

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, MAY 24, 2011

FIFTY-FOURTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, May 24, 2011, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Bishop George Murry, The Roman Catholic Diocese of Youngstown, Youngstown, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**MESSAGE FROM THE PRESIDENT**

May 19, 2011

Dear President Niehaus,

I am writing you to tender my resignation as Senator from the 4th District of Ohio effective noon, May 23, 2011.

Serving with you in the Ohio Senate has been a great honor and privilege. I leave my time in this chamber with fond memories of my past there and great hope for its future.

Thank you for your continued service to our great state.

Sincerely,  
/s/ **Gary Cates**  
Gary Cates  
Senator  
4th District of Ohio

**MESSAGE FROM THE PRESIDENT**

May 24, 2011

Senator Gary Cates  
Senate Building  
Columbus, Ohio 43215

Senator Cates:

In accordance with Section 101.25 of the Ohio Revised Code, I hereby acknowledge receipt of your letter of resignation from the Ohio Senate effective Monday, May 23, 2011.

It has been a pleasure working with you during your time with the Senate. I look forward to working with you in your new capacity as Senior Vice Chancellor for the division of Innovation and Enterprise Development at the Ohio Board of Regents.

Sincerely,

/s/ **Tom Niehaus**

Senator Tom Niehaus

Senate President

14th District

On the motion of Senator Faber the Senate advanced to the ninth order of business, Offering of Resolutions.

### **OFFERING OF RESOLUTIONS**

Senator Faber offered the following resolution:

**S. R. No. 81**-Senator Faber.

Relative to the appointment of William P. Coley, II, to fill the vacancy in the membership of the Senate created by the resignation of Gary Cates of the 4th Senatorial District.

WHEREAS, Section 11 of Article II, Ohio Constitution, provides for the filling of a vacancy in the Senate by appointment by the members of the Senate who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Gary Cates of the 4th Senatorial District has resigned as a member of the Senate effective May 23, 2011, thus creating a vacancy in the Senate; now therefore be it

RESOLVED, By the members of the Senate who are affiliated with the Republican party, that William P. Coley, II (Republican), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the Senate from the 4th Senatorial District is hereby appointed, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the Senate from the 4th Senatorial District, to fill the vacancy created by Gary Cates; and be it further

RESOLVED, That a copy of this Resolution be spread upon the journal of the Senate together with the yeas and nays of the members of the Senate affiliated with the Republican party voting on the Resolution, and that the Clerk of the Senate shall certify the Resolution and the vote on its adoption to the Secretary of State.

The question being, "Shall the resolution, **S. R. No. 81**, be adopted?"

The yeas and nays were taken and resulted - yeas 22, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Daniels	Faber
Gillmor	Grendell	Hite	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Schaffer	Seitz	Stewart	Wagoner
Widener			Niehaus-22.

So the resolution was adopted.

Senator Coley appeared at the bar of the Senate and was administered the oath of office by the Honorable Thomas Niehaus, President of the Ohio Senate.

Senator Faber offered the following resolution:

**S. R. No. 82**-Senator Faber.

Relative to mileage reimbursement.

RESOLVED, Pursuant to section 101.27 of the Revised Code and S.R. No. 2--Senator Faber, Relative to mileage reimbursement, adopted January 3, 2011, the Clerk of the Senate is authorized to add the mileage for William P. Coley, II of 177 miles round trip.

The question being, "Shall the resolution, **S. R. No. 82**, be adopted?"

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

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Daniels	Faber	Gillmor	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Stewart	Tavares	Turner
Wagoner	Widener	Wilson	Niehaus-32.

So the resolution was adopted.

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

The title was agreed to.

On the motion of Senator Faber the Senate reverted to the first order of business, Reports of Reference and Bills for Second Consideration.

### **REPORTS OF REFERENCE AND BILLS FOR SECOND CONSIDERATION**

Senator Niehaus reports for the Standing Committee on Rules and Reference, recommending that the following bills and resolutions, standing in order for second consideration, be referred to committee as recommended:

**Sub. H. B. No. 48**-Representatives Mecklenborg, Carney, et al.

To amend sections 1701.13, 1701.59, 1701.66, 1701.74, 1701.76, 1701.84, 1701.85, 1701.86, 1701.87, 1701.88, 1701.89, 1701.90, 1701.91, 1701.911, 1702.12, 1702.30, and 1705.61 and to enact sections 1701.881, 1701.882, and 1701.883 of the Revised Code to make changes to the law governing corporations including dissenting shareholders, the dissolution of a corporation, rights to indemnification or advancement of expenses, directors' fiduciary duties, and recording of corporate mortgages.

To the Committee on Judiciary - Civil Justice.

**Am. Sub. H. B. No. 194**-Representatives Mecklenborg, Blessing, et al.

To amend sections 3.02, 302.09, 305.02, 503.24, 511.27, 733.31, 1545.21, 1901.10, 2101.44, 2301.02, 3501.01, 3501.02, 3501.05, 3501.051, 3501.10, 3501.11, 3501.13, 3501.17, 3501.18, 3501.20, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.301, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3501.38, 3503.02, 3503.06, 3503.14, 3503.15, 3503.16, 3503.18, 3503.19, 3503.21, 3503.26, 3503.28, 3504.02, 3504.04, 3504.05, 3505.07, 3505.08, 3505.11, 3505.13, 3505.16, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.02, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 3511.11, 3511.13, 3511.14, 3513.02, 3513.12, 3513.131, 3513.18, 3513.19, 3513.21, 3513.262, 3513.30, 3513.31, 3515.04, 3517.01, 3517.012, 3517.10, 3517.102, 3517.103, 3517.106, 3517.1011, 3517.11, 3517.153, 3517.154, 3517.155, 3517.992, 3519.01, 3519.16, 3599.03, 3599.07, 3599.17, 3599.19, and 3599.31, to enact new section 3504.01 and sections 3501.111, 3501.302, 3501.40, 3503.161, 3503.22, 3505.05, 3506.021, and 3599.30, and to repeal sections 3503.29, 3504.01, 3506.16, and 3517.1010 of the Revised Code to

revise the Election Law.

To the Committee on Government Oversight and Reform.

**S. R. No. 71**-Senator Grendell, et al.

To commend and honor the United States Armed Forces, Navy Seal Team 6, the Central Intelligence Agency, the George W. Bush Presidential Administration, and the Barack H. Obama Presidential Administration for the successful operation against Osama bin Laden on Sunday, May 1, 2011.

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

**S. C. R. No. 11**-Senator Lehner.

To approve the Department of Education's proposed graduation rate changes to the state accountability system for public schools.

To the Committee on Education.

**S. B. No. 171**-Senator Gillmor, et al.

To amend sections 9.90, 101.532, 101.83, 101.84, 101.85, 101.86, 102.02, 109.91, 121.32, 127.14, 173.03, 173.04, 3302.021, 3311.71, 3312.01, 3312.09, 3313.202, 3701.025, 3701.63, 3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 3737.88, 3743.54, 3746.04, 4117.03, 4121.03, 4121.12, 4121.121, 4121.125, 4121.128, 4123.341, 4123.342, 4123.35, 5111.708, 5123.032, and 5123.093; and to repeal sections 9.901, 101.37, 121.374, 122.97, 122.971, 122.98, 122.981, 125.833, 184.23, 184.231, 1349.71, 1349.72, 1501.25, 2151.282, 3311.77, 3312.11, 3312.12, 3319.70, 3319.71, 3701.92, 3727.322, 3746.03, 4121.75, 4121.76, 4121.77, 4121.78, 4121.79, 4501.025, 5111.709, 5111.7010, and 5902.15 of the Revised Code; and to amend Section 5 of Sub. H.B. 125 of the 127th General Assembly as subsequently amended, Section 20 of Am. Sub. H.B. 554 of the 127th General Assembly, Section 3 of Sub. H.B. 187 of the 126th General Assembly, and Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly as subsequently amended; and to repeal Section 3 of Sub. H.B. 495 of the 128th General Assembly, Sections 209.40, 309.40.70, and 709.10 of Am. Sub. H.B. 1 of the 128th General Assembly, Sections 755.80 and 756.40 of Am. Sub. H.B. 2 of the 128th General Assembly, Section 3 of Sub. H.B. 7 of the 127th General Assembly, Section 555.17 of Am. Sub. H.B. 67 of the 127th General Assembly, Sections 263.30.30, 337.20.20, 377.20, and 737.11 of Am. Sub. H.B. 119 of the 127th

General Assembly, Sections 6 and 7 of Sub. H.B. 125 of the 127th General Assembly, Section 2 of Sub. H.B. 233 of the 127th General Assembly, Sections 703.30 and 715.50 of Am. Sub. H.B. 562 of the 127th General Assembly, Section 4 of Am. Sub. S.B. 77 of the 127th General Assembly, Sections 206.10.12, 206.42.12, 206.66.24, 206.66.43, 209.63.58, 503.09, and 503.12 of Am. Sub. H.B. 66 of the 126th General Assembly, Section 4 of Sub. H.B. 187 of the 126th General Assembly, Section 1 of Sub. H.B. 371 of the 126th General Assembly, Section 235.60.70 of Am. Sub. H.B. 699 of the 126th General Assembly, Section 3 of Am. Sub. S.B. 167 of the 126th General Assembly, Section 5 of Am. Sub. S.B. 260 of the 126th General Assembly, Section 3 of Sub. S.B. 393 of the 126th General Assembly, Sections 12 and 25 of Am. Sub. H.B. 87 of the 125th General Assembly, Sections 41.35 and 153 of Am. Sub. H.B. 95 of the 125th General Assembly, Section 8 of Sub. H.B. 299 of the 125th General Assembly, Section 6 of Am. Sub. H.B. 516 of the 125th General Assembly, Section 3 of Am. Sub. S.B. 86 of the 125th General Assembly, Section 3 of Sub. H.B. 230 of the 124th General Assembly, Section 3 of Am. Sub. H.B. 474 of the 124th General Assembly, Section 4 of Am. Sub. S.B. 281 of the 124th General Assembly, Section 3 of Am. H.B. 416 of the 127th General Assembly as subsequently amended, Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly as subsequently amended, Section 206.66.53 of Am. Sub. H.B. 66 of the 126th General Assembly as subsequently amended, Section 6 of Sub. H.B. 336 of the 126th General Assembly as subsequently amended, Section 755.03 of Am. Sub. H.B. 530 of the 126th General Assembly as subsequently amended, Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly as subsequently amended, Section 152 of Am. Sub. H.B. 95 of the 125th General Assembly as subsequently amended, and Section 59.29 of Am. Sub. H.B. 95 of the 125th General Assembly as subsequently amended to implement the recommendations of the Sunset Review Committee by abolishing, terminating, transferring, or renewing various agencies and by reestablishing the Sunset Review Committee but postponing its operation until the 131st General Assembly, to terminate the operation of certain provisions of this act on December 31, 2016, by repealing sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code on that date, and to declare an emergency.

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

**S. B. No. 172**-Senator Schaffer, et al.

To amend section 2333.01 and to enact section 5747.124 of the Revised Code to enable a judgment creditor landlord to obtain a court order directing the Tax Commissioner to pay the judgment debtor tenant's income tax refund to the landlord.

To the Committee on Ways and Means and Economic Development.

**S. B. No. 173**-Senator Hughes, et al.

To amend sections 135.18 and 135.37 and to enact sections 135.145 and 135.354 of the Revised Code to permit a political subdivision, upon the deposit of public moneys with an eligible public depository, to arrange for the public depository to redeposit those moneys with other federally insured banks and savings and loan associations in accordance with specified conditions.

To the Committee on Financial Institutions.

**S. B. No. 174**-Senator Schiavoni, et al.

To amend sections 4511.76 and 4511.761 and to enact section 3327.20 of the Revised Code to authorize school districts to sell commercial advertising space on school buses.

To the Committee on Finance.

YES - 11: THOMAS E. NIEHAUS, KEITH L. FABER, JIMMY STEWART, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH, CAPRI S. CAFARO.

NO - 0.

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

The report of the committee was accepted.

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

### **REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Jordan submitted the following report:

The standing committee on State and Local Government and Veterans Affairs, to which was referred **S. C. R. No. 7**-Senator Seitz, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsors: Tavares, Daniels.



YES - 7: DAVID T. DANIELS, TIMOTHY J. GRENDALL, JIM HUGHES, FRANK LAROSE, KRIS JORDAN, CHARLETA B. TAVARES, NINA TURNER.

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 State and Local Government and Veterans Affairs, to which was referred **S. B. No. 155**-Senators Cates, Sawyer, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Turner, Tavares, Daniels.

YES - 7: DAVID T. DANIELS, TIMOTHY J. GRENDALL, JIM HUGHES, FRANK LAROSE, KRIS JORDAN, CHARLETA B. TAVARES, NINA TURNER.

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 State and Local Government and Veterans Affairs, to which was referred **Sub. H. B. No. 121**-Representative Rosenberger, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Tavares, Turner, Daniels.

YES - 7: DAVID T. DANIELS, TIMOTHY J. GRENDALL, JIM HUGHES, FRANK LAROSE, KRIS JORDAN, CHARLETA B. TAVARES, NINA TURNER.

NO - 0.

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

The report of the committee was accepted.

**BILLS FOR THIRD CONSIDERATION**

**S. B. No. 122**-Senator Oelslager.

Cosponsors: Senators Wagoner, Seitz, Tavares, Kearney.

To amend sections 2151.312, 2151.354, and 2152.26, to enact new sections 2151.56, 2151.57, 2151.58, and 2151.59 and to repeal sections 2151.56, 2151.57, 2151.58, 2151.59, 2151.60, and 2151.61 of the Revised Code to ratify, enact into law, and enter into as a party the Interstate Compact for Juveniles; to provide for certain entities and officials and assign certain responsibilities that relate to that Compact; to repeal the current Interstate Compact on Juveniles, and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 4, setting forth the emergency features of the bill, stand as a part of the bill?"

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

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			Niehaus-33.

So the section, Section 4, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

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

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			Niehaus-33.

So the bill having received the required constitutional majority passed as an emergency measure.

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

Senator Oelslager moved to amend the title as follows:

Add the names: "Bacon, Coley, Daniels, Gillmor, Hite, Hughes, Lehner, Manning, Patton, Smith, Turner."

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

The motion was agreed to and the title so amended.

**Am. S. B. No. 124**-Senator Bacon.

Cosponsors: Senators Wagoner, Brown, Hughes, Kearney.

To amend sections 2101.01, 2101.02, 2101.021, 2101.03, 2101.04, 2101.06, 2101.07, 2101.08, 2101.09, 2101.10, 2101.11, 2101.13, 2101.15, 2101.16, 2101.162, 2101.19, 2101.20, 2101.22, 2101.23, 2101.24, 2101.27, 2101.30, 2101.34, 2101.37, 2101.38, 2101.41, 2101.43, 2103.01, 2105.051, 2105.06, 2105.09, 2105.10, 2105.11, 2105.13, 2105.14, 2105.15, 2105.16, 2105.19, 2106.01, 2106.08, 2106.11, 2107.01, 2107.02, 2107.03, 2107.04, 2107.05, 2107.07, 2107.08, 2107.081, 2107.082, 2107.083, 2107.084, 2107.085, 2107.09, 2107.10, 2107.11, 2107.15, 2107.17, 2107.18, 2107.20, 2107.21, 2107.22, 2107.29, 2107.32, 2107.34, 2107.35, 2107.36, 2107.38, 2107.46, 2107.47, 2107.49, 2107.50, 2107.501, 2107.51, 2107.52, 2107.53, 2107.54, 2107.55, 2107.56, 2107.58, 2107.59, 2107.60, 2107.61, 2107.65, 2107.71, 2107.73, 2107.75, 2108.51, 2109.02, 2109.021, 2109.03, 2109.04, 2109.05, 2109.06, 2109.07, 2109.09, 2109.10, 2109.11, 2109.12, 2109.14, 2109.17, 2109.19, 2109.20, 2109.21, 2109.22, 2109.24, 2109.25, 2109.26, 2109.302, 2109.303, 2109.32, 2109.33, 2109.34, 2109.35, 2109.36, 2109.361, 2109.37, 2109.371, 2109.372, 2109.38, 2109.39, 2109.40, 2109.42, 2109.43, 2109.44, 2109.45, 2109.46, 2109.47, 2109.48, 2109.49, 2109.50, 2109.51, 2109.52, 2109.53, 2109.54, 2109.55, 2109.56, 2109.57, 2109.58, 2109.59, 2109.60, 2109.61, 2109.62, 2111.02, 2111.021, 2111.031, 2111.04, 2111.041, 2111.06, 2111.07, 2111.09, 2111.091, 2111.12, 2111.131, 2111.14, 2111.141, 2111.16, 2111.17, 2111.181, 2111.19, 2111.20, 2111.21, 2111.22, 2111.25, 2111.26, 2111.27, 2111.28, 2111.29, 2111.30, 2111.31, 2111.33, 2111.34, 2111.35, 2111.36, 2111.37, 2111.38, 2111.39, 2111.40, 2111.41, 2111.44, 2111.46, 2111.48, 2111.50, 2113.01, 2113.03, 2113.04, 2113.05, 2113.06, 2113.07, 2113.12, 2113.13, 2113.14, 2113.15, 2113.16, 2113.18, 2113.19, 2113.20, 2113.21, 2113.22, 2113.25, 2113.30, 2113.31, 2113.311, 2113.33, 2113.34, 2113.35, 2113.36, 2113.39, 2113.40, 2113.41, 2113.45, 2113.46, 2113.48, 2113.49, 2113.50, 2113.51, 2113.52, 2113.54, 2113.58, 2113.61, 2113.62, 2113.67, 2113.68, 2113.69, 2113.70, 2113.72, 2113.73, 2113.74, 2113.75, 2113.81, 2113.82, 2113.85, 2113.86, 2113.87, 2113.88, 2115.02, 2115.03, 2115.06, 2115.09, 2115.10, 2115.11, 2115.12, 2115.16, 2115.17, 2117.01, 2117.02, 2117.03, 2117.04, 2117.08, 2117.09, 2117.10, 2117.13, 2117.15,

2117.17, 2117.18, 2117.30, 2117.31, 2117.34, 2117.35, 2117.36, 2117.37, 2117.41, 2117.42, 2119.01, 2119.02, 2119.03, 2119.04, 2119.05, 2121.01, 2121.02, 2121.05, 2121.06, 2121.08, 2121.09, 2123.02, 2123.03, 2123.05, 2123.06, 2127.011, 2127.02, 2127.04, 2127.05, 2127.06, 2127.07, 2127.08, 2127.09, 2127.10, 2127.11, 2127.12, 2127.13, 2127.14, 2127.15, 2127.16, 2127.17, 2127.18, 2127.19, 2127.21, 2127.22, 2127.23, 2127.24, 2127.27, 2127.28, 2127.29, 2127.30, 2127.32, 2127.33, 2127.34, 2127.35, 2127.36, 2127.37, 2127.38, 2127.39, 2127.40, 2127.41, 2127.42, 2127.43, 2129.02, 2129.05, 2129.08, 2129.11, 2129.13, 2129.14, 2129.15, 2129.17, 2129.18, 2129.19, 2129.23, 2129.25, 2129.26, 2129.28, 2129.29, 2129.30, 2131.08, 2131.11, 2133.04, 2133.05, 2133.06, 2133.08, 2133.09, 2335.34, 3101.02, 3101.03, 3101.10, 3101.13, 3101.14, 3313.85, and 5111.113; to enact new sections 2113.17 and 2113.26; and to repeal sections 2101.36, 2113.02, 2113.17, 2113.24, 2113.26, 2113.27, 2113.28, 2113.29, 2113.57, and 2113.63 of the Revised Code to make changes relative to the Probate Code, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 124**, pass?"

Senator Bacon moved to amend as follows:

In line 3467, after "state" insert "or a state credit union located and organized under the laws of the state or a federal credit union located in the state"; after "bank" insert "or credit union"

In line 3468, after "bank" insert "or the federal or state credit union"

In line 3477, after the fourth comma insert "or provided that no deposit shall be made by any fiduciary, individual or corporate, unless the deposits of the depository credit union are insured by the national credit union administration created under the "Federal Credit Union Act of 1934," 48 Stat. 1216, 12 U.S.C. 1751, as amended, or the deposits of the depository credit union are insured by a share guaranty corporation as defined in Chapter 1761. of the Revised Code,"

In line 3480, after "bank" insert "or credit union"

In line 3481, strike through "that act" and insert "those acts"; after "amended" insert ", or under Chapter 1761. of the Revised Code"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Am. S. B. No. 124**, pass?"

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

Those who voted in the affirmative were: Senators

Bacon

Beagle

Brown

Cafaro

Coley	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Stewart	Tavares
Turner	Wagoner	Widener	Wilson
			Niehaus-33.

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Coley, Hite, Lehner, Obhof, Sawyer, Seitz, Wilson."

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

The motion was agreed to and the title so amended.

**Sub. S. B. No. 148**-Senator Wagoner.

Cosponsor: Senator Hite.

To amend sections 2101.44, 3501.01, 3501.02, 3501.05, 3501.051, 3501.053, 3501.11, 3501.13, 3501.17, 3501.18, 3501.20, 3501.22, 3501.26, 3501.27, 3501.28, 3501.29, 3501.30, 3501.301, 3501.31, 3501.32, 3501.33, 3501.35, 3501.37, 3501.38, 3503.02, 3503.06, 3503.10, 3503.14, 3503.15, 3503.16, 3503.18, 3503.19, 3503.21, 3503.24, 3503.26, 3503.28, 3504.02, 3504.04, 3504.05, 3505.07, 3505.08, 3505.11, 3505.13, 3505.16, 3505.17, 3505.18, 3505.181, 3505.182, 3505.183, 3505.20, 3505.21, 3505.23, 3505.24, 3505.26, 3505.28, 3505.29, 3505.30, 3505.31, 3506.05, 3506.12, 3506.15, 3509.01, 3509.03, 3509.031, 3509.04, 3509.05, 3509.06, 3509.07, 3509.08, 3509.09, 3511.02, 3511.04, 3511.05, 3511.06, 3511.07, 3511.08, 3511.09, 3511.10, 3511.11, 3511.13, 3511.14, 3513.02, 3513.131, 3513.18, 3513.19, 3513.21, 3513.30, 3513.31, 3515.04, 3517.01, 3517.012, 3517.992, 3519.01, 3519.16, 3599.07, 3599.17, 3599.19, 3599.31, 4301.32, 4301.334, 4303.29, and 4305.14, to enact new section 3504.01 and sections 3501.111, 3501.302, 3501.40, 3503.05, 3503.20, 3503.22, 3505.05, 3506.021, 3509.051, and 3517.211, and to repeal sections 3503.29, 3504.01, and 3506.16 of the Revised Code to revise the Election Law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 148**, pass?"

Senator Tavares moved to amend as follows:

In line 1467, reinsert "At any"; delete " If a"; reinsert "that is"; delete " has been"

In line 1468, after "state" delete the balance of the line

In line 1469, delete " section"

In line 1470, reinsert "electors's"

In line 1471, after "place" delete the balance of the line

In line 1472, delete " the polling place"

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

Senator Faber 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 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 148**, pass?"

Senator Seitz moved to amend as follows:

In line 1667, after "(A)" insert " (1)"

In line 1669, strike through "(1)" and insert " (a)"

In line 1670, after "campaigning" strike through the balance of the line

Strike through lines 1671 and 1672

In line 1673, strike through all before "within"; strike through "ten" and insert " fifty"

In line 1674, strike through "any elector in that line" and insert " the entrance to a polling place"

In line 1675, strike through "(2)" and insert " (b)"

In line 1677, strike through "(3)" and insert "(c)"

In line 1684, strike through "(4)" and insert "(d)"

In line 1686, strike through "(5)" and insert "(e)"

Between lines 1687 and 1688, insert:

" (2) Whoever violates division (A)(1)(a) of this section is guilty of a minor misdemeanor; if the person refuses to comply with the judges of election or law enforcement officers who are enforcing that division, the person is guilty of a misdemeanor of the first degree."

In line 1702, after "(D)" insert "The line of waiting voters and persons loitering, congregating, or campaigning near that line shall not impede the normal flow of traffic or access to the entrance or exit of any business or organization in the vicinity.

(E)"

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

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

Those who voted in the affirmative were: Senators

Beagle	Brown	Cafaro	Coley
Daniels	Gillmor	Grendell	Hite
LaRose	Lehner	Manning	Obhof
Patton	Sawyer	Seitz	Skindell
Smith	Tavares	Turner	Wagoner
Widener	Wilson		Niehaus-23.

Those who voted in the negative were: Senators

Bacon	Faber	Hughes	Jones
Jordan	Kearney	Oelslager	Schaffer
Schiavoni			Stewart-10.

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 148**, pass?"

Senator Tavares moved to amend as follows:

In line 2168, strike through "other"

In line 2169, strike through "agencies as authorized by law" and insert "the bureau of motor vehicles"

In line 2170, after "(2)" delete the balance of the line

In line 2171, delete "department of health." and insert "The"; delete " .

department of job"

Delete line 2172

In line 2173, delete " corrections."

In line 2178, delete " entity"

In line 2179, delete " providing the data" and insert " bureau of motor vehicles"

In line 2196, delete " other states or groups of states" and insert " the social security administration"

In line 2202, delete " state providing the data" and insert " social security administration"

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

Senator Faber 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 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Beagle	Brown	Cafaro	Coley
Daniels	Gillmor	Grendell	Hite
LaRose	Lehner	Manning	Obhof
Patton	Sawyer	Seitz	Skindell
Smith	Tavares	Turner	Wagoner
Widener	Wilson		Niehaus-23.

Those who voted in the negative were: Senators

Bacon	Faber	Hughes	Jones
Jordan	Kearney	Oelslager	Schaffer
Schiavoni			Stewart-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 148**, pass?"

Senator Tavares moved to amend as follows:

In line 488, after " (32)" insert " Establish an ongoing voter education program to provide the public with information regarding voter eligibility and the voting process, which program shall require the secretary of state to use any and all appropriate communication mediums to provide that information, including, but not limited to, web sites, Facebook, Twitter, the United States mail, and distribution by boards of elections.



(33)"

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

Senator Faber 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 12, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	Lehner
Obhof	Oelslager	Patton	Schaffer
Seitz	Stewart	Wagoner	Widener
			Niehaus-21.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	LaRose
Manning	Sawyer	Schiavoni	Skindell
Smith	Tavares	Turner	Wilson-12.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 148**, pass?"

Senator Tavares moved to amend as follows:

In line 750, delete " social security number of any"

Delete lines 751 through 754

In line 755, delete " The"

In line 2097, reinsert "last four digits of the"

In line 2703, reinsert "the last four digits of"

In line 2751, after " the" insert " last four digits of the"

In line 2980, reinsert "the last four digits of"

In line 3867, after " The" insert " last four digits of the"

In line 4950, reinsert "last four digits of the"

In line 5003, reinsert "last four digits of the"

In line 5054, reinsert "last four digits of the"

In line 5139, reinsert "The last four digits of my"; delete " My"; reinsert

"are"; delete " is"

In line 5140, reinsert "Last four digits of"

In line 5141, reinsert "the"

In line 5142, reinsert "last four digits of"

In line 5182, reinsert "the last four digits of"

In line 5608, reinsert "last four digits of the"

In line 5680, reinsert "last four digits of the"

In line 5792, reinsert "The last four digits of my"; delete " My"; reinsert "are"; delete " is"

In line 5793, reinsert "Last four digits of"

In line 5794, reinsert "the"

In line 5795, reinsert "last four digits of"

In line 5922, reinsert "the last four"

In line 5923, reinsert "digits of"

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

Senator Faber 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 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 148**, pass?"

Senator Tavares moved to amend as follows:

In line 2173, delete "any information and data" and insert "the names and addresses of individuals receiving services through the agency"

In line 2174, after the first "state" delete the balance of the line

In line 2175, delete "maintain" and insert "verify the accuracy of names and addresses in"

In line 2177, delete "information or data" and insert "names and addresses"

In line 2178, delete "is" and insert "are"

In line 2179, delete "data" and insert "information"

In line 2181, delete "for maintenance"

In line 2182, delete "of the statewide voter registration database"

In line 2196, delete "information or data" and insert "the names and addresses of registered voters"

In line 2197, delete "maintain" and insert "verify the accuracy of names and addresses in"

In line 2200, delete "information or data" and insert "names and addresses"

In line 2201, delete "is" and insert "are"

In line 2202, delete "data" and insert "information"

In line 2204, delete "information or"

In line 2205, delete "data" and insert "names and addresses"

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

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

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

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

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares

Turner

Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 148**, pass?"

Senator Tavares moved to amend as follows:

In line 42, after "3501.111," insert "3501.25,"

Between lines 1195 and 1196, insert:

" **Sec. 3501.25.** The secretary of state, in conjunction with the boards of elections, shall establish a process for mailing an election notice to each registered elector in the county not later than forty-five days prior to the day of an election. The notice required to be mailed under this section shall include all of the following:

(A) The date and time of the election;

(B) The precinct and polling location at which the elector is eligible to cast a ballot in that election;

(C) The dates and times for casting absent voter's ballots in that election;

(D) Information on obtaining an absent voter's ballot;

(E) An application for an absent voter's ballot that the elector may complete, affix postage, and return to the board in order to receive an absent voter's ballot for that election."

In line 22 of the title, after "3501.111," insert "3501.25,"

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

Senator Faber 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 23, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 148**, pass?"

Senator Faber moved to amend as follows:

In line 127, delete " a petition" and insert " petitions"

In line 128, delete " (a) or (b)"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 148**, pass?"

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

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Stewart
Wagoner	Widener		Niehaus-23.

Those who voted in the negative were: Senators

Brown	Cafaro	Kearney	Sawyer
Schiavoni	Skindell	Smith	Tavares
Turner			Wilson-10.

So the bill passed.

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Bacon, Beagle, Coley, Daniels, Faber, Jones, Jordan, Lehner, Manning, Niehaus, Widener."

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

The motion was agreed to and the title so amended.

## INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

**S. B. No. 175**-Senator Schiavoni.

Cosponsors: Senators Tavares, Cafaro, Sawyer.

To amend section 3314.06 and to enact section 3314.062 of the Revised Code to generally prohibit a community school from admitting a student from the school district in which it is located if the student's district school has a better performance rating than the community school.

**S. B. No. 176**-Senator LaRose.

Cosponsors: Senators Cates, Kearney.

To amend sections 3313.65 and 5901.02, and to repeal section 5901.021 of the Revised Code to correct an obsolete reference and to eliminate the authority for additional Veterans' Commission members in counties with a population of more than five hundred thousand.

### OFFERING OF RESOLUTIONS

Senator Smith offered the following concurrent resolution:

**S. C. R. No. 12**-Senator Smith.

Cosponsors: Senators Wagoner, Cafaro, Schiavoni, LaRose, Turner, Skindell, Oelslager, Sawyer, Brown, Wilson.

To honor President Barack Obama and the United States Armed Forces for the successful operation against Osama bin Laden on Sunday, May 1, 2011.

The question being, "Shall the concurrent resolution, **S. C. R. No. 12**, be adopted?"

On the motion of Senator Faber, **S. C. R. No. 12**, was referred to the Committee on Rules and Reference.

Pursuant to Senate Rule No. 54, the following resolution was offered:

**S. R. No. 80**-Senator Jones.

Honoring the Franklin City School District as a 2010-2011 GOLD School Employee Wellness Program winner.

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

So the resolution was adopted.

### 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 concurrent resolution:

**H. C. R. No. 14** -Representative Blessing - et al.

Attest:

Laura P. Clemens,  
Clerk.

The President signed said concurrent resolution.

#### **MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule 19, the President of the Senate makes the following appointment changes to the following Senate Standing Committees:

- **Appoints** Senator Coley as a member of the Standing Committee on Education.
- **Appoints** Senator Coley as a member of the Standing Committee on Health, Human Services and Aging.
- **Appoints** Senator Coley as a member of the Standing Committee on Highways and Transportation.

#### **MESSAGE FROM THE PRESIDENT**

Pursuant to Senate Rule 19, the President of the Senate makes the following temporary appointment change to the following Senate Standing Committee:

- **Removes** Senator Stewart from the Standing Committee on Energy and Public Utilities.
- **Appoints** Senator Niehaus as a member of the Standing Committee on Energy and Public Utilities.

On the motion of Senator Faber, the Senate adjourned until Wednesday, May 25, 2011 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.