

OHIO

SENATE

JOURNAL

WEDNESDAY, DECEMBER 13, 2006

TWO HUNDRED FORTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, December 13, 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:

Am. Sub. H. B. No. 187-Representatives Buehrer, Uecker, Hagan, Gilb, Martin, Evans, D., Aslanides, Seaver, Schaffer, Daniels, Combs, Wagner, Blasdel, Blessing, Bulp, Calvert, Collier, Core, Dolan, Faber, Flowers, Gibbs, Hood, Law, Peterson, Raga, Raussen, Reidelbach, Reinhard, Schneider, Seitz, Setzer, Wagoner, Webster, White, D., White, J., Wolpert.

To amend sections 9.84, 119.12, 124.01, 124.03, 124.04, 124.07, 124.09, 124.11, 124.133, 124.134, 124.14, 124.15, 124.20, 124.22, 124.23, 124.26, 124.27, 124.271, 124.30, 124.31, 124.32, 124.321, 124.322, 124.323, 124.324, 124.325, 124.326, 124.327, 124.33, 124.34, 124.341, 124.38, 124.383, 124.384, 124.385, 124.386, 124.388, 124.40, 124.44, 124.45, 124.46, 124.48, 302.202, 325.19, 329.02, 329.021, 1513.03, 1513.34, 4111.03, 4112.01, 5107.52, 5119.09, 5155.03, and 5703.17, to enact sections 124.12 and 124.141, and to repeal section 124.311 of the Revised Code to implement recommendations of the Civil Service Review Commission and to make other changes to the civil service laws.

To the Committee on Insurance, Commerce and Labor.

Am. Sub. H. B. No. 403-Representatives Fessler, Reidelbach, Seitz, McGregor, J., Peterson, Brown, Allen, Strahorn, Barrett, Distel, Cassell, Kilbane, Yuko, Hood, Combs, Book, Carano, Chandler, DeBose, Domenick, Evans, C., Hagan, Key, Luckie, Mitchell, Otterman, Perry, Raussen, Widener, Williams.

To amend sections 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 3701.881, 3902.22, 4723.16, 4729.161, 4731.226, 4731.65, 4732.28, 4734.17, 4755.01 to 4755.13, 4755.40 to 4755.43, 4755.45 to 4755.48, 4755.50 to 4755.52, 4755.56, 4755.61 to 4755.66, and 4755.99; to amend, for the purpose

of adopting new section numbers as indicated in parentheses, sections 4755.01 (4755.04), 4755.02 (4755.05), 4755.03 (4755.01), 4755.04 (4755.02), 4755.05 (4755.06), 4755.06 (4755.07), 4755.07 (4755.08), 4755.08 (4755.09), 4755.09 (4755.10), 4755.10 (4755.11), 4755.11 (4755.12), 4755.12 (4755.13), and 4755.13 (4755.03); to enact new section 4755.44 and sections 4755.031, 4755.411, 4755.412, 4755.421, 4755.431, 4755.441, 4755.451, 4755.482, and 4755.511; and to repeal sections 4755.44 and 4755.49 of the Revised Code to make changes to the occupational therapy, physical therapy, and athletic trainers licensing laws.

To the Committee on Insurance, Commerce and Labor.

Am. Sub. H. B. No. 468—Representatives Hagan, Miller, Skindell, Chandler, Ujvagi, Evans, C., Williams, McGregor, R., McGregor, J., Flowers, Trakas, Strahorn, Barrett, Beatty, Brown, Cassell, DeBose, DeGeeter, Distel, Domenick, Evans, D., Fende, Fessler, Foley, Garrison, Hartnett, Healy, Hughes, Key, Luckie, Mason, Otterman, Patton, S., Perry, Reidelbach, Sayre, Seaver, Smith, G., Smith, S., Stewart, D., Stewart, J., Wagner, White, D., White, J., Widener, Yates, Yuko.

To amend sections 127.16, 2921.13, 5110.01, 5110.02, 5110.05, 5110.08, 5110.09, 5110.12, 5110.13, 5110.16, 5110.17, 5110.18, 5110.19, 5110.21, 5110.23, 5110.29, 5110.32, 5110.33, 5110.35, 5110.352, 5110.353, 5110.354, 5110.38, 5110.39, 5110.55, 5110.56, 5110.57, 5110.58, and 5110.59; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5110.05 (5110.14), 5110.07 (5110.16), 5110.08 (5110.17), 5110.09 (5110.18), 5110.12 (5110.20), 5110.13 (5110.21), 5110.16 (5110.22), 5110.17 (5110.23), 5110.18 (5110.24), 5110.19 (5110.25), 5110.21 (5110.27), 5110.23 (5110.54), 5110.29 (5110.11), 5110.32 (5110.42), 5110.33 (5110.43), and 5110.39 (5110.13); to enact new sections 5110.03, 5110.05, 5110.07, 5110.08, 5110.09, 5110.10, 5110.12, 5110.15, 5110.19, 5110.26, 5110.28, 5110.29, 5110.32, and 5110.39 and sections 5110.021, 5110.04, 5110.30, and 5110.31; and to repeal sections 5110.03, 5110.10, 5110.11, 5110.14, 5110.15, 5110.22, 5110.25, 5110.26, 5110.27, 5110.28, and 5110.351 of the Revised Code to modify the Ohio's Best Rx Program; and to amend sections 127.16, 173.06, 173.062, 173.99, 2921.13, 5110.01, 5110.02, 5110.021, 5110.03, 5110.04, 5110.05, 5110.07, 5110.08, 5110.09, 5110.10, 5110.11, 5110.12, 5110.13, 5110.14, 5110.15, 5110.16, 5110.17, 5110.18, 5110.19, 5110.20, 5110.21, 5110.22, 5110.23, 5110.24, 5110.25, 5110.26, 5110.27, 5110.28, 5110.29, 5110.30, 5110.31, 5110.32, 5110.35, 5110.352, 5110.353, 5110.354, 5110.36, 5110.37, 5110.38, 5110.39, 5110.40, 5110.42, 5110.43, 5110.45, 5110.47, 5110.54, 5110.55, 5110.56, 5110.57, 5110.58, and 5110.59; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 173.062 (173.061), 5110.01 (173.71),

5110.02 (173.72), 5110.021 (173.721), 5110.03 (173.73), 5110.04 (173.731), 5110.05 (173.732), 5110.07 (173.74), 5110.08 (173.741), 5110.09 (173.742), 5110.10 (173.75), 5110.11 (173.751), 5110.12 (173.752), 5110.13 (173.753), 5110.14 (173.76), 5110.15 (173.77), 5110.16 (173.771), 5110.17 (173.772), 5110.18 (173.773), 5110.19 (173.78), 5110.20 (173.79), 5110.21 (173.791), 5110.22 (173.80), 5110.23 (173.801), 5110.24 (173.802), 5110.25 (173.803), 5110.26 (173.81), 5110.27 (173.811), 5110.28 (173.812), 5110.29 (173.813), 5110.30 (173.814), 5110.31 (173.815), 5110.32 (173.82), 5110.35 (173.83), 5110.352 (173.831), 5110.353 (173.832), 5110.354 (173.833), 5110.36 (173.84), 5110.37 (173.722), 5110.38 (173.724), 5110.39 (173.861), 5110.40 (173.723), 5110.42 (173.85), 5110.43 (173.86), 5110.45 (173.87), 5110.46 (173.871), 5110.47 (173.872), 5110.48 (173.873), 5110.49 (173.874), 5110.50 (173.875), 5110.51 (173.876), 5110.54 (173.88), 5110.55 (173.89), 5110.56 (173.891), 5110.57 (173.892), 5110.58 (173.90), and 5110.59 (173.91); and to repeal sections 173.061, 173.07, 173.071, 173.072, and 5110.99 of the Revised Code on July 1, 2007, to eliminate the prescription drug component of the Golden Buckeye Card Program and to transfer the Ohio's Best Rx Program to the Department of Aging.

To the Committee on Health, Human Services and Aging.

Am. H. B. No. 671-Representatives Webster, Oelslager, Gilb, Peterson, Hughes, Seitz, McGregor, R., Hartnett, McGregor, J., Setzer, Reidelbach, Barrett, Book, Brown, Carano, Chandler, Coley, Combs, Domenick, Evans, C., Evans, D., Flowers, Luckie, Otterman, Patton, T., Perry, Schaffer, Schneider, Seaver, Williams, Wolpert.

To amend sections 3313.22, 3313.24, 3313.31, 3319.01, and 3319.04 of the Revised Code to revise the laws on the employment of school district and educational service center treasurers.

To the Committee on Education.

Am. Sub. H. B. No. 690-Representatives Seitz, Brinkman, Combs, Evans, D., Flowers, Gibbs, Hood, Martin, Reidelbach, Schneider, Setzer, Webster.

To amend sections 4111.01, 4111.02, 4111.03, 4111.04, 4111.08, 4111.09, and 4111.10 and to enact section 4111.14 of the Revised Code to implement Section 34a, Article II, of the Constitution of the State of Ohio and to terminate the provisions of section 4111.08 of the Revised Code, as amended by this act, on January 1, 2010 by repealing section 4111.08 of the Revised Code.

To the Committee on Insurance, Commerce and Labor.

Sub. H. B. No. 694—Representatives DeWine, Calvert, Trakas, Peterson, McGregor, R., Dolan, Webster, Raga, Flowers, Martin, Evans, C., Aslanides, Coley, Evans, D., Hagan, Hughes, Law, Oelslager, Patton, T., Reidelbach, Schaffer, Seaver, Setzer, Wagoner, White, J., Widener, Widowfield.

To amend sections 3517.13 and 3517.992 and to enact sections 109.96 and 3517.093 of the Revised Code to limit solicitations of and political contributions by owners and certain family members of owners of businesses that are seeking or that have been awarded public contracts and to require the Attorney General to review and approve executive agency contracts for more than one million dollars.

To the Committee on Rules.

Am. Sub. H. B. No. 699—Representatives Calvert, Peterson, Flowers, McGregor, J., Hartnett, Chandler, Stewart, D., Skindell, Patton, S., Ujvagi, Carmichael, Collier, Combs, Core, Evans, C., Evans, D., Faber, Fende, Hagan, Koziura, Law, Mitchell, Reinhard, Schaffer, Seaver, Seitz, Setzer, White, J., Woodard.

To amend sections 3.21, 3.23, 5.10, 9.37, 101.15, 101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 122.17, 122.171, 126.11, 131.02, 133.021, 133.07, 133.08, 133.20, 151.01, 151.09, 151.10, 151.40, 152.09, 152.18, 152.19, 152.21, 152.24, 152.26, 154.02, 154.20, 164.04, 169.13, 176.05, 307.695, 333.02, 333.04, 340.03, 340.09, 340.12, 715.70, 715.81, 1520.02, 1702.01, 1702.08, 1702.11, 1702.17, 1702.19, 1702.20, 1702.22, 1702.27, 1702.38, 1702.39, 1702.42, 1702.58, 2301.02, 2305.26, 2329.07, 2701.06, 3317.013, 3317.022, 3317.029, 3317.0217, 3317.03, 3383.01, 3383.07, 3706.01, 3770.05, 3770.073, 3905.36, 3931.07, 4115.04, 4121.121, 4503.068, 4710.02, 4728.03, 4722.14, 4763.03, 4763.05, 4763.06, 4919.76, 5107.12, 5111.88, 5115.06, 5119.071, 5119.611, 5120.03, 5123.08, 5139.02, 5502.62, 5537.01, 5537.02, 5537.03, 5537.10, 5537.17, 5537.24, 5537.26, 5537.27, 5537.28, 5701.11, 5709.87, 5725.31, 5727.84, 5729.07, 5733.42, 5739.01, 5739.09, 5741.101, 5747.39, 5748.01, 5751.01, 5751.011, 5751.033, 5910.03, and 5919.31; to enact sections 153.74, 184.191, 3333.34, 5709.083, 5713.051, 5748.021, and 5748.081 of the Revised Code; to amend Section 206.09.84 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended, and to amend Section 206.09.84 of Am. Sub. H.B. 66 of the 126th General Assembly, for the purpose of codifying it as section 3310.41 of the Revised Code; to amend Section 22.07 of Am. Sub. H.B. 16 of the 126th General Assembly; to amend Sections 203.12.06, 203.24, 203.57, 203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, and 209.93 of Am. Sub. H.B. 66 of

the 126th General Assembly; to amend Sections 203.27, 203.99, 209.63, and 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; to amend Sections 243.10 and 287.20 of Am. Sub. H.B. 530 of the 126th General Assembly; to amend the version of section 5502.62 of the Revised Code that is scheduled to take effect April 1, 2007; and to repeal Section 4 of Sub. H.B. 139 of the 126th General Assembly to make capital and other appropriations and to provide authorization and conditions for the operation of state programs.

To the Committee on Finance and Financial Institutions.

YES - 5: JEFF JACOBSON, 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 Goodman submitted the following report:

The standing committee on Judiciary - Civil Justice, to which was referred **Am. Sub. H. B. No. 9**-Representative Oelslager, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: STEVE STIVERS, JAY HOTTINGER, LYNN R. WACHTMANN, RON AMSTUTZ, STEPHEN C. AUSTRIA, ERIC H. KEARNEY.

NO - 1: ERIC D. FINGERHUT.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 281**-Senator Stivers, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsor: Zurz.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, STEPHEN C. AUSTRIA, TIMOTHY J. GRENDALL, ERIC H. KEARNEY, KIMBERLY A. ZURZ, STEVE STIVERS, J. KIRK SCHURING.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. H. B. No. 141**-Representative Willamowski, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Kearney, Zurz.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, TIMOTHY J. GRENDALL, J. KIRK SCHURING, ERIC H. KEARNEY, KIMBERLY A. ZURZ, STEPHEN C. AUSTRIA, STEVE STIVERS.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. H. B. No. 241**-Representative Latta, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 6: JIM JORDAN, PATRICIA M. CLANCY, STEPHEN C. AUSTRIA, TIMOTHY J. GRENDALL, STEVE STIVERS, J. KIRK SCHURING.

NO - 2: ERIC H. KEARNEY, KIMBERLY A. ZURZ.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Sub. H. B. No. 285**-Representative Willamowski, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Clancy.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, TIMOTHY J. GRENDALL, J. KIRK SCHURING, ERIC H. KEARNEY, KIMBERLY A. ZURZ, STEPHEN C. AUSTRIA, STEVE STIVERS.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **Am. Sub. H. B. No. 461**-Representative Wolpert, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Grendell, Stivers.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, TIMOTHY J. GRENDALL, J. KIRK SCHURING, ERIC H. KEARNEY, KIMBERLY A. ZURZ, STEPHEN C. AUSTRIA, STEVE STIVERS.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **H. B. No. 551**-Representative Latta, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, TIMOTHY J. GRENDALL, ERIC H. KEARNEY, KIMBERLY A.

ZURZ, STEPHEN C. AUSTRIA, STEVE STIVERS, J. KIRK SCHURING.

NO - 0.

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

The report of the committee was accepted.

Senator Jordan submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **H. B. No. 571**-Representative Hughes, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Clancy, Zurz, Kearney.

YES - 8: JIM JORDAN, PATRICIA M. CLANCY, TIMOTHY J. GRENDALL, J. KIRK SCHURING, KIMBERLY A. ZURZ, ERIC H. KEARNEY, STEPHEN C. AUSTRIA, STEVE STIVERS.

NO - 0.

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 **Am. Sub. H. B. No. 276**-Representative Stewart, J., et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 8: TERESA FEDOR, RAY MILLER, JEFF JACOBSON, GARY W. CATES, JOHN A. CAREY, JOY PADGETT, LARRY A. MUMPER, RANDY GARDNER.

NO - 1: ERIC D. FINGERHUT.

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

The report of the committee was accepted.

Senator Schuler submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **Am. Sub. H. B. No. 251**-Representative Uecker, et al., having had the

same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Niehaus, Goodman, Schuler, Wilson.

YES - 6: CHARLES A. WILSON, DAVID GOODMAN, KEVIN J. COUGHLIN, TOM NIEHAUS, ROBERT L. SCHULER, ROBERT F. SPADA.

NO - 1: KIMBERLY A. ZURZ.

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

The report of the committee was accepted.

Senator Schuler submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **S. B. No. 298**-Senator Schuler, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Goodman, Niehaus.

YES - 8: CHARLES A. WILSON, TOM NIEHAUS, KEVIN J. COUGHLIN, DAVID GOODMAN, ROBERT L. SCHULER, KIMBERLY A. ZURZ, TOM ROBERTS, ROBERT F. SPADA.

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:

Pursuant to Senate Rule No. 37, the standing committee on Rules recommends that **H. B. NO. 487** - Widener, et al., having been referred to the standing committee on Finance and Financial Institutions, be re-referred to the standing committee on Insurance, Commerce and Labor.

YES - 11: BILL HARRIS, JEFF JACOBSON, STEPHEN C. AUSTRIA, TERESA FEDOR, RANDY GARDNER, JAY HOTTINGER, C. J. PRENTISS, TOM ROBERTS, J. KIRK SCHURING, ROBERT F. SPADA, KIMBERLY A. ZURZ.

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 appointments by the Attorney General of:

John Moliterno, Democrat, Girard, Trumbell County, Ohio, representing residential consumers on the Ohio Consumers? Counsel Governing Board, term beginning September 1, 2006 and ending September 1, 2009.

Michael Murphy, Democrat, North Olmsted, Cuyahoga County, Ohio, representing organized labor on the Ohio Consumers? Counsel Governing Board, term beginning September 1, 2006 and ending September 1, 2009.

Roger Wise, Democrat, Fremont, Sandusky County, Ohio, representing family farmers on the Ohio Consumers? Counsel Governing Board, term beginning September 1, 2006 and ending September 1, 2009.

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

YES - 11: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, 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 Attorney General?"

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	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	Harris-32.

So the Senate advised and consented to said appointments.

Senator Schuring submitted the following report:

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

Richard L. Bowen, Republican, from Cleveland, Cuyahoga County, Ohio, as a Member of the State Board of Examiners of Architects for a new term beginning November 17, 2006 and ending at the close of business October 2, 2011.

George W. Byers, Jr., Republican, from London, Madison County, Ohio, as a Member of the Motor Vehicle Dealers Board for new term beginning November 9, 2006 and ending at the close of business October 4, 2009.

Louis J. Carson, Republican, from Carroll, Fairfield County, Ohio, as a Member of the Motor Vehicle Dealers Board for new term beginning November 9, 2006 and ending at the close of business October 4, 2009.

Maurice M. Leiser, Democrat, from University Heights, Cuyahoga County, Ohio, as a Member of the Motor Vehicle Salvage Dealer's Licensing Board for a new term beginning November 9, 2006 and ending at the close of business July 31, 2009.

William J. Lhota, Republican, from Worthington, Franklin County, Ohio, as a Member of the Board of Building Appeals for a new term beginning November 9, 2006 and ending at the close of business October 13, 2010.

Jerry L. Lupfer, Republican, from Groveport, Franklin County, Ohio, as a Member of the State Fire Commission for a term beginning November 17, 2006 and ending at the close of business October 31, 2011, replacing Dale Duermit, whose term expired.

Greta J. Russell, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Accountancy Board for a term beginning November 17, 2006 and ending at the close of business October 20, 2013, replacing Theodore Long, whose term expired.

Rory E. Ryan, Republican, from Seaman, Adams County, Ohio, as a Member of the Southern State Community College Board of Trustees for a term beginning November 17, 2006 and ending at the close of business May 12, 2012, replacing Douglas W. Lyn, who resigned.

Rodger M. Sansom II, Democrat from Mogadore, Summit County, Ohio, as a Member of the State Fire Commission for a new term beginning November 17, 2006 and ending at the close of business October 31, 2011.

Lewis R. Smoot, Jr., Democrat, from New Albany, Franklin County, Ohio, as Member of the Ohio Venture Capital Authority for a term beginning November 9, 2006 and ending at the close of business January 31, 2007, replacing Terrence W. Gasper, who resigned.

Brian P. Younkin, Republican, from Columbus, Delaware County, Ohio, as a Member of the Motor Vehicle Dealers Board for term beginning November 9, 2006 and ending at the close of business October 4, 2009, replacing Evan Atkins, who resigned.

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

YES - 11: BILL HARRIS, JEFF JACOBSON, RANDY GARDNER, 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?"

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	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	Harris-32.

So the Senate advised and consented to said appointments.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 73-Representatives Trakas, Kilbane, Latta, Gibbs, Blessing, Collier, Schaffer, Blasdel, Hagan, Brinkman, Gilb, Ujvagi, Taylor, Chandler, Combs, Domenick, Evans, C., Evans, D., Hartnett, Koziura, Oelslager, Patton, T., Peterson, Redfern, Reidelbach, Setzer, Smith, G. Senators Fingerhut, Goodman, Schuler, Austria, Amstutz, Dann.

To amend sections 5747.01, 5747.24, and 5748.01, and to repeal sections 5747.25 and 5748.011 of the Revised Code to increase the amount of time an individual may spend in Ohio before being presumed to be a resident for income tax purposes and to exempt from taxation military pay and allowances, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 73**, 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	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	Harris-32.

So the bill passed.

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

Senator Amstutz moved to amend the title as follows:

Add the names: "Cates, Clancy, Coughlin, Grendell, Hottinger, Jacobson, Jordan, Mumper, Niehaus, Prentiss, Spada, Stivers, Harris, Armbruster, Kearney, Schuring."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 149-Representatives Calvert, Raga, McGregor, J., Evans, C., Latta, Aslanides, Hartnett, Chandler, Oelslager, Gibbs, Seitz, Gilb, Collier, Schaffer, Kilbane, Hagan, Barrett, Blessing, Buehrer, Cassell, Combs, Core, DeBose, DeGeeter, Dolan, Evans, D., Faber, Fende, Flowers, Garrison, Healy, Hughes, Law, Martin, Mason, McGregor, R., Patton, T., Peterson, Reidelbach, Reinhard, Sayre, Schlichter, Schneider, Seaver, Setzer, Smith, G., Stewart, J., Trakas, Wagoner, Widener, Wolpert, Woodard, Yates, Yuko Senator Amstutz.

To amend sections 5725.24, 5733.01, 5733.98, 5739.011, and 5747.98 and to enact sections 149.311, 5725.151, 5733.47, and 5747.76 of the Revised Code to authorize refundable tax credits for rehabilitating historic buildings and to exempt from the sales and use taxes property used to clean manufacturing equipment that produces dairy products, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 149**, 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	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	Harris-32.

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: "Austria, Cates, Clancy, Coughlin, Fingerhut, Gardner, Grendell, Harris, Kearney, Miller, D., Mumper, Niehaus, Padgett, Roberts, Schuring, Stivers, Zurz, Hagan, Prentiss, Wilson, Fedor."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 293-Representatives Kilbane, Miller, Trakas, McGregor, J., Wolpert, Evans, C., Reidelbach, Gilb, Faber, Cassell, Kearns, Hartnett, Carano, Boccieri, Healy, Buehrer, Aslanides, Barrett, Beatty, Blessing, Book, Brinkman, Brown, Bubp, Calvert, Chandler, Coley, Collier, Combs, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Evans, D., Fessler, Garrison, Gibbs, Hagan, Harwood, Hughes, Key, Koziura, Latta, Law, Martin, Mason, Oelslager, Otterman, Patton, T., Perry, Peterson, Raussen, Reed, Sayre, Schaffer, Schlichter, Schneider, Seitz, Setzer, Skindell, Smith, S., Stewart, D., Stewart, J., Strahorn, Taylor, Ujvagi, Wagoner, Webster, Williams, Woodard, Yates, Yuko Senator Schuler.

To amend sections 135.353 and 5739.01 and to enact sections 135.804, 135.805, 135.806, and 135.807 of the Revised Code to authorize boards of county commissioners to establish property tax payment linked deposit programs to assist senior citizens and permanently and totally disabled citizens in paying property taxes on their homesteads, and to change who pays sales or use taxes when employment service personnel are supplied by the purchaser to a third party as an employment service, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 293**, 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	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	Harris-32.

So the bill passed.

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

Senator Spada moved to amend the title as follows:

Add the names: "Armbruster, Cates, Clancy, Grendell, Kearney, Miller, R., Mumper, Padgett, Spada, Miller, D., Roberts, Schuring, Zurz, Prentiss, Fedor."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 9-Representatives Oelslager, Flowers, Buehrer, White, Trakas, Aslanides, Beatty, Blessing, Book, Carano, Cassell, Chandler, Collier, DeBose, Domenick, Evans, C., Evans, D., Fende, Fessler, Garrison, Hagan, Hartnett, Harwood, Healy, Key, Law, Mason, McGregor, R., Otterman, Patton, T., Peterson, Redfern, Reidelbach, Sayre, Schneider, Seitz, Setzer, Skindell, Willamowski, Williams, Woodard, Yuko.

To amend sections 149.011, 149.31, 149.38, 149.39, 149.41, 149.42, 149.43, 321.46, 2923.129, 3319.321, and 4123.88 and to enact sections 109.43, 149.411, and 149.412 of the Revised Code and to amend Section 1 of Sub. H.B. 101 of the 126th General Assembly to revise the Public Records Law, to create a library records commission in each public library and a special taxing district records commission in each special taxing district, to allow county treasurers to use certain public records training to satisfy part of their continuing education requirement, to extend the Local Government Public Notice Task Force until May 1, 2008, and to revise the records commissions laws, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 9**, pass?"

On the motion of Senator Harris, the Senate recessed.

The Senate met pursuant to the recess.

Senator Fingerhut moved to amend as follows:

Delete lines 1235 through 1240

The question being, "Shall the amendment be agreed to?"
 Senator Austria 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 19, nays 13, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	Gardner
Goodman	Grendell	Jordan	Mumper
Padgett	Schuler	Schuring	Spada
Stivers	Wachtmann		Harris-19.

Those who voted in the negative were: Senators

Fedor	Fingerhut	Hagan	Hottinger
Jacobson	Kearney	Miller D	Miller R
Niehaus	Prentiss	Roberts	Wilson
			Zurz-13.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 9**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Carey
Cates	Clancy	Coughlin	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		Harris-31.

Senator Fingerhut voted in the negative-1.

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, Schuring."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 461-Representatives Wolpert, Yuko, Ujvagi, Otterman,

Healy, Latta, Evans, D., Gilb, Hughes, Barrett, Bubp, Cassell, Chandler, Collier, Combs, Core, Daniels, DeGeeter, Distel, Domenick, Evans, C., Faber, Fende, Fessler, Flowers, Gibbs, Hagan, Hartnett, Harwood, Kilbane, Law, Martin, Mason, McGregor, J., McGregor, R., Oelslager, Patton, T., Raussen, Reidelbach, Schaffer, Schlichter, Schneider, Smith, G., Stewart, J., Taylor, Wagner, Wagoner, Webster, White, Widener, Williams Senators Grendell, Stivers.

To amend sections 2743.51, 2743.56, 2903.06, 2903.08, 2903.11, 2909.32, 2909.33, 2909.34, 2923.02, 2929.01, 2929.02, 2929.13, 2929.14, 2929.18, 2929.19, 2945.75, 2953.08, 4503.233, 4503.234, 4507.02, 4507.08, 4507.164, 4510.10, 4510.13, 4510.16, 4510.161, 4510.41, 4510.54, and 4511.19 and to enact sections 2929.142 and 4510.18 of the Revised Code, and to amend Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly, to increase the prison term for aggravated vehicular homicide when the offender has at least three prior convictions of OVI, OVUAC, or the OVI-type offense related to vessels or aircraft, of aggravated vehicular homicide or aggravated vehicular assault based on OVI or the OVI-type offense related to vessels or aircraft, or of involuntary manslaughter based on OVI, OVUAC, or an OVI-type offense related to snowmobiles, locomotives, watercraft, or aircraft; to require a court to impose a Class 2 driver's license suspension for aggravated murder, murder, attempted murder, or felonious assault by means of a motor vehicle; to increase the length of the driver's license suspension required for aggravated vehicular homicide or vehicular homicide if the offender previously was convicted of a traffic-related murder, felonious assault, or attempted murder; to permit a court to impose a lifetime driver's license suspension for aggravated vehicular assault if the offender previously was convicted of a traffic-related homicide, manslaughter, or assault offense or a traffic-related murder, felonious assault, or attempted murder; to establish that driving under a lifetime suspension imposed for one of those offenses in those circumstances is a felony of the third degree; to allow a certified copy of a BMV record to be used as proof of a prior conviction; to expand the circumstances in which evidence on the concentration of alcohol, drugs of abuse, or a combination of them in a person's blood, breath, or urine may be admitted as evidence; to allow a person who suffers serious physical harm as a result of a hit-skip accident to file a claim for an award of reparations from the Crime Victims Reparations Fund; to make immobilization of a vehicle and impoundment of its license plates for the offense of "driving under financial responsibility law suspension or cancellation" or a violation of a comparable municipal ordinance discretionary rather than mandatory when the offender has no previous conviction 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 revise the procedures pursuant to which a court may order a payment plan or extension of time for payment of reinstatement fees owed by an offender relative to a suspension of driving privileges; to exempt specified federally insured depository institutions from provisions in current

law that require a declaration of material assistance/nonassistance to terrorists, designate the Office of Budget and Management as the repository for business precertifications, modify the precertification process, and establish a fine for failure to certify; and to extend the date by which the Task Force on Implementing the Federal Domestic Violence Option in Ohio must submit its report to the General Assembly and the Governor, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 461**, pass?"

On the motion of Senator Jordan, **Sub. H. B. No. 461** was informally passed and retained its place on the calendar.

Sub. S. B. No. 281-Senators Stivers, Padgett, Mumper, Goodman, Austria, Spada, Zurz.

To amend sections 109.761, 109.802, 2921.51, 2929.13, 2929.14, and 2941.1414 to enact new section 109.803, and to repeal section 109.803 of the Revised Code to mandate up to 24 hours a year of continuing professional training for peace officers and state highway patrol troopers, to provide a mechanism for the granting for a calendar year because of emergency circumstances of an extension of the time within which a peace officer or trooper must complete the required minimum number of hours of training, to establish the method by which the Attorney General reimburses the costs of training programs for peace officers and troopers of public appointing authorities, to prohibit impersonating BCII investigators, to apply the increased penalties for aggravated vehicular homicide when the victim is a peace officer to when the victim is a BCII investigator, and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 281**, 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	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	Harris-32.

So the bill passed.

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

The title was agreed to.

Sub. H. B. No. 276—Representatives Stewart, J., Miller, Carano, Hartnett, Evans, C., Perry, Allen, Taylor, Peterson, Setzer, Williams, Garrison, Chandler, Woodard, Barrett, Aslanides, Beatty, Brown, DeBose, Domenick, Fende, Flowers, Harwood, Mason, Mitchell, Otterman, Sayre, Smith, G., Stewart, D., Strahorn, Yates, Yuko.

To amend sections 3301.0710, 3301.0711, 3301.0714, 3301.0715, 3302.03, 3313.53, 3313.608, 3313.614, 3314.014, 3314.03, 3314.08, 3314.17, 3314.22, 3319.073, and 3329.01 and to enact sections 117.53, 3301.0716, 3301.0723, 3301.22, 3313.666, 3313.667, 3315.20, 3354.26, and 3701.62 and to repeal section 3319.227 of the Revised Code with respect to school policies prohibiting harassment, intimidation, or bullying; to expand in-service training in child abuse prevention that school districts and community schools must provide; to eliminate the summer administration of the third grade reading achievement test; to allow specified students to substitute passage of the Ohio Graduation Test for passage of the ninth grade proficiency test in the same subject to satisfy diploma requirements; to require school districts and community schools to administer the kindergarten readiness assessment between four weeks prior to the start of school and October 1; to permit the Department of Education to have access to personally identifiable student information under specified conditions; to provide for the assignment of EMIS student data verification codes for children receiving early intervention services under the Help Me Grow program; to allow community schools established outside of the statewide caps to be managed by operators not currently managing schools in Ohio; to expand the circumstances in which community school performance data is included on school district report cards; to specify a procedure for a parent to waive entitlement to a computer from an Internet- or computer-based community school; to repeal the authorization for teachers to temporarily teach an area or grade level outside of their license or certificate; to permit a school district board of education to renew the contract of a director, supervisor, or coach of a pupil-activity program who is not a licensed educator without first offering that position to a licensed educator; to permit temporary deficits in school district special funds under certain conditions; to require textbook publishers to comply with the National Instructional Materials Accessibility Standard; to permit waivers from the minimum number of school days in the 2006-2007 school year for certain joint vocational school districts that experience delays in a state-assisted construction project; and to permit the boards of trustees of Rio Grande Community College and the University of Rio Grande to cooperate in employing a president and operating the community college, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 276**, pass?"

Senator Miller, D. moved to amend as follows:

In line 1445, after "student" insert "or group of students"; after "once" insert ", including, but not limited to, any written, verbal, or physical act based on the other student's or students' actual or perceived race, color, religion, national origin, sex, gender, disability, sexual orientation, gender identity or expression, or any other distinguishing characteristic, or based on the other student's or students' association with a person distinguished by actual or perceived race, color, religion, national origin, sex, gender, disability, sexual orientation, gender identity or expression, or any other distinguishing characteristic,"; delete "both"

In line 1446, after "student" insert "or students"

In line 1449, after "student" insert "or students;

(3) Substantially interferes with the educational programs, opportunities, and benefits provided to the other student or students;

(4) Adversely affects the other student's or students' ability to participate in or benefit from the school's educational programs or activities by placing the student or students in reasonable fear of further mental or physical harm"

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 22, nays 10, as follows:

Those who voted in the affirmative were: Senators

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

Those who voted in the negative were: Senators

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

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. H. B. No. 276**, pass?"

Senator Fedor moved to amend as follows:

In line 1482, delete "notify" and insert "semiannually provide"

In line 1483, delete "in writing" and insert "a written summary"

In line 1484, after "incidents" insert "and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, as amended"

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

The amendment was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 276**, pass?"

The yeas and nays were taken and resulted - yeas 27, nays 5, as follows:

Those who voted in the affirmative were: Senators

Austria	Carey	Cates	Clancy
Coughlin	Fedor	Gardner	Goodman
Hagan	Hottinger	Jacobson	Jordan
Kearney	Miller D	Miller R	Mumper
Niehaus	Padgett	Prentiss	Roberts
Schuler	Schuring	Stivers	Wachtmann
Wilson	Zurz		Harris-27.

Senators Amstutz, Armbruster, Fingerhut, Grendell, and Spada voted in the negative-5.

So the bill passed.

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

Senator Padgett moved to amend the title as follows:

Add the names: "Padgett, Roberts."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 251-Representatives Uecker, Kearns, Raga, McGregor, J., Martin, Schneider, Collier, Wagoner, Bulp, Law, Brown, Williams, Mason, Hagan, Stewart, J., Hartnett, Barrett, Blessing, Calvert, Carano, Cassell, Chandler, Domenick, Evans, C., Faber, Fende, Flowers, Garrison, Hughes, Miller, Mitchell, Oelslager, Otterman, Patton, T., Raussen, Reidelbach, Schlichter, Seitz, Setzer, Skindell, Smith, G., Stewart, D., Strahorn, Webster, Yates, Yuko Senators Niehaus, Goodman, Schuler, Wilson.

To amend sections 122.075, 123.011, 125.15, 125.834, 1510.04, 4905.90,

4928.01, 4928.57, 4928.58, 4928.61, 4928.62, and 4928.63 and to enact section 3345.69 of the Revised Code; to amend Section 203.99 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; to amend Section 203.99.45 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and to amend Section 235.30 of Am. Sub. H.B. 530 of the 126th General Assembly to specify certain energy efficiency and conservation standards relating to facility construction and leasing that the Office of Energy Services in the Department of Administrative Services must promulgate and with which state agencies must comply; to require certain additional duties, and additional cooperation between the Office and the Office of Energy Efficiency of the Department of Development, relating to state purchasing; to require boards of trustees of state institutions of higher education to adopt rules to carry out on- and off-campus building, energy efficiency and conservation guidelines developed by a committee of those institutions in consultation with the Office of Energy Services; to make other changes relative to energy programs; to increase the maximum amount that can be assessed to fund the Oil and Natural Gas Marketing Program; to change the Energy Efficiency Revolving Loan Program into an Advanced Energy Program; and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 251**, 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	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	Harris-32.

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: "Gardner, Kearney, Padgett, Fedor, Fingerhut."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 141-Representatives Willamowski, Aslanides, Combs, McGregor, J., Seitz, Perry, Hartnett, Faber, Barrett, Taylor, Gilb, Hagan,

Reidelbach, Schaffer, Bulp, Domenick, Evans, C., Flowers, Latta, Otterman, Schneider, Setzer, Smith, G. Senators Kearney, Zurz.

To amend sections 149.43, 2921.24, 2921.25, and 4501.271 of the Revised Code to give parole officers, prosecuting attorneys in most cases, assistant prosecuting attorneys, and certain correctional and youth services employees the same options as peace officers with respect to confidentiality of certain personal information; to expand the materials excluded from the definition of "public record" to also include a photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority; and to eliminate the exclusion from the definition of "public record" that currently applies to a record that identifies a person's occupation as a peace officer, firefighter, or EMT and is not related to the Campaign Finance Law, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 141**, 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	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	Harris-32.

So the bill passed.

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

Senator Jordan moved to amend the title as follows:

Add the names: "Carey, Harris, Jacobson, Spada, Padgett."

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

The motion was agreed to and the title so amended.

Sub. H. B. No. 343-Representatives Raga, Bulp, Evans, D., Key, Law, Widowfield, Barrett, Chandler, Collier, Combs, DeBose, DeWine, Domenick, Evans, C., Gilb, Harwood, Koziura, Oelslager, Patton, T., Setzer, Ujvagi, Wagoner, Webster, Williams Senators Schuring, Kearney, Fedor, Miller, D., Mumper, Niehaus.

To amend sections 4507.05, 4507.071, and 4511.81 of the Revised Code to place certain restrictions on the operation of motor vehicles by probationary

license holders and temporary instruction permit holders who are less than 18 years of age, to require children who are between four and fifteen years of age to be restrained in either a child restraint system or an occupant restraining device when being transported in a motor vehicle, and to eliminate the nonresident exemption from the motor vehicle child restraint law, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 343**, pass?"

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

Those who voted in the affirmative were: Senators

Amstutz	Austria	Carey	Cates
Clancy	Coughlin	Fedor	Fingerhut
Gardner	Goodman	Grendell	Hagan
Hottinger	Jacobson	Kearney	Miller D
Miller R	Mumper	Niehaus	Padgett
Prentiss	Roberts	Schuler	Schuring
Spada	Stivers	Wilson	Zurz
			Harris-29.

Senators Armbruster, Jordan, and Wachtmann voted in the negative-3.

So the bill passed.

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

Senator Cates moved to amend the title as follows:

Add the names: "Cates, Fingerhut, Gardner, Hagan, Harris, Roberts, Spada, Wilson, Zurz, Clancy."

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

The motion was agreed to and the title so amended.

OFFERING OF RESOLUTIONS

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

S. R. No. 271-Senator Jacobson.

Honoring the Alter High School girls volleyball team as the 2006 Division II State Champion.

S. R. No. 272-Senator Coughlin.

Honoring the Woodridge High School boys cross country team as the 2006 Division II State Champion.

S. R. No. 273-Senator Coughlin.

Honoring the Stow High School boys soccer team as the 2006 Division I State Champion.

S. R. No. 274-Senator Prentiss.

In memory of Robert Lockwood, Jr.

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

So the resolutions were adopted.

On the motion of Senator Gardner, the Senate recessed.

The Senate met pursuant to the recess.

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. 305 - Senators Stivers, Goodman, Dann, Kearney, Wachtmann Representatives McGregor, J., Book, Combs, Domenick, Evans, C., Flowers, Patton, T., Schaffer, Wagoner, Yuko

To amend sections 3731.01, 3731.02, 3731.09, 3731.12, and 3781.03 and to enact sections 3731.04, 3737.831, and 3781.112 of the Revised Code to modify requirements applied to differing types of hotels, to require the State Fire Code to include a provision directing the Fire Marshal to issue permits for temporary membrane structures, tents, and canopies located on state property or used for an event sponsored by a state agency, unless the Fire Marshal directs that the permit be obtained from a local fire code official, to clarify the authority of local governing officials concerning sewerage systems, and to allow certain medical facilities to use delayed-egress doors and electronic doors.

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:

Am. H. B. No. 560 - Representatives Evans, C., Law, Harwood, Combs, Domenick, Reidelbach, Cassell, Perry, McGregor, J., Bulp, Setzer, Patton, S., Stewart, J., Latta, Garrison, Bocchieri, Carano, Chandler, Collier, Fende, Uecker, Coley, DeBose, Webster, White, D., Wolpert

To amend sections 505.85 and 505.87 and to enact section 505.871 of the Revised Code to allow townships to remove junk motor vehicles from public and private property and to borrow money to pay for that removal of junk motor vehicles and for other debris from private property.

Am. Sub. H. B. No. 574 - Representatives Dolan, Collier, Law, Martin, Distel, DeGeeter, Perry, Wagoner, McGregor, J., Yuko, Williams, Skindell, Seitz, Setzer, Flowers, Combs, Hagan, Taylor, Strahorn, DeBose, Stewart, J., Domenick, Chandler, Fende, Harwood, Barrett, Beatty, Blessing, Book, Brown, Driehaus, Evans, C., Evans, D., Foley, Garrison, Hartnett, Hoops, Hughes, Key, Koziura, McGregor, R., Mitchell, Otterman, Schneider, Ujvagi, Webster, White, D., White, J., Yates, Luckie, Mason, Smith, G., Stewart, D.

To enact sections 1522.01, 1522.02, 1522.03, 1522.04, 1522.05, 1522.06, 1522.07, and 1522.08 of the Revised Code to ratify the Great Lakes-St. Lawrence River Basin Water Resources Compact and to establish related requirements.

Am. H. B. No. 583 - Representatives Peterson, Seitz, Yates, Stewart, J., Fende, Skindell, Collier, Brown, Carano, Cassell, Hughes, Otterman, Domenick, Strahorn, DeBose, Chandler, Evans, C., Foley, Hartnett, Koziura, Law, Luckie, Mason, Mitchell, Patton, T., Sayre, Setzer, Stewart, D., Sykes, Ujvagi, Williams, Yuko

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.

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. 71 - Representatives J. Stewart, Martin, Hartnett, Seitz, Faber, Seaver, Reidelbach, White, Taylor, D. Evans, Bulp, Barrett, C. Evans, Latta, Perry, Ujvagi, Carano, Coley, G. Smith, Wagoner, T. Patton, Hagan, Gibbs, Widener, Blessing, Brown, Calvert, Cassell, Chandler, Collier, Combs, Core, DeBose, Distel, Domenick, Fende, Flowers, Garrison, Hughes, Key, Luckie, Mason, McGregor, J., Oelslager, Otterman, Sayre, Schaffer, Schlichter, Schneider, Stewart, D., Webster, Widowfield, Williams, Yuko, Driehaus

To amend sections 145.30, 145.301, 3307.751, 3309.021, and 5505.25 of the Revised Code to permit a member of the Public Employees Retirement System, State Teachers Retirement System, School Employees Retirement System, or State Highway Patrol Retirement System to purchase military service credit for duty in the Ohio National Guard or reserves.

Am. Sub. H. B. No. 443 - Representatives Uecker, Aslanides, McGregor, J., Domenick, Setzer

To amend sections 123.04, 303.14, 307.37, 519.14, 1501.011, 1501.02, 1501.07, 1501.23, 1501.32, 1502.01, 1502.03, 1502.12, 1504.02, 1506.04, 1507.01, 1510.04, 1511.021, 1513.01, 1513.02, 1513.07, 1513.071, 1513.08, 1513.13, 1513.16, 1513.17, 1513.18, 1513.181, 1513.29, 1513.30, 1513.37, 1514.01, 1514.03, 1514.04, 1514.05, 1514.06, 1514.09, 1514.11, 1514.99, 1515.10, 1515.211, 1517.02, 1517.10, 1517.11, 1520.02, 1520.03, 1520.05, 1520.07, 1521.01, 1521.04, 1521.05, 1521.06, 1521.061, 1521.062, 1521.064, 1521.13, 1521.14, 1521.18, 1521.19, 1521.99, 1531.01, 1531.02, 1531.04, 1531.06, 1531.10, 1531.20, 1531.27, 1531.99, 1533.07, 1533.08, 1533.09, 1533.10, 1533.11, 1533.12, 1533.131, 1533.171, 1533.42, 1533.632, 1533.68, 1533.86, 1533.882, 1533.99, 1541.03, 1541.05, 1541.40, 1547.05, 1547.08, 1547.51, 1547.54, 1547.541, 1547.99, 1548.02, 1567.35, 2923.35, 2933.43, 4115.04, and 5749.02; to enact sections 303.141, 519.141, 1513.075, 1513.081, 1513.171, 1513.182, 1513.371, 1514.011, 1514.051, 1514.40 to 1514.47, 1514.50, 1515.093, 1548.031, 1548.032, 1561.011, 1563.01, 1565.01, 1567.01, 1571.011, 2305.041, 5577.081, and 5749.11; and to repeal sections 1502.11, 1513.10, 1521.08, and 1533.78 of the Revised Code to revise the statutes governing the Department of Natural Resources; to make changes to the law governing coal mining, including increasing the severance

tax on coal and revising the distribution of revenue from that tax; to make changes to the law governing the mining of industrial minerals, including revising zoning provisions related to such mining; and to make other changes.

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:

Sub. H. B. No. 56 - Representative Raussen - et al.

Sub. H. B. No. 80 - Representative Smith, G. - et al.

Am. H. B. No. 282 - Representative Flowers - et al.

Sub. H. B. No. 371 - Representative Buehrer - et al.

Attest: Laura P. Clemens,
Clerk.

The President signed said bills.

On the motion of Senator Jacobson, the Senate adjourned until Thursday, December 14, 2006 at 11:00 o'clock a.m.

Attest: DAVID A. BATTOCLETTI,
Clerk.