

**OHIO**

**SENATE**

**JOURNAL**

**TUESDAY, NOVEMBER 15, 2011**

ONE HUNDRED THIRTEENTH DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, November 15, 2011, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Tom McCullough, State Director, Capitol Commission, Granville, 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 Niehaus reports for the Standing Committee on Rules and Reference, recommending that the following bills and resolution, standing in order for second consideration, be referred to committee as recommended:

**S. C. R. No. 17**-Senator Cafaro, et al.

To urge Congress to pass the "American Jobs Act of 2011."

To the Committee on Ways and Means and Economic Development.

**S. B. No. 252**-Senator Patton.

To amend sections 3781.111, 4510.31, 4511.01, 4511.041, 4511.09, 4511.102, 4511.103, 4511.105, 4511.106, 4511.11, 4511.13, 4511.131, 4511.14, 4511.37, 4511.69, and 4955.33 and to repeal section 4511.15 of the Revised Code to make changes in certain provisions relating to road signs and traffic signals for purposes of the Ohio Manual of Uniform Traffic Control Devices.

To the Committee on Highways and Transportation.

**S. B. No. 253**-Senator Lehner.

To enact sections 3734.92, 3734.921, 3734.922, 3734.923, 3734.924, 3734.925, 3734.926, 3734.927, 3734.928, and 3734.929 of the Revised Code to establish a recycling program for covered electronic devices, to create the Electronic Waste Advisory Council to evaluate and make recommendations and prepare a report concerning recycling of those devices, and to terminate the Council on July 1, 2015, by repealing section 3734.929 of the Revised Code on that date.

To the Committee on Agriculture, Environment and Natural Resources.

**S. B. No. 254**-Senator Patton.

To amend section 1905.01 of the Revised Code to increase from more than 100 to more than 200 the population necessary for a municipal corporation to have a mayor's court unless the municipal corporation is located entirely on an island in Lake Erie.

To the Committee on Judiciary.

YES - 6: THOMAS E. NIEHAUS, KEITH L. FABER, SHANNON JONES, SCOTT OELSLAGER, CHRIS WIDENER, EDNA BROWN.

NO - 0.

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

The report of the committee was accepted.

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

### **BILLS FOR THIRD CONSIDERATION**

Senator Faber moved that **Am. H. B. No. 167**, having been reported by the Committee on Ways and Means and Economic Development, be brought up for consideration.

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

The motion was agreed to.

**Am. H. B. No. 167**-Representatives Derickson, Mallory.

Cosponsors: Representatives Grossman, Thompson, Blessing, Combs, Boose, Hall, McGregor, McClain, Beck, Damschroder, Pillich, Clyde, Reece, Yuko, Fedor, Antonio, Weddington, Szollosi, Garland, Letson, Barnes, Blair, Dovilla, Fende, Hayes, Milkovich, Stautberg, Winburn, Amstutz, Anielski, Boyd, Brenner, Bulp, Buchy, Carey, Carney, Conditt, Driehaus, Duffey, Gardner, Goodwin, Goyal, Hackett, Hagan, C., Hagan, R., Heard, Johnson, Kozlowski, Landis, Luckie, Lundy, Maag, Mallory, Martin, McKenney, Mecklenborg, Murray, O'Brien, Patmon, Phillips, Ramos, Slesnick, Stinziano, Sykes, Uecker, Wachtmann, Williams, Young, Speaker Batchelder. Senators

Schaffer, Tavares, Skindell, Turner.

To amend section 5747.01 of the Revised Code to authorize an income tax deduction for the otherwise taxable portion of a federal Pell grant or Ohio College Opportunity grant used to pay room and board for a post-secondary student, 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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Daniels
Eklund	Faber	Hite	Hughes
Jones	Jordan	Kearney	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Widener	Wilson		Niehaus-31.

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 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Daniels
Eklund	Faber	Hite	Hughes
Jones	Jordan	Kearney	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Widener	Wilson		Niehaus-31.

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

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

Senator Schaffer moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Coley, Daniels, Eklund, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Sawyer, Schiavoni, Widener, Wilson."

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

The motion was agreed to and the title so amended.

**S. B. No. 155**-Senators Cates, Sawyer.

Cosponsors: Senators Wilson, Brown, Turner, Bacon, Oelslager, Gillmor, Wagoner, Jones, Beagle, Grendell, Obhof, Hughes, Kearney, Tavares, Daniels.

To enact section 5.2267 of the Revised Code to designate February 20 as "John Glenn Friendship 7 Day", was considered the third time.

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

Senator Sawyer moved to amend as follows:

In line 4, delete "5.2267" and insert "5.2270"

In line 6, delete "**5.2267**" and insert "**5.2270**"

In line 1 of the title, delete "5.2267" and insert "5.2270"

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

The motion was agreed to.

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

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Daniels
Eklund	Faber	Hite	Hughes
Jones	Jordan	Kearney	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Widener	Wilson		Niehaus-31.

So the bill passed.

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

Senator Sawyer moved to amend the title as follows:

Add the names: "Balderson, Burke, Cafaro, Coley, Eklund, Faber, Hite, Jordan, LaRose, Lehner, Manning, Niehaus, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Widener."

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

The motion was agreed to and the title so amended.

### OFFERING OF RESOLUTIONS

Senators Niehaus and Cafaro offered the following concurrent resolution:

**S. C. R. No. 22**-Senators Niehaus, Cafaro.

To adopt Joint Rules of the Senate and House of Representatives for the 129th General Assembly.

RESOLVED: That the following are the Joint Rules of the Senate and House of Representatives for the 129th General Assembly:

#### JOINT RULES JOINT SESSIONS

Rule 1. (Convention: place and procedure.) Whenever the two branches of the General Assembly convene for any purpose required by the Constitution or laws of the state, such convention shall be held in the Hall of the House of Representatives, unless otherwise ordered by a joint resolution of the two branches, and the President of the Senate shall preside. During all such conventions each branch shall be held to be in session as a separate branch of the General Assembly and to be governed by its own rules; and except in voting on questions unique to the convention, where each member is entitled to a separate vote, shall act as such and no question shall be considered as carried otherwise than by the concurrent action of both branches; provided, that either branch may, by a vote of a majority of all its members, dissolve from such convention by withdrawing therefrom; and such convention may, by the concurrent vote of the two branches, take a recess or adjourn to a time certain, but such recess or adjournment of the convention shall not be held to be an adjournment or recess of either branch nor to prevent either from proceeding with its usual business during such recess or adjournment of the convention.

Rule 2. (Voting in convention.) In voting on all questions unique to a convention, a majority of the votes cast shall be necessary to a choice.

#### JOINT SELECT COMMITTEES

Rule 3. (Joint select committees: creation.) The President may initiate creation of a joint select committee of the Senate and House for the purpose of considering a Senate bill or a Senate joint or concurrent resolution. The Speaker may initiate creation of a joint select committee of the Senate and House for the purpose of considering a House bill or a House joint or concurrent resolution. A bill or joint or concurrent resolution shall not be referred to a joint select committee if its main feature is the appropriation of money or a proposal to alter or modify the state's existing tax structure.

To initiate creation of a joint select committee, the President shall cause to be read before the Senate or the Speaker shall cause to be read before the

House a message creating the joint select committee. After the message is read, it shall lie over one calendar day before it is voted upon. If the message is approved, it shall be transmitted to the second house. Upon receipt, the President or Speaker shall cause the message to be read before the second house. After the message is read in the second house, it shall lie over one calendar day before it is voted upon. If the message is approved in the second house, the joint select committee thereupon is created as specified in the message. The second house shall notify the first of its disposition of the message. The message shall be spread in full upon the Senate and House Journals.

The message is not amendable and shall be voted upon as a whole. Either house, by vote of a majority of the members elected thereto, may suspend the requirement that the message lie over one calendar day before it is voted upon in that house.

The message shall be provided to each member of the Senate and House at the time it is read therein.

The message shall specify the name of the joint select committee, the equal number of members the joint select committee is to have from each house, the number of members of the majority party and the number of members of the minority party the joint select committee is to have from each house, the purpose the joint select committee is to fulfill, and any special rules with respect to submission of its report. The bill or joint or concurrent resolution shall be attached to the message.

Reading of the message in the first house constitutes second consideration of the bill in that house; the reading of the message and second consideration of the bill shall be recorded in the journal of the first house. Reading of the message in the second house constitutes first consideration of the bill in that house; the reading of the message and first consideration of the bill shall be recorded in the journal of the second house.

Rule 4. (Joint select committees: members and officers.) A joint select committee shall have an equal number of members from the Senate and House. The President shall appoint, and may remove and replace, the Senate members of a joint select committee. The Senate Minority Leader, in a manner to be determined by the Senate Minority Caucus, may recommend Senate minority party members for a joint select committee. The Speaker shall appoint, and may remove and replace, the House members of a joint select committee. The House Minority Leader, in a manner to be determined by the House Minority Caucus, may recommend House minority party members for a joint select committee. The President and Speaker shall appoint members from their respective houses as necessary to fill vacancies on a joint select committee. The appointment or removal of a member of a joint select committee shall be entered upon the journal of the house from which the member is appointed.

If a joint select committee is created to consider a Senate bill or joint or concurrent resolution referred by the Senate, the first-named Senate member is

chairman and the first-named House member is vice-chairman of the joint select committee. If a joint select committee is created to consider a House bill or joint or concurrent resolution referred by the House, the first-named House member is chairman and the first-named Senate member is vice-chairman of the joint select committee.

In the absence of the chairman of a joint select committee, the vice-chairman of the joint select committee has the duties and authority of the chairman.

Rule 5. (Joint select committees: consideration and report by.) A joint select committee shall study and conduct hearings with respect to, and may amend or substitute, the bill or joint or concurrent resolution. The joint select committee may report the bill or joint or concurrent resolution. Bills or joint or concurrent resolutions that are reported shall be filed in sextuplicate with the clerk of the house where the bill or joint or concurrent resolution originated. The original bill or joint or concurrent resolution shall accompany the report. The joint select committee shall indicate in the report the members who voted "yes" and "no" on the report.

The report shall be presented to the house where the bill or joint or concurrent resolution originated and shall be spread upon the journal.

If a bill reported by a joint select committee passes the house of origin, its subsequent introduction in the second house constitutes second consideration of the bill in that house. The introduction and second consideration of the bill shall be recorded in the journal of the second house.

A bill or joint or concurrent resolution reported by a joint select committee is not required to be referred to a Senate or House standing or select committee or subcommittee.

Rule 6. (Joint select committees: quorum; voting.) A majority of the Senate members and a majority of the House members of a joint select committee is a quorum. Each member of a joint select committee has one vote. A joint select committee may not take any action unless the action is agreed to by a majority of its members on the part of the Senate and by a majority of its members on the part of the House. However, except for reporting a bill or joint or concurrent resolution with a recommendation that it be indefinitely postponed or passed or adopted, a joint select committee, by vote of a majority of its members on the part of the Senate and a majority of its members on the part of the House, may choose to take any action upon agreement, not of separate majorities, but of a majority of all the members of the whole joint select committee.

A proxy vote in a joint select committee is invalid. A member of a joint select committee who is present shall vote unless excused by the joint select committee. A member of a joint select committee is not entitled to vote except while actually present in a meeting of the joint select committee, unless the member has first actually been present in the meeting, and the vote is continued

for members who, before the vote, were actually present in, but at the time of the vote are absent from, the meeting. Continuation of a vote may not extend later than midnight of the day on which the vote was continued.

Rule 7. (Joint select committees: subpoena power; power to administer oaths.) The chairman of a joint select committee, when authorized by the joint select committee and by the President and Speaker, may issue subpoenas and subpoenas duces tecum in aid of the joint select committee's consideration of a bill or joint or concurrent resolution that has been referred to the joint select committee. Subpoenas may require witnesses in any part of the state to appear before the joint select committee at a time and place designated in the subpoena to testify. Subpoenas duces tecum may require witnesses or other persons in any part of the state to produce books, papers, records, and other tangible evidence before the joint select committee at a time and place designated in the subpoena duces tecum. A subpoena or subpoena duces tecum shall be issued, served, and returned, and have consequences, as provided in sections 101.41 to 101.45 of the Revised Code.

The chairman of a joint select committee may administer oaths to witnesses appearing before the joint select committee.

Rule 8. (Joint select committees: open meetings.) All meetings of a joint select committee shall be open to the public unless closed in accordance with Ohio Constitution, Article II, Section 13.

The chairman of a joint select committee, not later than two days before a meeting of the joint select committee, shall give due notice of the meeting. The notice shall identify the joint select committee, identify the chairman, state the time and place at which the meeting will be held, and set forth an agenda showing the bill or joint or concurrent resolution that will be considered at the meeting. If an emergency requires consideration of a bill or joint or concurrent resolution at a meeting, and two days' advance notice of the meeting therefore is impractical, the chairman may schedule an emergency meeting of the joint select committee by giving twenty-four hours' advance notice of the emergency meeting to the news media that have requested such notification and the bill or joint or concurrent resolution then may be considered at the emergency meeting as the emergency requires.

A joint select committee shall not meet during a session of the Senate or House, except by special leave of that house.

Rule 9. (Joint select committees: records.) The chairman of a joint select committee shall maintain a record of evidence that is presented before, or obtained by, the joint select committee.

The joint select committee shall keep minutes of its proceedings and at each meeting except the first shall approve the minutes taken at the previous meeting, or, if the minutes require correction, shall correct and approve the minutes. The joint select committee shall maintain a record of its approved minutes, and promptly after approval shall file a copy of its minutes with the

Clerk of the Senate and Clerk of the House.

When a joint select committee concludes its work, or upon sine die adjournment of the house of which the joint select committee's chairman is a member, the chairman shall deliver all the joint select committee's records to the Clerk of the Senate if the chairman is a member of the Senate or to the Clerk of the House if the chairman is a member of the House.

#### VETOES

Rule 10. (Question when bill is vetoed.) When under Ohio Constitution, Article II, Section 16, a message is transmitted to the house of origin by the Governor, expressing disapproval of any bill or item of an appropriation bill that has been passed by the General Assembly, the house of origin may reconsider and repass the bill or item. If the house of origin repasses the bill or item, it shall send the bill or item, together with the message of the Governor expressing disapproval, to the other house, which then may reconsider and repass the bill or item. A vetoed bill or item shall be repassed by not fewer than three-fifths of the members elected to each house, and in no case by a fewer number of votes than was constitutionally required upon its original passage. The question upon reconsidering a vetoed bill in either house shall be presented as follows: "Shall the bill (or item or items of an appropriation bill) be passed notwithstanding the objections of the Governor?" The vote shall be taken in either house by calling the yeas and nays and shall be recorded in the journal.

#### BILLS

Rule 11. (Form of bills introduced.) Bills introduced in either house shall be printed, shall bear the name of the author, and must in all respects, as to form, comply with the laws and the rules of both houses of the General Assembly.

Rule 12. (Content of title of bills.) Bills shall have noted in their titles a distinct reference to the subject or matter to which they relate and also, if they propose the amendment or repeal of any law, to the section proposed to be amended or repealed.

Rule 13. (Printing of bills and resolutions.) Bills and joint and concurrent resolutions, unless otherwise ordered by the house in which they are introduced or offered, shall be printed and available for distribution upon first consideration.

Rule 14. (Drafting of bills.) Bills shall be submitted for introduction with all material double-spaced. The Legislative Service Commission shall determine the size of the paper on which bills shall be printed and the manner in which all new language and punctuation to be amended or enacted into the Revised Code and all language and punctuation to be eliminated from an existing section of the Revised Code shall be formatted.

#### CONCURRENCE

Rule 15. (When notice of action on bills or resolutions shall be given to the other house.) When a bill or joint or concurrent resolution has been passed or adopted in either house, notice shall be forthwith given to the other house. When a bill or joint or concurrent resolution that has been passed or adopted in one

house is rejected or lost in the other, or postponed indefinitely, notice thereof shall forthwith be given to the other house.

Rule 16. (Procedure when a bill or resolution is amended by the other house.) When a bill or joint or concurrent resolution has passed or been adopted in one house, and been amended, passed or adopted, and returned by the other, it shall lie over one calendar day, unless otherwise ordered by a majority of the members elected to the house to which it was returned. The amendment shall be printed in the journal of the house to which it was returned. The bill or joint or concurrent resolution shall be placed on the calendar. The calendar shall show on what page of the journal the amendment has been printed.

When taken up, the question shall be on the concurrence in the amendment of the other house and no motions shall be in order except (1) a motion to informally pass or (2) if the rules of the member's house authorize such a motion, a motion of a member to add or remove the member's name from the bill or joint or concurrent resolution. The same number of votes shall be required to concur in the amendment as was required to pass or adopt the bill or joint or concurrent resolution in the house in which it originated; if the question be upon concurrence in an amendment to a bill which has passed the other house as an emergency measure, then a vote shall be taken first, upon the emergency features of the bill and second, upon concurrence in the amendment. The same number of votes shall be required on each vote as was required to pass the bill as an emergency measure. If such house refuses to concur in the amendment to the bill or joint or concurrent resolution, or if the house refuses to agree to the emergency features of the bill, notice shall be forthwith sent to the other house where the proceedings shall be either:

First, to insist upon its amendment and ask for a committee of conference;

Second, to recede from its amendment, which has the effect of passing the bill or adopting the joint or concurrent resolution in the form in which it passed or was adopted by the house in which it originated; or

Third, to adhere to its amendment, which precludes a committee of conference.

#### COMMITTEE OF CONFERENCE

Rule 17. (Membership of committee; acceptance of report.) All committees of conference are joint committees that shall consist of three members of the Senate and three members of the House of Representatives unless committee membership is otherwise specially ordered by both houses.

If a committee of conference has under consideration a House bill or joint or concurrent resolution, the first-named House member shall be chair of the committee. If the committee has a Senate bill or joint or concurrent resolution under consideration, the first-named Senate member shall be chair.

A question in a committee of conference shall be decided by at least a

majority of the members on the part of the Senate and a majority of the members on the part of the House. However, except for the question of agreeing to the committee's report, the committee, by vote of a majority of its members on the part of the Senate and a majority of its members on the part of the House, may choose to decide a question, not by separate majorities, but by a majority of all the members of the whole committee.

Rule 18. (Procedure when the committee disagrees.) Whenever any committee of conference cannot reach agreement, another committee may be appointed; and if either of the two houses disagrees to any report of a committee of conference, such house shall forthwith notify the other house of such disagreement, and upon request of that house another committee shall be appointed.

If the disagreeing house does not make such a request, the committee of conference whose report was refused may proceed to propose another report.

Rule 19. (What the report may include.) A committee of conference appointed to consider matters of difference between the two houses upon any bill or joint or concurrent resolution may consider and include in its report any amendments pertinent to the bill or joint or concurrent resolution, provided such amendments relate exclusively to the original matters of difference between the two houses.

Rule 20. (When the report of the committee is in order; consideration.) The report of a committee of conference cannot be laid on the table, referred to a committee, or indefinitely postponed, and must be voted upon as a whole.

Conference committee reports shall lie over at least one day after conference committee approval before the House or Senate may consider them, unless otherwise ordered by a majority vote of all the members present in that house.

Rule 21. (Where the papers are to be filed.) When a committee of conference has met and come to an agreement, or where no agreement is reached, the bill or joint or concurrent resolution and papers adhering thereto shall remain in the house in which the bill or joint or concurrent resolution originated.

Rule 22. (Vote required by each house.) The yeas and nays shall be called upon agreeing to the report of the committee of conference, and except as otherwise provided in this rule, no such report shall be agreed to unless it receives the vote of a majority of the members elected to each house.

In the case of emergency bills, or bills to which an emergency clause was attached by the committee of conference, the report shall receive two votes of two-thirds of the members elected to each house. The question on the first such vote shall be: "Shall the emergency clause of the bill stand as part of the report?" The question on the second such vote shall be: "Shall the report of the committee of conference be agreed to as an emergency measure?"

In the case of joint resolutions proposing amendments to the Ohio Constitution, the report shall receive the votes of not fewer than three-fifths of the members elected to each house. The joint resolution shall be spread in full upon the journal of each house.

When the question of agreeing to the report of a committee of conference is taken up, no motions are in order except (1) a motion to informally pass or (2) if a rule of the member's house authorizes such a motion, a member's motion to add or remove the member's name from the bill or joint or concurrent resolution.

#### MESSAGES

Rule 23. (By and to whom delivered.) All messages sent from one house to the other shall be carried by an officer or employee of the sending house, who shall take a receipt for the same from the message clerk of the receiving house to whom the officer or employee delivers the message. The message clerk shall deliver the message without delay to the clerk of the receiving house and take a receipt therefor from the receiving clerk or one of the receiving clerk's assistants authorized by the receiving clerk to receipt for messages. The receiving clerk shall deliver each message to the presiding officer of the receiving house, who shall, in the proper order of business, and within a reasonable time, lay it before the house.

#### ENGROSSMENT OF BILLS AND RESOLUTIONS

Rule 24. (Manner of engrossment of bills and resolutions.) All bills and resolutions, before they are passed or adopted by either house, shall be carefully engrossed in printing, and the engrossed copy shall be carefully compared with the original bill or resolution and with the journal showing the amendments agreed to.

Rule 25. (Printing.) When the Clerk of the Senate or Clerk of the House is required to print a bill, resolution, report, or other document belonging to or in the possession of the Senate or House, the Clerk may use a method of printing as contemplated by sections 101.51 to 101.524 of the Revised Code.

Rule 26. (Manner of engrossment when bill or resolution amended by the other house.) When a bill or joint or concurrent resolution has passed or been adopted in one house, and been amended in the other, the bill or joint or concurrent resolution, as amended, shall be fully engrossed, and both returned, with the engrossed bill or joint or concurrent resolution received from the other house, to the house in which it originated. In such engrossments, amendments shall be engrossed in printing. Whenever a bill or joint or concurrent resolution is passed or adopted in one house and sent to the other and a substitute therefor is agreed to by such house, in the communications between the houses, such substitutes shall be designated and treated as an amendment to the original bill or resolution.

#### SIGNING OF BILLS AND JOINT RESOLUTIONS

Rule 27. (Who shall sign bills and joint resolutions; procedure when bill vetoed by Governor.) All bills and joint resolutions that have passed or been

adopted in both houses shall be first signed by the presiding officer of the House of Representatives, and then by the presiding officer of the Senate, the latter delivering the same to the Clerk of the Senate, who shall deliver each bill so passed to the Governor, taking a receipt therefor, and each joint resolution to the Secretary of State, taking a receipt therefor. When any bill is vetoed by the Governor and subsequently enacted into law over such veto, in accordance with Ohio Constitution, Article II, Section 16, the enrolled copy shall be endorsed with the record of the proceedings in each house subsequent to the veto attested by the presiding officer of the House and the presiding officer of the Senate, and the presiding officer of the second house shall file it with the Secretary of State.

GENERAL PROCEDURE

Rule 28. (Floor privileges for the news media.) Whenever the two branches of the General Assembly are convened in joint convention, representatives of the press and representatives of radio and television stations and broadcasting networks shall be granted floor privileges in the same manner provided for by the Rules of the House of Representatives.

Rule 29. (Letters and simple resolutions.) When a member of the House of Representatives and a member of the Senate jointly request on behalf of the House and Senate letters or simple resolutions conveying messages of commendation, congratulation, recognition, or condolence to persons or organizations named in such request, the Speaker of the House shall sign on behalf of the House and the President of the Senate shall sign on behalf of the Senate.

The Clerk of the Senate or Clerk of the House shall arrange for the transmittal of such message to persons or organizations designated in the request and shall keep a record of the distribution of such letters and resolutions, which record shall be open for inspection by any member of the General Assembly.

Rule 30. (Suspension of Joint Rules.) Except as otherwise explicitly provided in the Joint Rules, no joint rule may be suspended or altered except by joint resolution adopted by two-thirds vote of each house of the General Assembly.

The question being, "Shall the concurrent resolution, **S. C. R. No. 22**, be adopted?"

The yeas and nays were taken and resulted - yeas 31, nays 0, as follows:

Those who voted in the affirmative were: Senators

- |          |           |           |             |
|----------|-----------|-----------|-------------|
| Bacon    | Balderson | Beagle    | Brown       |
| Burke    | Cafaro    | Coley     | Daniels     |
| Eklund   | Faber     | Hite      | Hughes      |
| Jones    | Jordan    | Kearney   | Lehner      |
| Manning  | Obhof     | Oelslager | Patton      |
| Sawyer   | Schaffer  | Schiavoni | Seitz       |
| SKindell | Smith     | Tavares   | Turner      |
| Widener  | Wilson    |           | Niehaus-31. |

So the concurrent resolution was adopted.

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

Senator Faber moved to amend the title as follows:

Add the names: "Daniels, Wilson."

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

The motion was agreed to and the title so amended.

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

**S. R. No. 152**-Senator Beagle.

Honoring the Chaminade-Julienne High School girls golf team as the 2011 Division II State Champion.

**S. R. No. 153**-Senator Niehaus.

Cosponsors: Senators Kearney, Seitz.

In memory of Carl Henry Lindner, Jr.

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

So the resolutions were adopted.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

**H. B. No. 232** -Representatives Letson, O'Brien

Cosponsors: Representatives Antonio, Fende, Weddington, Mallory, Gerberry, DeGeeter, Adams, J., Anielski, Barnes, Beck, Blair, Bubp, Carney, Celeste, Combs, Driehaus, Duffey, Fedor, Foley, Garland, Hagan, R., Heard, Hill, Luckie, McClain, Milkovich, Murray, Newbold, Patmon, Phillips, Pillich, Reece, Roegner, Sears, Slaby, Szollosi, Winburn

To amend sections 331.01, 331.02, 331.03, and 331.04 of the Revised Code to expand the authority of a county facilities review board to include any facility where an adult ward of the probate court resides or receives services among the institutions subject to its review.

Attest:

Laura P. Clemens,  
Clerk.

Said bill was considered the first time.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Sub. S. B. No. 117** -Senators Seitz, Schiavoni

Cosponsors: Senators Kearney, Wagoner, Bacon, Brown, Coley, Faber, Gillmor, Grendell, Hughes, Obhof, Oelslager, Patton, Smith, Turner, Wilson  
Representatives Murray, Letson, Stinziano, Slaby, Terhar, Stebelton, Bulp, Blair, Blessing, Carney, Combs, Gardner, Garland, Hackett, Hayes, Huffman, Johnson, Luckie, Mallory, McKenney, Milkovich, Newbold, O'Brien, Sears, Szollosi, Wachtmann, Winburn, Speaker Batchelder

To amend sections 1337.092, 1337.12, 2101.24, 2109.21, 2111.02, 2111.12, 2111.121, 5301.071, 5747.02, 5801.10, 5804.11, 5804.12, 5808.02, 5808.14, 5808.17, 5810.09, and 5810.13; to enact new section 2107.52 and sections 1337.21 to 1337.64, 3793.31 to 3793.39, 5808.18, 5808.19, 5809.031, and 5810.14; and to repeal sections 1337.09, 1337.091, 1337.093, 1337.18, 1337.19, 1337.20, and 2107.52 of the Revised Code to adopt the Uniform Power of Attorney Act; to modify a trustee's duties with respect to life insurance policies, specify a trustee's power to distribute trust principal in further trust, provide for the titling of assets in trust form, permit some but not all of specified parties to enter into a private settlement agreement, and make other changes in the Trust Code; to modify the anti-lapse provisions regarding wills and adopt anti-lapse provisions applicable to trusts; to provide a mechanism for a probate court to order a person who suffers from alcohol and other drug abuse to undergo treatment; and to provide a procedure for the construction or modification of a trust that refers to the federal estate tax, generation-skipping transfer tax, or Ohio estate tax.

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 PRESIDENT**

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

- **Appoints** Senator Eklund as a member of the Standing Committee on Judiciary.
- **Appoints** Senator Eklund as a member of the Standing Committee on Highways and Transportation.
- **Appoints** Senator Eklund as a member of the Standing Committee on State and Local Government and Veterans Affairs.

On the motion of Senator Faber, the Senate adjourned until Wednesday, November 16, 2011 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,  
Clerk.