

OHIO

SENATE

JOURNAL

WEDNESDAY, NOVEMBER 30, 2011

ONE HUNDRED NINETEENTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, November 30, 2011, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Dean Blythe, Hopedale Church of Christ, Hopedale, Ohio, followed by the Pledge of Allegiance to the Flag.

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

The President announced that the floor was open to accept nominations for the position of Assistant Minority Whip.

Senator Kearney nominated Senator Joseph Schiavoni of the Thirty-Third District for the office of Assistant Minority Whip.

Senator Sawyer seconded the nomination.

On the motion of Senator Cafaro, the nominations were closed.

The question being, "Shall Senator Joseph Schiavoni be elected Assistant Minority Whip?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Seitz	Skindell
Smith	Tavares	Turner	Wagoner
Widener			Niehaus-30.

Senator Joseph Schiavoni having received a majority of the votes cast was declared the elected Assistant Minority Whip.

Senator Schiavoni appeared at the bar of the Senate and was administered oath of office by the Honorable Capri Cafaro, Senate Minority Leader.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Am. H. B. No. 243**-Representatives Kozlowski, Young, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Bacon, Faber, Sawyer, Hughes, Hite, Beagle.

YES - 11: KEVIN BACON, KEITH L. FABER, JOSEPH SCHIAVONI, THOMAS SAWYER, BILL BEAGLE, JIM HUGHES, KRIS JORDAN, TIMOTHY O. SCHAFFER, CLIFF HITE, SHANNON JONES, ERIC H. KEARNEY.

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 referred **Am. H. B. No. 96**-Representatives Celeste, Brenner, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Hite, Obhof.

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

NO - 0.

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

The report of the committee was accepted.

Senator Wagoner submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 19**-Senator Hughes, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Wagoner.

YES - 10: MARK D. WAGONER, KEITH L. FABER, BILL SEITZ, FRANK LAROSE, JOHN EKLUND, MICHAEL J. SKINDELL, NINA TURNER, ERIC H. KEARNEY, LARRY OBHOF, SCOTT OELSLAGER.

NO - 0.

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

The report of the committee was accepted.

Senator Wagoner submitted the following report:

The standing committee on Judiciary, to which was referred **S. B. No. 223**-Senator Bacon, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Wagoner, Faber, Turner, Kearney, Obhof.

YES - 10: MARK D. WAGONER, KEITH L. FABER, BILL SEITZ, FRANK LAROSE, JOHN EKLUND, MICHAEL J. SKINDELL, NINA TURNER, ERIC H. KEARNEY, LARRY OBHOF, SCOTT OELSLAGER.

NO - 0.

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

The report of the committee was accepted.

Senator Widener submitted the following report:

The standing committee on Finance, to which was referred **S. B. No. 264**-Senator Jones, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Widener, Patton.

YES - 13: SHANNON JONES, CHRIS WIDENER, TOM PATTON, SCOTT OELSLAGER, MICHAEL J. SKINDELL, SHIRLEY A. SMITH, ERIC H. KEARNEY, JIM HUGHES, DAVID T. DANIELS, THOMAS SAWYER, KEITH L. FABER, KEVIN BACON, PEGGY B. LEHNER.

NO - 0.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

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

Tony Anteau, from Toledo, Wood County, Ohio, as a Member of the Ohio Medical Transportation Board for a new term beginning August 30, 2011 and

ending at the close of business July 5, 2013.

Rodney Craig Armstrong, from Mt. Sterling, Madison County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning August 23, 2011 and ending at the close of business December 31, 2011, replacing Peter Miragliotta, whose term expired.

Roland H. Bauer, from Silver Lake, Summit County, Ohio, as a Member of the University of Akron Board of Trustees for a term beginning September 13, 2011 and ending at the close of business July 1, 2020, replacing Edward L. Bittle, whose term expired.

Michael L. Bennett, from Zanesville, Muskingum County, Ohio, as a Member of the Zane State College Board of Trustees for a new term beginning October 3, 2011 and ending at the close of business July 31, 2014.

Lane J. Beougher, from Reynoldsburg, Franklin County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a term beginning May 16, 2011 and ending at the close of business December 31, 2013, replacing Craig Weise, whose term expired.

David H. Budig, from Cincinnati, Hamilton County, Ohio, as a Member of the Miami University Board of Trustees for a term beginning September 13, 2011 and ending at the close of business February 28, 2013, replacing S. Kay Geiger, who resigned.

Terry L. Casey, Republican, from Columbus, Franklin County, Ohio, as a Member of the State Personnel Board of Review, for a new term beginning February 7, 2011 and ending at the close of business February 6, 2017.

Nicholas P. Hertlein, from Cincinnati, Hamilton County, Ohio, as a Student Member of the University of Cincinnati Board of Trustees for term beginning August 31, 2011 and ending at the close of business May 13, 2013, replacing Kyle Quinn, whose term expired.

Dwight A. Holcomb, from Dublin, Franklin County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning August 23, 2011 and ending at the close of business December 31, 2015, replacing Deirdre Delong, whose term expired.

Gregg E. Hollenbaugh, from West Chester, Butler County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a new term beginning August 23, 2011 and ending at the close of business December 31, 2015.

Leonard Hubert, Republican, from Granville, Licking County, Ohio, as a Member of the Ohio Civil Rights Commission for a new term beginning September 13, 2011 and ending at the close of business July 28, 2016.

Stan W. Jonas, from Canton, Stark County, Ohio, as a Member of the Stark State College of Technology Board of Trustees for a term beginning September 20, 2011 and ending at the close of business August 1, 2014, replacing Kelly Zachary, whose term expired.

Philip K. King, from Sagamore Hills, Summit County, Ohio, as a Student Member of the Northeast Ohio Medical University Board of Trustees for term beginning September 16, 2011 and ending at the close of business June 29, 2013, replacing John J. Graham, whose term expired.

Nelson E. Kohman, from Gahanna, Franklin County, Ohio, as a Member of the State Board of Registration for Professional Engineers and Surveyors for a term beginning October 5, 2011 and ending at the close of business September 24, 2016, replacing Theodore Hubbard, whose term expired.

Monica A. Kridler, from Columbus, Franklin County, Ohio, as a Member of the Ohio Arts Council for a term beginning September 19, 2011 and ending at the close of business July 1, 2016, replacing Charlotte Kessler, whose term expired.

Mark D. Kvamme, from Columbus, Franklin County, Ohio, as a Member of the Third Frontier Commission for a term beginning August 19, 2011 and ending at the close of business April 1, 2014, replacing John L. Cullivan, whose term expired.

Virginia M. Lindseth, Ph.D., from Hunting Valley, Cuyahoga County, Ohio, as a Member of the Ohio Board of Regents for a term beginning September 12, 2011 and ending at the close of business September 20, 2016, replacing Donna Alvarado, whose term expired.

Russell L. Martin, from Powell, Delaware County, Ohio, as a Member of the Ohio Private Investigation and Security Services Commission for a term beginning August 23, 2011 and ending at the close of business December 31, 2015, replacing Gary Vest, whose term expired.

Clarence E. Mingo, II, Republican, from New Albany, Franklin County, Ohio, as a Member of the State Lottery Commission for a term beginning July 26, 2011 and ending at the close of business August 1, 2013, replacing Rudy M. Stralka, whose term expired.

Gerard J. Reis, from Concord, Lake County, Ohio, as a Member of the Lakeland Community College Board of Trustees for a term beginning September 30, 2011 and ending at the close of business October 12, 2012, replacing Ryan Callender, who resigned.

Jeffrey A. Rich, from Dublin, Franklin County, Ohio, as a Member of the Ohio Arts Council for a new term beginning September 19, 2011 and ending at the close of business July 1, 2016.

H. Richard Rowe, Jr., from Findlay, Hancock County, Ohio, as a Member of the Owens State Community College Board of Trustees for a term beginning August 18, 2011 and ending at the close of business September 21, 2016.

Amy Sabath, Republican, from Concord Township, Lake County, Ohio, as a Member of the State Lottery Commission for a term beginning August 2, 2011 and ending at the close of business August 1, 2014, replacing Paul M. Burens, whose term expired.

Christiane Schmenk, from Union County, Ohio, as Director of the Department of Development for a term beginning August 1, 2011 and continuing at the pleasure of the Governor.

William P. Schweizer, from Canton, Stark County, Ohio, as a Member of the Stark State College of Technology Board of Trustees for a term beginning September 20, 2011 and ending at the close of business August 1, 2013, replacing Tony Townsend, whose term expired.

Elizabeth D. Vaci, Republican, from Painesville Twp., Lake County, Ohio, as a Member of the State Lottery Commission for a term beginning August 2, 2011 and ending at the close of business August 1, 2013, replacing Otto Beatty, whose term expired.

Geraldine B. Warner, from Cincinnati, Hamilton County, Ohio, as a Member of the Ohio Arts Council for a term beginning September 19, 2011 and ending at the close of business July 1, 2016, replacing Martha A Burton, whose term expired.

James Robert Williamson, Independent, from London, Madison County, Ohio, as a Member of the Board of Tax Appeals for a term beginning June 23, 2011 and ending at the close of business February 8, 2017, replacing William E. Dunlap, whose term expired.

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

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

Pursuant to Senate Rule No. 98, Senator Skindell moved that the appointments of Mark D. Kvamme and Terry L. Casey be removed from the list and voted on separately.

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

The motion was agreed to.

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

Pursuant to Senate Rule No. 98, Senator Faber moved that the appointment of Nelson E. Kohman be removed from the list and voted on separately.

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

The motion was agreed to.

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

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	Burke
Cafaro	Coley	Daniels	Eklund

Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

So the Senate advised and consented to said appointments.

The question being, "Shall the Senate advise and consent to the appointment of Mark D. Kvamme?"

The yeas and nays were taken and resulted - yeas 28, nays 3, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Smith	Wagoner	Widener	Niehaus-28.

Senators Skindell, Tavares, and Turner voted in the negative-3.

So the Senate advised and consented to said appointment.

The question being, "Shall the Senate advise and consent to the appointment of Terry L. Casey?"

The yeas and nays were taken and resulted - yeas 23, nays 8, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Daniels	Eklund	Faber
Hite	Hughes	Jones	Jordan
LaRose	Lehner	Manning	Obhof
Oelslager	Patton	Schaffer	Seitz
Wagoner	Widener		Niehaus-23.

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

So the Senate advised and consented to said appointment.

The question being, "Shall the Senate advise and consent to the appointment of Nelson. E. Kohman?"

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

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

The motion was agreed to.

The question recurred, "Shall the Senate advise and consent to the appointment of Nelson E. Kohman?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schiavoni	Seitz	Skindell
Smith	Tavares	Turner	Wagoner
Widener			Niehaus-30.

So the Senate advised and consented to said appointment.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

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, having been informally passed, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 117?**"

Senator Cafaro moved that she be excused from voting under Senate Rule No. 57.

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

The motion was agreed to.

The question recurred, "Shall the Senate concur in the House amendments to **Sub. S. B. No. 117?**"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Daniels	Eklund	Faber
Hite	Hughes	Jones	Jordan
Kearney	LaRose	Lehner	Manning
Obhof	Oelsluger	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Tavares	Turner	Wagoner
Widener			Niehaus-30.

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

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 209-Representative Adams, R.

Cosponsors: Representatives Coley, Blessing, Stebelton, Grossman, Bulp, Combs, Hottinger, Rosenberger, Murray, Pillich, Hackett, Kozlowski, Boose, Thompson, McKenney, Hall, Carey, Huffman, Wachtmann, Brenner, Derickson, Phillips, Stinziano, McGregor, Adams, J., Sears, Slesnick, Anielski, Barnes, Beck, Buchy, Budish, Carney, Celeste, Damschroder, Dovilla, Driehaus, Duffey, Fende, Foley, Garland, Gentile, Goyal, Hagan, C., Henne, Hollington, Johnson, Letson, Luckie, McClain, Mecklenborg, Milkovich, Newbold, O'Brien, Patmon, Peterson, Reece, Roegner, Ruhl, Slaby, Szollosi, Uecker, Weddington, Winburn, Young, Yuko, Speaker Batchelder. Senators Hughes, Beagle, Bacon, Coley.

To amend sections 135.13, 135.144, 135.18, 135.353, and 135.37 and to enact sections 135.145 and 135.354 of the Revised Code to permit the Treasurer of State or 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, savings banks, and savings and loan associations in accordance with specified conditions, to remove the one-year maturity limitation for certificates of deposit with respect to interim deposits, to alter the authority of the Treasurer of State to invest interim money in certificates of deposit, and to require public depositories to provide certain information to political subdivisions, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 209**, 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	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Daniels, Eklund, Jordan, Niehaus, Obhof, Oelslager, Sawyer, Seitz, Skindell, Wagoner."

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

The motion was agreed to and the title so amended.

Am. H. B. No. 302-Representative Adams, R.

Cosponsors: Representatives Letson, Amstutz, Beck, Blair, Buchy, Carey, Combs, Fedor, Gerberry, Grossman, Huffman, Johnson, Luckie, Slaby, Young, Speaker Batchelder. Senators Coley, Obhof.

To amend section 1901.31 of the Revised Code to make the clerk of courts of Miami County the clerk of the Miami County Municipal Court 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	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		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	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		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 Beagle moved to amend the title as follows:

Add the names: "Faber, Hite, Lehner, Wagoner."

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

The motion was agreed to and the title so amended.

S. B. No. 40-Senator Kearney.

Cosponsors: Senators Cafaro, Brown, Sawyer, Smith, Wagoner, Manning, Tavares.

To enact sections 5.2267 and 3701.137 of the Revised Code to designate November as "Complex Regional Pain Syndrome Awareness Month" and to require the Department of Health to include on its web site information regarding the syndrome, was considered the third time.

The question being, "Shall the bill, **S. B. No. 40**, pass?"

Senator Kearney moved to amend as follows:

In line 6, delete "5.2267" and insert "5.2271"

In line 8, delete "**5.2267**" and insert "**5.2271**"

In line 1 of the title, delete "5.2267" and insert "5.2271"

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

The motion was agreed to.

The question recurred, "Shall the bill, **S. B. No. 40**, 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	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

So the bill passed.

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

Senator Kearney moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Burke, Daniels, Faber, Hite, Hughes, Jones, LaRose, Lehner, Obhof, Oelslager, Patton, Schaffer, Schiavoni, Skindell, Turner."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 139-Senator Hughes.

Cosponsors: Senators Schaffer, Seitz, Patton.

To amend sections 4123.291, 4125.01, 4125.02, 4125.03, 4125.05, 4125.07, 4125.08, 4141.24, and 5747.07 and to enact sections 4125.041, 4125.042, 4125.051, 4125.10, and 4125.11 of the Revised Code to establish certain financial capacity requirements for professional employer organizations, clarify rights and liabilities of professional employer organizations and client employers, and make other changes to the professional employer organization law, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 139**, pass?"

The yeas and nays were taken and resulted - yeas 27, nays 4, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	LaRose	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Tavares
Wagoner	Widener		Niehaus-27.

Senators Kearney, Skindell, Smith, and Turner voted in the negative-4.

So the bill passed.

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

Senator Hughes moved to amend the title as follows:

Add the names: "Bacon, Beagle, Daniels, Faber, Hite, Jones, Niehaus, Obhof, Tavares."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 223-Senator Bacon.

Cosponsors: Senators Wagoner, Faber, Turner, Kearney, Obhof.

To amend sections 2913.05 and 4719.17 and to enact section 109.88 of the Revised Code to allow the Attorney General to investigate the offenses of unauthorized use of property and telecommunications fraud, to modify the penalties for telecommunications fraud, and to create the offense of telecommunications fraud perpetrated against an elderly person or disabled adult, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 223**, 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	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

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: "Balderson, Beagle, Burke, Cafaro, Coley, Daniels, Eklund, Hite, Hughes, Jones, Lehner, Manning, Niehaus, Oelslager, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Tavares, Widener."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 264-Senator Jones.

Cosponsors: Senators Niehaus, Burke, Lehner, Widener, Patton.

To amend sections 173.47, 5111.222, and 5111.244 and to enact section 5111.245 of the Revised Code and to amend Section 309.30.70 of Am. Sub. H.B. 153 of the 129th General Assembly regarding quality incentive payments and quality bonuses paid to nursing facilities under the Medicaid program, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 264**, pass?"

Senator Cafaro moved to amend as follows:

In line 274, delete " both" and insert " at least one"

In line 276, delete " and" and insert an underlined comma

In line 278, delete the underlined semicolon

In line 279, delete " (b) Communicates" and insert " , and communicates"

In line 280, after " residents" insert " ;

(b) Employs registered nurses, licensed practical nurses, and nurse aides for at least three and eight-tenths hours per resident per day"

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 8, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Coley	Daniels	Eklund	Faber
Hite	Hughes	Jones	Jordan

LaRose	Lehner	Manning	Obhof
Oelslager	Patton	Schaffer	Seitz
Wagoner	Widener		Niehaus-23.

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

The amendment was laid on the table.

The question recurred, "Shall the bill, **Sub. S. B. No. 264**, 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	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Sawyer	Schaffer	Schiavoni	Seitz
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

So the bill passed.

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

Senator Jones moved to amend the title as follows:

Add the names: "Balderson, Beagle, Coley, Daniels, Eklund, Hite, Manning, Sawyer, Schaffer, Smith, Tavares, Wagoner."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Jones moved that Senators absent the week of Sunday, November 27, 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 bills were introduced and considered the first time:

S. B. No. 265-Senator Bacon.

Cosponsors: Senators Burke, Wagoner, Patton.

To amend sections 131.43 and 131.44 of the Revised Code to increase the balance that must exist in the Budget Stabilization Fund, from 5% to 10% of the General Revenue Fund revenue, before revenue surpluses are applied to income tax reductions.

S. B. No. 266-Senators Widener, Sawyer.
Cosponsors: Senators Bacon, Turner, Kearney.

To amend sections 3335.02, 3335.09, 3337.01, 3339.01, 3341.02, 3343.02, 3344.01, 3350.10, 3352.01, 3356.01, 3359.01, 3361.01, 3362.01, and 3364.01 of the Revised Code to grant student members of the boards of trustees of state universities and the Northeast Ohio Medical University voting power and the authority to attend executive sessions.

OFFERING OF RESOLUTIONS

Senator Faber offered the following resolution:

S. R. No. 155-Senator Faber.

Relative to mileage reimbursement.

The question being, "Shall the resolution, **S. R. No. 155**, be adopted?"

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

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

The motion was agreed to.

The question recurred, "Shall the resolution, **S. R. No. 155**, be adopted?"

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

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Burke
Cafaro	Coley	Daniels	Eklund
Faber	Hite	Hughes	Jones
Jordan	Kearney	LaRose	Lehner
Manning	Obhof	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Skindell
Smith	Tavares	Turner	Wagoner
Widener			Niehaus-30.

So the resolution was adopted.

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

The title was agreed to.

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

S. R. No. 156-Senator Obhof.

Honoring Mapleside Farms on being named America's Most Beautiful Farm.

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

So the resolution was adopted.

On the motion of Senator Faber, the Senate adjourned until Thursday, December 1, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.