 4111.13 and to repeal section 4111.07 of the Revised Code to implement Section 34a of Article II, Ohio Constitution, and to declare an emergency.

OFFERING OF RESOLUTIONS

Senator Spada offered the following joint resolution:

S. J. R. No. 10-Senators Spada, Armbruster, Fingerhut, Prentiss.

Proposing to amend Section 2 of Article II of the Constitution of the State of Ohio to increase the term limits for members of the General Assembly elected in 2008 and for certain members elected before 2008.

The question being, "Shall the joint resolution, **S. J. R. No. 10**, be adopted?"

On the motion of Senator Gardner, **S. J. R. No. 10**, was referred to the Committee on Reference.

Senator Stivers offered the following resolution:

S. R. No. 256-Senator Stivers.

Honoring Ron Marshall as the 2005-2006 Teachers' Insurance Plan Ohio Teacher of the Year.

The question being, "Shall the resolution, **S. R. No. 256**, be adopted?"

So the resolution was adopted.

Senator Stivers offered the following resolution:

S. R. No. 257-Senator Stivers.

Honoring the Hilliard Davidson High School football team as the 2006 Division I State Champion.

The question being, "Shall the resolution, **S. R. No. 257**, be adopted?"

So the resolution was adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 755.14 (B) (2) of the Ohio Revised Code, the President of the Senate appoints the following public member to serve on the Franklin Park Conservatory Joint Recreation District Board of Trustees:

Jane A. Harf

(term beginning September 1, 2006 and ending August 31, 2009)

Granville, Ohio 43203-9547

On the motion of Senator Gardner, the Senate adjourned until Thursday, December 7, 2006 at 11:00 o'clock a.m.

Attest:

DAVID A. BATTOCLETTI,
Clerk.