

OHIO

SENATE

JOURNAL

WEDNESDAY, JULY 13, 2011

SEVENTY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, July 13, 2011, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Father Paul Noble, Vocations Director for the Diocese of Columbus, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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 **H. B. No. 224**-Representatives Dovilla, Stinziano, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Grendell, Turner, Brown, Jordan.

YES - 8: KRIS JORDAN, DAVID T. DANIELS, TIMOTHY J. GRENDELL, JIM HUGHES, FRANK LAROSE, NINA TURNER, EDNA BROWN, PEGGY B. LEHNER.

NO - 0.

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

The report of the committee was accepted.

Senator Lehner submitted the following report:

The standing committee on Education, to which was recommitted **Am. S. B. No. 165**-Senators Obhof, Grendell, et al., having had the same under consideration, re-reports it back with the following amendments and recommends its passage when so amended.

In line 297, strike through "Social studies, three units" and insert "History and government, one unit"

In line 302, after "(7)" insert "Social studies, two units.

(8)"

In line 333, strike through "Social studies, three units" and insert "History and government, one unit"

Between lines 337 and 338, insert:

" (7) Social studies, two units."

In line 345, strike through "(6)" and insert " (7)"

In line 352, strike through "(7)" and insert " (8)"

In line 573, strike through "(7)" and insert " (8)"

In line 577, strike through "(7)" and insert " (8)"

Co-Sponsor: Coley.

YES - 8: THOMAS SAWYER, SHIRLEY A. SMITH, GAYLE MANNING, BILL BEAGLE, BILL COLEY, CLIFF HITE, LARRY OBHOF, PEGGY B. LEHNER.

NO - 0.

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

The report of the committee was accepted.

Senator Oelslager submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **H. B. No. 78**-Representatives Uecker, Roegner, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Jones, Jordan, Coley.

YES - 5: KRIS JORDAN, PEGGY B. LEHNER, BILL COLEY, SHANNON JONES, SCOTT OELSLAGER.

NO - 2: EDNA BROWN, SHIRLEY A. SMITH.

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

The report of the committee was accepted.

On the motion of Senator Faber the Senate advanced to the sixth order of business, Bills for Third Consideration.

BILLS FOR THIRD CONSIDERATION**Sub. H. B. No. 224**-Representatives Dovilla, Stinziano.

Cosponsors: Representatives Mecklenborg, Adams, J., Rosenberger, Pillich, Thompson, Wachtmann, Grossman, Combs, Murray, Butler, Maag, Uecker, Buchy, Celeste, Gardner, Huffman, Letson, Lundy, Patmon, Sprague, Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Balderson, Barnes, Beck, Blair, Blessing, Boose, Boyd, Brenner, Bulp, Budish, Carney, Clyde, Conditt, Damschroder, DeGeeter, Derickson, Driehaus, Duffey, Garland, Gentile, Gerberry, Goyal, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hottinger, Johnson, Kozlowski, Landis, Mallory, Martin, McClain, McGregor, McKenney, Milkovich, Newbold, O'Brien, Peterson, Phillips, Ramos, Reece, Roegner, Ruhl, Schuring, Sears, Slaby, Stautberg, Stebelton, Sykes, Szollosi, Weddington, Winburn, Young, Yuko, Speaker Batchelder. Senators Grendell, Turner, Brown, Jordan.

To amend sections 3501.13, 3503.02, 3503.14, 3503.19, 3503.191, 3503.28, 3505.18, 3505.181, 3505.183, 3509.021, 3509.03, 3509.04, 3509.05, 3509.07, 3511.01, 3511.02, 3511.021, 3511.04, 3511.05, 3511.09, 3511.10, 3511.11, and 3511.14, to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3511.01 (3511.011), to enact new section 3511.01 and sections 3509.10, 3511.15, and 3511.16, and to repeal sections 3503.20 and 3509.031 of the Revised Code to revise the law governing uniformed services and overseas voters, to specify that voters who provide a Social Security Number for election purposes only are required to provide the last four digits of that number, to revise the process for casting provisional ballots for voters without identification, to eliminate online voter registration, to require absent voter's ballot statements to include the voter's printed name, and to make technical corrections to the laws governing elections, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 224**, pass?"

Senator Jordan moved to amend as follows:

After line 1726, insert:

Section 3. Notwithstanding any provision of Am. Sub. H.B. 194 of the 129th General Assembly to the contrary, on and after the effective date of that act all provisions of Title XXXV of the Revised Code that refer to an elector providing the elector's Social Security Number on any document under the Election Law shall require only the last four digits of the elector's Social Security Number to be provided.

Section 4. Sections 3 and 4 of this act are hereby declared to be emergency measures necessary for the immediate preservation of the public

peace, health, and safety. The reason for such necessity is to ensure that Ohio voters are not disenfranchised by a temporary change to the number of digits of the elector's Social Security Number to be included on election-related documents. Therefore, Sections 3 and 4 of this act go into immediate effect."

In line 20 of the title, delete "and"

In line 21 of the title, after "elections" insert ", and to declare an emergency"

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

The motion was agreed to.

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 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Turner	Wagoner	Widener	Wilson
			Niehaus-29.

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?"

Senator Turner moved to amend as follows:

In line 28, after "sections" insert "3501.60,"

Between lines 70 and 71, insert:

" **Sec. 3501.60.** (A) The secretary of state, in conjunction with the boards of elections, shall establish a process to send a low-cost mailing to each registered elector that informs the elector of all of the following:

(1) The date and time of the election;

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

(3) The deadline for casting an absent voter's ballot in that election;

(4) Information on obtaining an absent voter's ballot for that election;

(5) Notwithstanding any provision of section 3509.03 or 3509.031 of the Revised Code to the contrary, an application for the elector to receive absent voter's ballots, which the elector may complete, attach postage, and return;

(6) Information regarding the process and time periods for casting an absent voter's ballot in person at that election; and

(7) Any changes made to the law governing voter identification.

(B) The mailing described in division (A) of this section shall be sent out at the following times:

(1) Sixty days prior to the day of the general election in the years 2012 and 2014, providing information regarding the applicable general election;

(2) At the earliest time possible following the effective date of H.B. 224 of the 129th general assembly, providing information regarding the general election to be held on November 8, 2011.

(C) The secretary of state shall pay the costs of sending the mailings required under division (B) of this section."

In line 9 of the title, after "sections" and insert "3501.60,"

In line 20 of the title, delete "and"

In line 21 of the title, after "elections" insert ", and to require a pre-election mailing to be sent to each registered elector prior to the general elections held in 2011, 2012, and 2014, providing specified information regarding the election, including the elector's precinct and polling location, information about in-person and mail-in absent voter's ballots, and voter identification requirements"

The amendment, having been offered after the vote on the emergency section, was allowed for consideration by the Chair.

The question being, "Shall the amendment 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 8, as follows:

Those who voted in the affirmative were: Senators

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

Senators Brown, Cafaro, Kearney, Sawyer, Schiavoni, Smith, Turner, and Wilson voted in the negative-8.

The amendment was laid on the table.

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

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Turner	Wagoner	Widener	Wilson
			Niehaus-29.

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

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

Senator Jordan moved to amend the title as follows:

Add the names: "Bacon, Coley, Daniels, Faber, Hite, Hughes, LaRose, Lehner, Manning, Niehaus, Oelslager, Patton, Sawyer, Schaffer, Wagoner, Widener, Wilson."

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

The motion was agreed to and the title so amended.

MESSAGE FROM THE PRESIDENT

July 12, 2011

The Honorable Thomas Niehaus
 President, Ohio Senate
 1 Capitol Square, 2nd Floor
 Columbus, Ohio 43215

Dear President Niehaus:

I write to tender my resignation as a state Senator from Ohio's 26th Senate District, effective at the end of this day, July 12, 2011.

Serving my constituents in the 26th Senate District has been a great honor and privilege, and I will certainly miss working alongside my friends in the General Assembly.

I wish the legislature all the best as it continues to address the pressing issues facing our great state.

Sincerely,
/s/ **Karen L. Gillmor**

Senator Karen L. Gillmor, Ph.D.
26th Ohio Senate District

MESSAGE FROM THE PRESIDENT

July 12, 2011

Senator Karen Gillmor
Senate Building, Rm. 39
Columbus, OH 43215

Senator Gillmor:

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 Tuesday, July 12, 2011.

It has been a pleasure working with you during your time with the Senate and I wish you good luck in your future.

Sincerely,
/s/ **Tom Niehaus**

Senator Tom Niehaus
Senate President
14th District

On the motion of Senator Faber the Senate reverted to the second order of business, Reports of Standing and Select Committees.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which were referred the appointment by the Governor of:

Karen L. Gillmor, Republican, from Tiffin, Seneca County, Ohio, as a Member of the Industrial Commission of Ohio for a term beginning July 1, 2011 and ending at the close of business June 30, 2017, replacing Kevin R. Abrams, whose term expired.

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

YES - 8: THOMAS E. NIEHAUS, KEITH L. FABER, SHANNON JONES, CHRIS WIDENER, GAYLE MANNING, SCOTT OELSLAGER, CAPRI S. CAFARO, EDNA BROWN.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment by the Governor?"

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Turner	Wagoner	Widener	Wilson
			Niehaus-29.

So the Senate advised and consented to said appointment.

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which were referred the appointments by the Governor of:

Allison Arnold, from Cincinnati, Hamilton County, Ohio, as a Student Member of the Ohio University Board of Trustees for a term beginning May 18, 2011 and ending at the close of business may 13, 2013, replacing Kyle W. Triplett, whose term expired.

Randall T. Barenco, from Marietta, Washington, County, Ohio, as a Member of the Washington State Community College Board of Trustees for term beginning April 7, 2011 and ending at the close of business February 17, 2017, replacing John F. Greacen, whose term expired.

T. Todd Book, Democrat, from McDermott, Scioto County, Ohio, as a Member of the State Racing Commission for a term beginning April 1, 2011 and ending at the close of business March 31, 2015, replacing Gerald O. Holland, whose term expired.

Theresa Annette Cain, from McConnelsville, Morgan County, Ohio, as a

Member of the Washington State Community College Board of Trustees for a term beginning May 26, 2011 and ending at the close of business February 17, 2017, replacing C.M. Mike Oliver, whose term expired.

James N. Doyle, from South Vienna, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a new term beginning April 19, 2011 and ending at the close of business November 30, 2016.

Sharon M. Evans, from Springfield, Clark County, Ohio, as a Member of the Clark State Community College Board of Trustees for a term beginning May 16, 2011 and ending at the close of business November 30, 2016, replacing Faye Flack, whose term expired.

Vinod K. Gupta, from Wadsworth, Medina County, Ohio, as a Member of the Ohio Board of Regents for a term beginning May 17, 2011 and ending at the close of business September 20, 2016, replacing Bruce Beeghly, whose term expired.

Rudolph Lehman, from Marietta, Washington County, Ohio, as a Member of the Washington State Community College Board of Trustees for term beginning April 6, 2011 and ending at the close of business February 17, 2017, replacing Patricia Sue Marvin, whose term expired.

Jonathan T. Pavloff, from Akron, Summit County, Ohio, as a Member of the University of Akron Board of Trustees for a term beginning May 24, 2011 and ending at the close of business July 1, 2016, replacing Kevin O. Thompson, whose term expired.

William C. Portman, III, from Cincinnati, Hamilton County, Ohio, as a Member of the University of Cincinnati Board of Trustees for a term beginning April 8, 2011 and ending at the close of business January 1, 2020, replacing H.C. Buck Niehoff, whose term expired.

Berkley "BJ" J. Roach, from Grove City, Franklin County, Ohio, as a Member of the State Racing Commission for a term beginning April 1, 2011 and ending at the close of business March 31, 2015, replacing Thomas M. Zaino, whose term expired.

Robert K. Schmitz, Republican, from Bexley, Franklin County, Ohio, as a Member of the State Racing Commission for a term beginning April 1, 2011 and ending at the close of business March 31, 2015, replacing Jerry Chabler, whose term expired.

Tony Wendeln, from Piqua, Miami County, Ohio, as a Member of the Edison State Community College Board of Trustees for a term beginning April 21, 2011 and ending at the close of business January 17, 2017, replacing Douglas Murray, whose term expired.

Leslie H. Wexner, from New Albany, Franklin County, Ohio, as a Member of The Ohio State University Board of Trustees for a new term beginning May 14, 2011 and ending at the close of business May 13, 2020.

Having had the same under consideration, reports back the

recommendation that the Senate advise and consent to said appointments.

YES - 10: THOMAS E. NIEHAUS, KEITH L. FABER, CHRIS WIDENER, GAYLE MANNING, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH, CAPRI S. CAFARO.

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 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

- | | | | |
|----------|-----------|---------|-------------|
| Bacon | Beagle | Brown | Cafaro |
| Coley | Daniels | Faber | Grendell |
| Hite | Hughes | Jones | Jordan |
| Kearney | LaRose | Lehner | Manning |
| Obhof | Oelslager | Patton | Sawyer |
| Schaffer | Schiavoni | Seitz | Smith |
| Turner | Wagoner | Widener | Wilson |
| | | | Niehaus-29. |

So the Senate advised and consented to said appointments.

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which was referred the appointment by the Administrator of:

Dale Hamilton, Upper Arlington, Franklin County, Ohio, as Chief Operating Officer of the Ohio Bureau of Workers' Compensation, term beginning subsequent to the consent of the Senate and continuing at the pleasure of the Administrator of the Bureau.

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

YES - 10: THOMAS E. NIEHAUS, KEITH L. FABER, CHRIS WIDENER, GAYLE MANNING, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH, CAPRI S. CAFARO.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointment by the Administrator?"

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Turner	Wagoner	Widener	Wilson
			Niehaus-29.

So the Senate advised and consented to said appointment.

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 7-Senator Seitz.

Cosponsors: Senators Turner, Cates, Grendell, Schiavoni, Bacon, Cafaro, Jones, Patton, Beagle, Wagoner, Schaffer, LaRose, Tavares, Daniels.

To honor Ohio ancestors for the unrivaled contribution they made to winning the American Civil War and, in observing the Sesquicentennial years of the War, 2011 through 2015, to urge Ohioans to draw inspiration from the courage, cooperation, and persistence that were displayed by their Ohio ancestors during the American Civil War.

WHEREAS, From 2011 through 2015, the United States will observe the Sesquicentennial, the 150th anniversary, of the American Civil War and in so doing will commemorate the citizen-soldiers of many states; and

WHEREAS, The Civil War was one of the hardest fought wars in history as it averaged seven battles, firefights, or other armed clashes every day for four years. Furthermore, the Civil War was the costliest war in terms of human life in the history of this country, killing an estimated 620,000 men, an average of 599 deaths every day of the war. The loss of life was greater than in American wars from the American Revolution to the Korean War combined; and

WHEREAS, After nearly 150 years of focusing on the Civil War's eastern theater consisting of Virginia, Maryland, and Pennsylvania, historians are beginning to realize how the outcome of the Civil War was largely shaped by the western theater of the war, which was fought mostly by troops from the midwestern states. Of all of the northern states fighting in that theater, Ohio supplied the largest number of soldiers, more than 300,000 troops. Furthermore, soldiers from Ohio fought in every campaign and most major battles in the

western theater of the war and participated in many of the battles in the eastern theater as well; and

WHEREAS, The war's greatest general, Ulysses S. Grant, and the Union's second most important general, William Tecumseh Sherman, were both native Ohioans. In addition, other notable war leaders were from Ohio, including General Philip H. Sheridan, Secretary of War Edwin M. Stanton, and Secretary of the Treasury Salmon P. Chase; and

WHEREAS, Ohio's strategic location and its numerous farms, factories, and railroad tracks made it one of the Civil War's most important sources of war supplies, including horses, sheep, and valuable grains. Additionally, Ohio's soldiers were supported by an extraordinarily large number of women who, with the help of children and the elderly, not only sustained the home front while the men were away, but also supplied the army with vast amounts of needed food, clothing, and medical supplies. The women also provided medical care to wounded soldiers at home and in military hospitals and kept the morale of the soldiers high by providing love and support to the men at the front lines; and

WHEREAS, Ohio's contributions of the largest number of soldiers in the western theater, outstanding military and civilian leaders, and enormous amounts of war supplies make it stand out among all of the states in determining the outcome of the American Civil War. However, because of the concentration of attention on the events in the eastern theater of the war and the absence of major battles in Ohio, the state's role in the Civil War has never received the attention that it merits; and

WHEREAS, The Sesquicentennial is an opportunity to garner long overdue attention for Ohio's extraordinary role in the Civil War, which is one of the most important events in the history of this nation; now therefore be it

RESOLVED, That we, the members of the 129th General Assembly of the State of Ohio, in adopting this resolution, honor Ohio ancestors as the country observes the Sesquicentennial years of the American Civil War for the unrivaled contribution they made to winning that war; and be it further

RESOLVED, That we, the members of the 129th General Assembly of the State of Ohio, in adopting this resolution, urge Ohioans to draw inspiration from the courage, cooperation, and persistence of their Ohio ancestors that were displayed during the American Civil War and be moved by that example to work together with similar dedication to address the problems of today; and be it further

RESOLVED, That copies of this resolution be distributed to the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 7**, be adopted?"

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Turner	Wagoner	Widener	Wilson
			Niehaus-29.

So the concurrent resolution was adopted.

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

Senator Seitz moved to amend the title as follows:

Add the names: "Brown, Coley, Faber, Hite, Hughes, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Smith, Widener, Wilson."

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

The motion was agreed to and the title so amended.

BILLS FOR THIRD CONSIDERATION

H. B. No. 78-Representatives Uecker, Roegner.

Cosponsors: Representatives Adams, J., Snitchler, Henne, Brenner, Beck, Boose, McClain, Grossman, Thompson, Stautberg, Martin, Huffman, Kozlowski, Dovilla, Derickson, Hall, Combs, Slaby, Hottinger, Goodwin, Carey, Maag, Gardner, Bubb, Hayes, Mecklenborg, Blessing, Young, Sears, Hackett, Butler, Johnson, Amstutz, Wachtmann, Blair, Schuring, Buchy, Gonzales, Newbold, Rosenberger, McKenney, Burke, Adams, R., Balderson, Conditt, Driehaus, Hagan, C., Peterson, Sprague, Speaker Batchelder.
Senators Jones, Jordan, Coley.

To amend sections 2305.11, 2307.52, 2919.16, and 4731.22, to enact new sections 2919.17 and 2919.18, to enact section 2919.171, and to repeal sections 2919.17 and 2919.18 of the Revised Code to revise the criminal laws governing post-viability abortions, was considered the third time.

The question being, "Shall the bill, **H. B. No. 78**, pass?"

The yeas and nays were taken and resulted - yeas 22, nays 7, as follows:

Those who voted in the affirmative were: Senators

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

Senators Brown, Cafaro, Kearney, Sawyer, Schiavoni, Smith, and Turner voted in the negative-7.

So the bill passed.

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

Senator Lehner moved to amend the title as follows:

Add the names: "Bacon, Daniels, Faber, Grendell, Hite, Niehaus, Obhof, Oelslager, Patton, Schaffer, Seitz, Wagoner, Widener, Wilson."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 165-Senators Obhof, Grendell.

Cosponsors: Senators Faber, Hughes, Jones, Jordan, Schaffer, Seitz, Sawyer, Hite, Coley.

To amend sections 3301.079, 3313.60, and 3313.603 of the Revised Code to include content on specified historical documents in the state academic standards and in the high school American history and government curriculum, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 165**, pass?"

Senator Turner moved to amend as follows:

In line 33, delete " and"; after the second underlined comma insert " and the 1852 "Fourth of July" speech by Frederick Douglass."

In line 613, after " Constitution" insert " ;

(5) The 1852 "Fourth of July" speech by Frederick Douglass"

In line 615, delete " (4)" and insert " (5)"

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 8, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Coley	Daniels
Faber	Grendell	Hite	Hughes
Jones	Jordan	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Schaffer	Seitz	Wagoner	Widener

Niehaus-21.

Senators Brown, Cafaro, Kearney, Sawyer, Schiavoni, Smith, Turner, and Wilson voted in the negative-8.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. S. B. No. 165**, pass?"

Senator Turner moved to amend as follows:

In line 622, after the underlined period insert " The study of American history and government required by those divisions also shall include study of the Emancipation Proclamation, the federal Civil Rights Act of 1964 and Voting Rights Act of 1965, and original documents from the women's suffrage movement."

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 8, as follows:

Those who voted in the affirmative were: Senators

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

Senators Brown, Cafaro, Kearney, Sawyer, Schiavoni, Smith, Turner, and Wilson voted in the negative-8.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. S. B. No. 165**, pass?"

Senator Smith moved to amend as follows:

In line 33, delete " and"; after the second underlined comma insert " and the "I Have a Dream" speech by Martin Luther King, Jr."

In line 613, after " Constitution" insert " ;

(5) The "I Have a Dream" speech by Martin Luther King, Jr"

In line 615, delete " (4)" and insert " (5)"

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 8, as follows:

Those who voted in the affirmative were: Senators

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

Senators Brown, Cafaro, Kearney, Sawyer, Schiavoni, Smith, Turner, and Wilson voted in the negative-8.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. S. B. No. 165**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Turner	Wagoner	Widener	Wilson
			Niehaus-29.

So the bill passed.

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

Senator Obhof moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Coley, Daniels, LaRose, Lehner, Manning, Niehaus, Oelslager, Patton, Wagoner, Widener, Wilson."

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

The motion was agreed to and the title so amended.

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. 187 -Senator Grendell

Cosponsors: Senators Patton, LaRose, Coley, Jordan, Lehner, Wilson, Turner, Schiavoni, Beagle, Brown, Cafaro, Daniels, Faber, Hite, Hughes, Jones, Manning, Obhof, Oelslager, Sawyer, Schaffer, Seitz, Skindell, Stewart, Tavares, Wagoner, Widener Representatives Amstutz, Anielski, Beck, Blair, Bubb, Buchy, Budish, Butler, Combs, Derickson, Dovilla, Fende, Gardner, Gerberry, Grossman, Hackett, Henne, Hottinger, Letson, Luckie, Maag, Mallory, McClain, Rosenberger, Ruhl, Schuring, Slaby, Uecker, Wachtmann, Young, Speaker Batchelder

To amend sections 5533.374, 5577.042, and 5577.043 and to enact sections 5533.622 and 5533.623 of the Revised Code to designate a portion of United States Route 322 within Geauga County only the "Chief Warrant Officer Christopher R. Thibodeau Memorial Highway," to designate a portion of Interstate Route 71 within Franklin County only the "Deputy Marty Martin Memorial Highway," to rename the "Heath Warner Memorial Highway" the "U.S.M.C. Pvt. Heath Warner Memorial Highway," to establish maximum wheel and axle load limits for vehicles subject to vehicle weight allowances, and to declare an emergency in regard to those sections establishing the maximum wheel and axle load limits.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Laura P. Clemens,
Clerk.

Pursuant to Senate Rule No. 44, Senator Faber moved that the amendments of the House of Representatives to **Sub. S. B. No. 187** be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning

Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Turner	Wagoner	Widener	Wilson
			Niehaus-29.

So the section, Section 3, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Coley	Daniels	Faber	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Turner	Wagoner	Widener	Wilson
			Niehaus-29.

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

MOTIONS

Senator Jones moved that Senators absent the week of Sunday, July 10, 2011, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 200-Senator Hughes.

Cosponsor: Senator Cafaro.

To amend sections 184.19 and 184.191 and to enact sections 122.09, 122.091, 122.092, 122.093, 122.094, and 122.095 of the Revised Code to create the Edison Jobs Development Program within the Department of Development and to make an appropriation.

OFFERING OF RESOLUTIONS

Senator Kearney offered the following resolution:

S. R. No. 114-Senator Kearney.

Cosponsors: Senators Sawyer, Wilson, Cafaro.

To encourage local community emergency response teams to incorporate training for agricultural emergencies and disasters in their training programs.

The question being, "Shall the resolution, **S. R. No. 114**, be adopted?"

On the motion of Senator Faber, **S. R. No. 114**, was referred to the Committee on Rules and Reference.

Senator Kearney offered the following resolution:

S. R. No. 115-Senator Kearney.

Cosponsors: Senators Sawyer, Wilson, Cafaro, Schiavoni, Turner, Smith, Grendell, Wagoner, Seitz, Beagle.

To recognize the importance of Ohio's county fairs and to urge continued state support for those fairs.

The question being, "Shall the resolution, **S. R. No. 115**, be adopted?"

On the motion of Senator Faber, **S. R. No. 115**, was referred to the Committee on Rules and Reference.

On the motion of Senator Faber, the Senate recessed until 4:20 p.m.

The Senate met pursuant to the recess.

S. R. No. 116-Senator Faber.

Relative to the appointment of Troy Balderson, to fill the vacancy in the membership of the Senate created by the resignation of Jimmy Stewart of the 20th 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, Jimmy Stewart of the 20th Senatorial District has resigned as a member of the Senate effective June 30, 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 Troy Balderson (Republican), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the Senate from the 20th Senatorial District is hereby appointed, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the Senate from the 20th Senatorial District, to fill the vacancy created by Jimmy Stewart; 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. 116**, be adopted?"

The yeas and nays were taken and resulted - yeas 21, nays 0, as follows:

Those who voted in the affirmative were: Senators

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

So the resolution was adopted.

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

S. R. No. 117-Senator Faber.

Relative to the appointment of David E. Burke, to fill the vacancy in the membership of the Senate created by the resignation of Karen Gillmor of the 26th 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, Karen Gillmor of the 26th Senatorial District has resigned as a member of the Senate effective July 12, 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 David E. Burke (Republican), having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the Senate from the 26th Senatorial District is hereby appointed, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the Senate from the 26th Senatorial District, to fill the vacancy created by Karen Gillmor; 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. 117**, 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	Balderson	Beagle	Coley
Daniels	Faber	Grendell	Hite
Hughes	Jones	Jordan	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Schaffer	Seitz	Wagoner
Widener			Niehaus-22.

So the resolution was adopted.

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

S. R. No. 118-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 Troy Balderson of 114 miles round trip and David E. Burke of 76 miles round trip.

The question being, "Shall the resolution, **S. R. No. 118**, be adopted?"

The yeas and nays were taken and resulted - yeas 26, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Daniels	Faber	Grendell
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Schaffer

Schiavoni
Widener

Seitz

Turner

Wagoner
Niehaus-26.

So the resolution was adopted.

On the motion of Senator Faber, the Senate adjourned until Thursday, July 14, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.