

OHIO

SENATE

JOURNAL

WEDNESDAY, DECEMBER 14, 2011

ONE HUNDRED TWENTY-FOURTH DAY
Senate Chamber, Columbus, Ohio
Wednesday, December 14, 2011, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Chris Adams, North Community Evangelical Lutheran Church, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

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

S. B. No. 269-Senator Kearney.

To change the date of the 2012 primary election to May 8, 2012, to specify a process for candidates to qualify for the ballot at that election, and to declare an emergency.

To the Committee on Government Oversight and Reform.

YES - 10: KEITH L. FABER, TOM PATTON, SHANNON JONES,
MARK D. WAGONER, SCOTT OELSLAGER, JOSEPH
SCHIAVONI, EDNA BROWN, SHIRLEY A. SMITH,
CAPRI S. CAFARO, THOMAS E. NIEHAUS.

NO - 0.

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

The report of the committee was accepted.

Said bill was considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Bacon submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Sub. H. B. No. 250**-Representative Hackett, et al., having had the same under consideration, reports back a substitute bill and recommends

its passage.

Co-Sponsor: Beagle.

YES - 12: BILL BEAGLE, JIM HUGHES, TIMOTHY O. SCHAFFER, CLIFF HITE, THOMAS SAWYER, EDNA BROWN, JOSEPH SCHIAVONI, KEVIN BACON, ERIC H. KEARNEY, KEITH L. FABER, KRIS JORDAN, SHANNON JONES.

NO - 0.

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

The report of the committee was accepted.

Senator Daniels submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **S. B. No. 248**-Senator Balderson, having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Coley, Sawyer, Daniels.

YES - 12: TOM PATTON, FRANK LAROSE, TIMOTHY O. SCHAFFER, SHANNON JONES, TROY BALDERSON, DAVID T. DANIELS, BILL COLEY, BILL SEITZ, THOMAS SAWYER, SHIRLEY A. SMITH, LOU GENTILE, JOSEPH SCHIAVONI.

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. C. R. No. 29**-Representative Sears, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 7: KRIS JORDAN, PEGGY B. LEHNER, SHANNON JONES, DAVE BURKE, SCOTT OELSLAGER, CHARLETA B. TAVARES, TROY BALDERSON.

NO - 0.

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

The report of the committee was accepted.

Senator Patton submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 243**-Senator Hughes, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Patton, Turner.

YES - 9: TOM PATTON, FRANK LAROSE, TROY
BALDERSON, DAVE BURKE, BILL SEITZ, LOU
GENTILE, JOSEPH SCHIAVONI, NINA TURNER,
JOHN EKLUND.

NO - 0.

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

The report of the committee was accepted.

Senator Patton submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 252**-Senator Patton, having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

In lines 480 and 484, delete the underlined semicolon and insert an underlined period

In line 860, after " ~~may~~" insert " indication"

In line 915, after " arrow" insert " signal"

In lines 996 and 1000, after " u-turn" insert " movement"

In line 1131, before " A" insert " (C)"

In line 1134, strike through "(C)" and insert " (D)"

In line 1138, delete " (D)" and insert " (E)"

YES - 9: TOM PATTON, FRANK LAROSE, TROY
BALDERSON, BILL SEITZ, DAVE BURKE, NINA
TURNER, LOU GENTILE, JOSEPH SCHIAVONI, JOHN

EKLUND.

NO - 0.

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

The report of the committee was accepted.

Senator Patton submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 258**-Senators Manning, Patton, et al., having had the same under consideration, reports it back with the following amendments and recommends its passage when so amended.

Delete lines 33 through 37

Co-Sponsors: Patton, LaRose, Balderson, Eklund, Gentile, Burke, Schiavoni, Turner.

YES - 9: TOM PATTON, FRANK LAROSE, TROY
BALDERSON, JOHN EKLUND, DAVE BURKE, BILL
SEITZ, LOU GENTILE, NINA TURNER, JOSEPH
SCHIAVONI.

NO - 0.

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

The report of the committee was accepted.

Senator Patton submitted the following report:

The standing committee on Highways and Transportation, to which was referred **S. B. No. 259**-Senators Obhof, LaRose, having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Patton, Turner, Schiavoni.

YES - 9: TOM PATTON, FRANK LAROSE, TROY
BALDERSON, JOHN EKLUND, DAVE BURKE, LOU
GENTILE, NINA TURNER, JOSEPH SCHIAVONI,
BILL SEITZ.

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 **Sub. H. B. No. 371**-Representatives Amstutz, Weddington, et al., having had the same under consideration, reports it back and recommends its passage.

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

NO - 0.

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. 243-Representatives Kozlowski, Young.

Cosponsors: Representatives Huffman, Beck, Thompson, Ramos, Maag, Hall, Mecklenborg, Dovilla, Fedor, Letson, Adams, R., Anielski, Antonio, Balderson, Barnes, Blessing, Bulp, Buchy, Carney, Damschroder, Driehaus, Duffey, Foley, Garland, Goyal, Grossman, Hagan, R., Lundy, Mallory, McClain, Milkovich, Murray, Peterson, Rosenberger, Ruhl, Slaby, Uecker, Wachtmann, Yuko. Senators Bacon, Faber, Sawyer, Hughes, Hite, Beagle.

To amend sections 4301.10, 4301.17, 4301.62, 4303.02, 4303.041, 4303.181, 4303.184, 4303.25, and 4303.29 and to enact sections 4301.171 and 4303.209 of the Revised Code to revise certain provisions of the Liquor Law, having been informally passed, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 243**, pass?"

On the motion of Senator Faber, **Sub. H. B. No. 243** was informally passed and retained its place on the calendar.

Am. S. B. No. 258-Senators Manning, Patton.
Cosponsors: Senators Balderson, Hite, Hughes, LaRose, Widener, Eklund, Gentile, Burke, Schiavoni, Turner.

To enact section 5502.53 of the Revised Code to create the Statewide Blue Alert Program, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 258**, pass?"

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

Those who voted in the affirmative were: Senators

- | | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

So the bill passed.

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

Senator Manning moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Cafaro, Coley, Daniels, Faber, Jones, Kearney, Lehner, Obhof, Oelslager, Sawyer, Schaffer, Skindell, Smith, Tavares, Wagoner."

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

The motion was agreed to and the title so amended.

S. B. No. 259-Senators Obhof, LaRose.
Cosponsors: Senators Patton, Turner, Schiavoni.

To enact section 5533.321 of the Revised Code to designate a portion of Interstate Route 71 within Wayne County the "First Lieutenant John M. Runkle, Jr. Memorial Highway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 259**, pass?"

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

Those who voted in the affirmative were: Senators

- | | | | |
|-------|-----------|--------|---------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |

| | | | |
|-----------|--------|----------|-------------|
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

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, Balderson, Beagle, Burke, Cafaro, Coley, Daniels, Faber, Hite, Hughes, Jones, Lehner, Manning, Oelslager, Schaffer, Wagoner."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, the Senate recessed until 3:30 p.m.

The Senate met pursuant to the recess.

Sub. H. B. No. 48-Representatives Mecklenborg, Carney.

Cosponsors: Representatives Beck, Combs, DeGeeter, Dovilla, Garland, McGregor, Pillich, Stautberg, Stebelton, Stinziano, Coley, Adams, R., Brenner, Duffey, Blessing, Bubb, Buchy, Derickson, Hackett, Hagan, C., Huffman, Letson, Martin, McClain, Newbold, Peterson, Roegner, Slaby, Thompson, Wachtmann, Speaker Batchelder. Senator Wagoner.

To amend sections 1701.13, 1701.56, 1701.59, 1701.66, 1701.74, 1701.76, 1701.84, 1701.85, 1701.86, 1701.87, 1701.88, 1701.89, 1701.90, 1701.91, 1701.911, 1702.12, 1702.30, 1705.01, 1705.18, 1705.19, 1705.29, 1705.47, and 1705.61 and to enact sections 1701.881, 1701.882, 1701.883, 1705.081, 1705.161, 1705.281, and 1705.282 of the Revised Code to make changes to the law governing corporations including dissenting shareholders, the dissolution of a corporation, rights to indemnification or advancement of expenses, directors' fiduciary duties, and recording of corporate mortgages, to make changes to the law governing limited liability companies including the contents of an operating agreement of a limited liability company, the effect of a member's withdrawal from a limited liability company, the standards of conduct and duties of a member of a limited liability company, and the judicial dissolution of a limited liability company, and to specify the rights of an assignee of a member of a limited liability company, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 48**, pass?"

On the motion of Senator Faber, **Sub. H. B. No. 48** was informally passed and retained its place on the calendar.

Sub. H. B. No. 96-Representatives Celeste, Brenner.

Cosponsors: Representatives Stebelton, Amstutz, Garland, Foley, Letson, Weddington, Pillich, Dovilla, Patmon, Ramos, Hollington, Phillips, Lundy, Thompson, O'Brien, Yuko, Murray, Williams, Stinziano, Stautberg, Antonio, Reece, Hagan, Fende, Snitchler, Fedor, Milkovich, Clyde, Winburn, Adams, R., Balderson, Barnes, Beck, Blair, Blessing, Buchy, Budish, Butler, Carney, DeGeeter, Derickson, Driehaus, Gentile, Gerberry, Goyal, Hackett, Hagan, C., Hall, Heard, Henne, Hottinger, Johnson, Landis, Luckie, Mallory, McClain, McKenney, Mecklenborg, Newbold, Okey, Peterson, Schuring, Slaby, Slesnick, Sykes, Szollosi, Young, Speaker Batchelder. Senators Hite, Obhof.

To amend section 3323.01 and to enact section 3323.25 of the Revised Code to specify dyslexia as a specific learning disability and to require a pilot project to provide early screening and intervention services for children with risk factors for dyslexia, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 96**, pass?"

On the motion of Senator Faber, **Sub. H. B. No. 96** was informally passed and retained its place on the calendar.

Sub. H. B. No. 250-Representative Hackett.

Cosponsors: Representatives Grossman, Stebelton, Beck, Letson, Antonio, Boose, Brenner, Fedor, Foley, Garland, Gerberry, Goyal, Heard, Luckie, Mallory, Phillips, Slaby. Senator Beagle.

To amend sections 3903.42, 3905.01, 3905.06, and 3905.40 and to enact section 3905.062 of the Revised Code to establish requirements and procedures for issuing portable electronics insurance and to revise the order of distribution of claims from an insurer's estate as it relates to interest on the claim, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 250**, pass?"

On the motion of Senator Faber, **Sub. H. B. No. 250** was informally passed and retained its place on the calendar.

Sub. H. B. No. 371-Representatives Amstutz, Weddington.

Cosponsors: Representatives Blair, McClain, Duffey, Anielski, Baker, Barnes, Beck, Blessing, Combs, Conditt, Derickson, Dovilla, Gonzales, Goyal,

Grossman, Hackett, Hagan, C., Hottinger, Kozlowski, Mallory, McGregor, Murray, Newbold, Peterson, Schuring, Sprague, Uecker, Winburn, Young, Speaker Batchelder.

To amend sections 189.01, 189.03, 189.04, 189.05, 189.06, 189.07, and 189.08 of the Revised Code and to amend Sections 261.10 and 261.20.93 of Am. Sub. H.B. 153 of the 129th General Assembly regarding the Local Government Innovation Program and to make an appropriation, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 371**, pass?"

On the motion of Senator Faber, **Sub. H. B. No. 371** was informally passed and retained its place on the calendar.

Am. S. B. No. 222-Senator Burke.
Cosponsors: Senators Patton, Widener.

To enact sections 5529.07 and 5537.35 of the Revised Code to require certain flags to be displayed at rest areas along the state's interstates and the Ohio Turnpike, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 222**, pass?"

On the motion of Senator Faber, **Am. S. B. No. 222** was informally passed and retained its place on the calendar.

Am. S. B. No. 245-Senator Hughes.
Cosponsors: Senators Beagle, Hite, Sawyer.

To amend section 4517.05 of the Revised Code to establish mandatory training for used motor vehicle dealers, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 245**, pass?"

On the motion of Senator Faber, **Am. S. B. No. 245** was informally passed and retained its place on the calendar.

Sub. S. B. No. 248-Senator Balderson.
Cosponsors: Senators Coley, Sawyer, Daniels.

To amend sections 4928.143 and 4928.20 and to enact sections 4928.23, 4928.231, 4928.232, 4928.233, 4928.234, 4928.235, 4928.236, 4928.237, 4928.238, 4928.239, 4928.2310, 4928.2311, 4928.2312, 4928.2313, 4928.2314, 4928.2315, 4928.2316, 4928.2317, and 4928.2318 of the Revised Code to establish standards for the securitization of costs for electric distribution utilities, was considered the third time.

The question being, "Shall the bill, **Sub. S. B. No. 248**, pass?"

Senator Daniels moved to amend as follows:

In line 547, after " state" insert " law."; after " rules" insert an underlined comma; after " regulations" insert " and for which the commission approves recovery in accordance with section 4909.18 of the Revised Code, sections 4928.141 to 4928.143, or 4928.144 of the Revised Code, or section 4928.14 of the Revised Code as it existed prior to July 31, 2008"

In line 909, delete " or the customer becomes a customer of an electric"

In line 910, delete " cooperative in the same service area."

In line 912, delete " (1)"; delete " and"

In line 913, delete " remitted"

In line 915, delete all after " agent"

Delete lines 916 and 917

In line 918, delete all before " in" and insert an underlined comma

In line 920, delete " or electric cooperative's"

Delete lines 921 through 935

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. S. B. No. 248**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

So the bill passed.

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

Senator Balderson moved to amend the title as follows:

Add the names: "Bacon, Beagle, Burke, Eklund, Faber, Gentile, Hite,

Hughes, Jones, Kearney, LaRose, Lehner, Niehaus, Obhof, Seitz, Smith, Wagoner."

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

The motion was agreed to and the title so amended.

Am. 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, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 252**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

So the bill passed.

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

Senator Patton moved to amend the title as follows:

Add the names: "LaRose, Lehner, Manning, Obhof, Wagoner."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, **Sub. H. B. No. 243**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Sub. H. B. No. 243**, pass?"

Senator Bacon moved to amend as follows:

Delete lines 573 through 585 and insert:

"**Sec. 4303.02.** Permit A-1 may be issued to a manufacturer to manufacture beer and sell beer products in bottles or containers for home use and to retail and wholesale permit holders under rules ~~promulgated~~ adopted by the division of liquor control. In addition, an A-1 permit holder may sell beer manufactured on the premises at retail, by individual drink in a glass or from a container, for consumption on the premises where sold. The fee for this permit is three thousand nine hundred six dollars for each plant during the year covered by the permit."

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

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 243**, pass?"

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

Those who voted in the affirmative were: Senators

- | | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Balderson, Brown, Burke, Cafaro, Coley, Eklund, Gentile, Jordan, Lehner, Manning, Niehaus, Patton, Seitz, Skindell."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, **Sub. H. B. No. 48**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Sub. H. B. No. 48**, pass?"

The yeas and nays were taken and resulted - yeas 26, nays 7, 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 | Oelslager | Patton | Sawyer |
| Schaffer | Seitz | Smith | Wagoner |
| Widener | | | Niehaus-26. |

Senators Brown, Cafaro, Gentile, Schiavoni, Skindell, Tavares, and Turner voted in the negative-7.

So the bill passed.

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

Senator Wagoner moved to amend the title as follows:

Add the names: "Bacon, Coley, Eklund, Hughes, Jones, Lehner, Manning, Patton, Seitz."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, **Sub. H. B. No. 96**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Sub. H. B. No. 96**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

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, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Gentile, Jones, Kearney, Oelslager, Patton, Sawyer, Skindell, Smith, Tavares, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, **Sub. H. B. No. 250**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Sub. H. B. No. 250**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

So the bill passed.

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

Senator Bacon moved to amend the title as follows:

Add the names: "Bacon, Lehner, Wagoner."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, **Sub. H. B. No. 371**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Sub. H. B. No. 371**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

So the bill passed.

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

Senator Daniels moved to amend the title as follows:

Add the names: "Balderson, Beagle, Coley, Eklund, Faber, Hite, Kearney, LaRose, Manning, Obhof, Oelslager, Patton, Sawyer, Tavares, Turner, Wagoner."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, **Am. S. B. No. 222**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Am. S. B. No. 222**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

So the bill passed.

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

Senator Burke moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Cafaro, Coley, Daniels, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, Lehner, Niehaus, Obhof, Oelslager, Sawyer, Schaffer, Smith, Tavares, Wagoner."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, **Am. S. B. No. 245**, having been informally passed, was taken up for consideration.

The question being, "Shall the bill, **Am. S. B. No. 245**, pass?"

Senator Hughes moved to amend as follows:

In line 30, delete " section" and insert " amendment"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Am. S. B. No. 245**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

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, Balderson, Daniels, Jordan, Oelslager, Patton."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, the Senate reverted to the third Order of Business, House Amendments to Senate Bills and Resolutions.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

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", were taken up.

The question being, "Shall the section, Section 2, setting forth the emergency features of the bill, stand as a part of the bill?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

So the section, Section 2, 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 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

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

The amendments of the House of Representatives to:

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

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

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, were taken up.

On the motion of Senator Faber, the amendments of the House of Representatives to, **Am. Sub. S. B. No. 165**, were informally passed and

retained their place on the calendar.

RESOLUTIONS REPORTED BY COMMITTEE

H. C. R. No. 29-Representative Sears.

Cosponsors: Representatives Adams, J., Beck, Combs, Gonzales, Letson, Murray, Wachtmann, Celeste, Amstutz, Antonio, Blair, Brenner, Garland, Hackett, Henne, Luckie, Newbold, Szollosi, Young, Speaker Batchelder.

To approve the Public Health Council's proposed revision of Chapter 3701-36 of the Ohio Administrative Code establishing standards to be met by boards of health and local health departments and procedures for payment of state subsidies for meeting those standards.

WHEREAS, In 1981, the 114th General Assembly enacted Am. Sub. H.B. 694, a general appropriations act that included a provision requiring the Public Health Council of the Department of Health to adopt rules establishing minimum standards and optimum achievable standards for boards of health and local health departments and a formula for distribution of state subsidy funds according to the level at which those standards are met; and

WHEREAS, The rules have been adopted as required by section 3701.342 of the Revised Code and are included in Chapter 3701-36 of the Administrative Code; and

WHEREAS, on September 2, 2011, the Public Health Council filed with the Legislative Service Commission a proposal to revise Chapter 3701-36 of the Administrative Code by amending rules 3701-36-01, 3701-36-02, 3701-36-03, 3701-36-10, 3701-36-11, 3701-36-12, and 3701-36-13, rescinding and proposing new rule 3701-36-04, and rescinding rules 3701-36-05 to 3701-36-09; and

WHEREAS, The Public Health Council's proposed revision of Chapter 3701-36 of the Administrative Code includes standards for protecting people from disease and injury, monitoring health status, assuring a safe and healthy environment, promoting healthy lifestyles, and addressing the need for personal health services, as well as procedures for payment of state subsidies for meeting those standards; and

WHEREAS, On October 6, 2011, the Public Health Council conducted a public hearing on its proposed revision of Chapter 3701-36 of the Administrative Code and has not been required to remove all or any part of its proposed revision from the rule-making process; and

WHEREAS, On October 24, 2011, the Joint Committee on Agency Rule Review considered the proposed revision of Chapter 3701-36 of the Administrative Code and took no action against the proposed revision; and

WHEREAS, Section 3701.342 of the Revised Code provides that rules adopted by the Public Health Council pursuant to that section cannot take effect unless approved by concurrent resolution of the General Assembly; now

therefore be it

RESOLVED, That the General Assembly, in adopting this concurrent resolution, approves the Public Health Council's proposed revision of Chapter 3701-36 of the Administrative Code, as filed with the Legislative Service Commission on September 2, 2011, considered in a public hearing on October 6, 2011, and considered by the Joint Committee on Agency Rule Review on October 24, 2011; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the Public Health Council, the Director of Health, the Director of the Joint Committee on Agency Rule Review, and the Director of the Legislative Service Commission.

The question being, "Shall the concurrent resolution, **H. C. R. No. 29**, be adopted?"

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

Those who voted in the affirmative were: Senators

- | | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

So the concurrent resolution was adopted.

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

Senator Lehner moved to amend the title as follows:

Add the names: "Coley, Seitz."

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

The motion was agreed to and the title so amended.

Senator Faber moved that **H. B. No. 79**, having been reported by the Committee on Insurance, Commerce and Labor, be brought up for third consideration.

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

The yeas and nays were taken and resulted - yeas 22, nays 11, as follows:

Those who voted in the affirmative were: Senators

- | | | | |
|-------|-----------|--------|-------|
| Bacon | Balderson | Beagle | Burke |
|-------|-----------|--------|-------|

| | | | |
|---------|----------|--------|-------------|
| Coley | Daniels | Eklund | Faber |
| Hite | Hughes | Jones | Jordan |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Schaffer | Seitz | Wagoner |
| Widener | | | Niehaus-22. |

Those who voted in the negative were: Senators

| | | | |
|--------|---------|-----------|------------|
| Brown | Cafaro | Gentile | Kearney |
| LaRose | Sawyer | Schiavoni | Skindell |
| Smith | Tavares | | Turner-11. |

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

H. B. No. 79-Representatives Bubp, Uecker.

Cosponsors: Representatives Adams, J., Amstutz, Beck, Blair, Boose, Brenner, Butler, Carey, Combs, Gardner, Grossman, Hackett, Hall, Hayes, Henne, Hottinger, Huffman, Maag, Martin, McClain, Ruhl, Slaby, Wachtmann, Young, Goodwin, Burke, Johnson, Sears, Adams, R., Buchy, Conditt, Derickson, Dovilla, Hagan, C., Mecklenborg, Newbold, Roegner, Rosenberger, Stautberg, Thompson, Speaker Batchelder. Senators Faber, Bacon, Hite, Jones, Jordan, Schaffer.

To enact section 3901.87 of the Revised Code to prohibit qualified health plans from providing coverage for certain abortions, was considered the third time.

The question being, "Shall the bill, **H. B. No. 79**, pass?"

The yeas and nays were taken and resulted - yeas 23, nays 10, 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. |

Those who voted in the negative were: Senators

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

So the bill passed.

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

Senator Faber moved to amend the title as follows:

Add the names: "Burke, Coley, Eklund, Oelslager, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

MOTIONS

Senator Faber moved that Senators absent the week of Sunday, December 11, 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.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

STATE OF OHIO EXECUTIVE DEPARTMENT OFFICE OF THE GOVERNOR COLUMBUS

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Rebecca Blum Baute, from Mason, Warren County, Ohio, as a Member of the Ohio Medical Transportation Board for a term beginning August 30, 2011 and ending at the close of business July 5, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 30th day of August in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

STATE OF OHIO EXECUTIVE DEPARTMENT OFFICE OF THE GOVERNOR COLUMBUS

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Paul R. Bishop, from Louisville, Stark County, Ohio, as a Member of the Northeast Ohio Medical University Board of Trustees for a term beginning November 14, 2011 and ending at the close of business September 22, 2020, replacing Judith E. Barnes Lancaster, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 14th day of November in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Jean Byrd, from Columbus, Franklin County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning October 20, 2011 and ending at the close of business June 22, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 20th day of October in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Bill W. Dingus, from South Point, Lawrence County, Ohio, as a Member of the Transportation Review Advisory Council for a new term beginning September 6, 2011 and ending at the close of business June 29, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of September in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Lot Kwarteng, from Westerville, Franklin County, Ohio, as a Member of the Miami University Board of Trustees for a term beginning October 4, 2011 and ending at the close of business February 28, 2013, replacing Lindsey R. Bullinger, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 4th day of October in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Erin M. Miller, from Westerville, Franklin County, Ohio, as a Member of the Solid Waste Management Advisory Council for a new term beginning October 20, 2011 and ending at the close of business June 22, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 20th day of October in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Shawn E. Saunders, from Gallipolis, Gallia County, Ohio, as a Member of the Rio Grande Community College Board of Trustees for a new term beginning October 28, 2011 and ending at the close of business October 10, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 28th day of October in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

**STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS**

I, John R. Kasich, Governor of the State of Ohio, do hereby appoint, Hamilton P. Schwartz, MD, from Cincinnati, Hamilton 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.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 30th day of August in the year of our Lord, two thousand and eleven.

[Seal]

John R. Kasich,
Governor.

Said appointments were referred to the Committee on Rules and Reference.

Message from the House of Representatives

Mr. President:

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

Am. H. B. No. 207 -Representatives Balderson, Letson
Cosponsors: Representatives Huffman, Yuko, Gerberry, Landis, Thompson, Derickson, Stinziano, Fende, Ashford, Combs, Phillips, Schuring, Martin, Buchy, Hayes, Blair, Hottinger, Milkovich, Adams, J., Adams, R., Amstutz, Anielski, Antonio, Barnes, Blessing, Boose, Bubb, Carey, Carney, Celeste, Conditt, Damschroder, Dovilla, Driehaus, Duffey, Fedor, Gardner, Garland, Gentile, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Heard, Hill, Hollington, Johnson, Kozlowski, Luckie, Lundy, Maag, Mallory, McClain, McGregor, Newbold, Patmon, Ramos, Reece, Ruhl, Sears, Slaby, Stautberg, Stebelton, Sykes, Szollosi, Uecker, Wachtmann, Winburn, Young, Speaker Batchelder

To enact section 5.2272 of the Revised Code to designate the week in which

Labor Day occurs each year as "Ohio Coal Miners Week."

H. B. No. 24 -Representative Combs

Cosponsors: Representatives Wachtmann, Patmon, Garland, Derickson, Maag, Fedor, Adams, J., Blessing, Beck, O'Brien, Winburn, Adams, R., Anielski, Antonio, Barnes, Bubb, Buchy, Butler, Celeste, Clyde, Conditt, Damschroder, DeGeeter, Dovilla, Driehaus, Duffey, Fende, Foley, Goodwin, Grossman, Hackett, Hall, Heard, Hill, Johnson, Letson, Luckie, Lundy, Mallory, McClain, Milkovich, Murray, Newbold, Phillips, Ramos, Slaby, Szollosi, Thompson, Uecker, Yuko, Speaker Batchelder

To amend sections 2950.01, 2950.11, 2950.12, and 2950.13 of the Revised Code to provide notice to a long-term care facility when a Tier III or similar category sex offender/child-victim offender indicates an intent to reside in the facility or registers an address within the specified geographical notification area including the facility.

Am. H. B. No. 349 -Representative McGregor

Cosponsors: Representatives Hackett, Grossman, Murray, Barnes, Combs, DeGeeter, Fende, Garland, Gerberry, Hagan, R., Letson, Luckie, Lundy, Mallory, McClain, Milkovich, O'Brien, Reece, Ruhl, Slaby, Winburn, Yuko, Speaker Batchelder

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.

Sub. H. B. No. 276 -Representatives Buchy, Gentile

Cosponsors: Representatives Hall, Derickson, Peterson, Balderson, Boose, Ruhl, Murray, O'Brien, Huffman, Grossman, Amstutz, Hackett, Maag, Gonzales, Adams, R., Johnson, Yuko, Fende, Anielski, Antonio, Baker, Barnes, Blair, Bubb, Butler, Carey, Carney, Celeste, Combs, Damschroder, DeGeeter, Dovilla, Driehaus, Duffey, Fedor, Foley, Garland, Goodwin, Goyal, Hagan, C., Hayes, Heard, Henne, Hill, Hottinger, Kozlowski, Landis, Letson, Luckie, Lundy, Mallory, McClain, Milkovich, Newbold, Patmon, Pelanda, Phillips, Ramos, Roegner, Schuring, Sears, Slaby, Slesnick, Sprague, Stebelton, Szollosi, Thompson, Wachtmann, Winburn, Young, Speaker Batchelder

To amend sections 1.61, 303.01, 303.21, 519.01, 519.21, 901.511, 903.10, 929.01, 1309.102, 1311.55, 1729.01, 3781.06, 5501.50, and 5713.30 of the Revised Code to include algaculture in the laws governing agriculture, in the definition of "agriculture" for purposes of the laws governing county and township zoning, and in the laws governing current agricultural use valuation; to exclude from zoning restrictions the production from certain feedstocks of biodiesel, biomass energy, electric or heat energy, and biologically derived methane gas; to include that production in the laws governing current agricultural use valuation; and to provide for the establishment of best management practices for that production under the Concentrated Animal Feeding Facilities Law.

Attest:

Thomas L. Sherman,
Deputy Clerk.

Said bills were considered the first time.

Message from the House of Representatives

Mr. President:

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

Am. Sub. H. B. No. 364 -Representatives Roegner, Duffey
Cosponsors: Representatives Blessing, Hill, Stebelton, Thompson, Stautberg, Martin, Hagan, C., Adams, R., Anielski, Antonio, Blair, Bulp, Buchy, Carney, DeGeeter, Dovilla, Fende, Garland, Gonzales, Goyal, Grossman, Hackett, Hall, Hollington, Johnson, Letson, Lundy, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Slaby, Stinziano, Terhar, Williams, Young, Yuko, Speaker Batchelder

To amend sections 4928.143 and 4928.20 and to enact sections 4928.23, 4928.231, 4928.232, 4928.233, 4928.234, 4928.235, 4928.236, 4928.237, 4928.238, 4928.239, 4928.2310, 4928.2311, 4928.2312, 4928.2313, 4928.2314, 4928.2315, 4928.2316, 4928.2317, and 4928.2318 of the Revised Code to establish standards for the securitization of costs for electric distribution utilities.

Attest:

Thomas L. Sherman,
Clerk.

Said bill was considered the first time.

MESSAGE FROM THE PRESIDENT

Pursuant to Senate Rules No. 19 and No. 20, the President of the Senate makes the following standing committee appointments:

Appoints Senator Gentile to the Standing Committee on Energy and Public Utilities.

Appoints Senator Gentile to the Standing Committee on Financial Institutions.

Appoints Senator Gentile to the Standing Committee on Agriculture, Environment, and Natural Resources.

Appoints Senator Gentile as Ranking Minority member of the Standing Committee on Agriculture, Environment, and Natural Resources.

Appoints Senator Gentile to the Standing Committee on Highways and Transportation.

Appoints Senator Gentile as Ranking Minority member of the Standing Committee on Highways and Transportation.

On the motion of Senator Faber, the Senate recessed until 8:27 p.m.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

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

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

Cosponsors: Senators Niehaus, Burke, Lehner, Widener, Patton, Balderson, Beagle, Coley, Daniels, Eklund, Hite, Manning, Sawyer, Schaffer, Smith, Tavares, Wagoner Representatives Adams, R., Amstutz, Anielski, Antonio, Baker, Blair, Boose, Bubp, Combs, Dovilla, Fende, Garland, Grossman, Hackett, Hill, Hottinger, Johnson, Kozlowski, Letson, Luckie, Lundy, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Newbold, O'Brien, Phillips, Ramos, Ruhl, Sears, Slaby, Slesnick, Sprague, Thompson, Weddington, Young, Yuko

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.

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

Attest:

Thomas L. Sherman,
Clerk.

Senator Faber moved that the amendments of the House of representatives to **Sub. S. B. No. 264** be brought up for consideration.

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

The motion was agreed to.

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

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

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

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:

Sub. H. B. No. 369 -Representative Huffman

Cosponsors: Representatives Brenner, Buchy, Grossman, Hall, Huffman, Maag, McClain, Ruhl, Sears, Stebelton, Terhar, Wachtmann, Young, Speaker Batchelder

To enact new section 3521.01 and to repeal section 3521.01 of the Revised Code, to repeal Sections 3 and 4 of Sub. H.B. 318 of the 129th General Assembly, and to repeal Sections 3, 6, and 7 of Sub. H.B. 319 of the 129th General Assembly to establish Congressional district boundaries for the state based on the 2010 decennial census of Ohio, to eliminate the requirement that

Ohio conduct two primary elections in 2012, to eliminate the appropriation that would pay for the second primary election in 2012, to eliminate the requirement of mailing an election notice to each registered elector prior to the March 6, 2012 primary election, to establish a single primary election on March 6, 2012, for the purpose of nominating all candidates for election in 2012, and to declare an emergency.

Attest:

Thomas L. Sherman,
Clerk.

Said bill was considered the first time.

Senator Faber moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to **Sub. H. B. No. 369**, and that said bill be considered the second time.

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

The yeas and nays were taken and resulted - yeas 27, nays 6, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------|-----------|---------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | LaRose |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Schaffer | Seitz | Smith |
| Wagoner | Widener | | Niehaus-27. |

Senators Kearney, Sawyer, Schiavoni, Skindell, Tavares, and Turner voted in the negative-6.

The motion was agreed to.

Senator Faber moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to **Sub. H. B. No. 369**, and that said bill be considered the third time.

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

The yeas and nays were taken and resulted - yeas 27, nays 6, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|--------|-----------|---------|---------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | LaRose |

| | | | |
|---------|----------|-------|-------------|
| Lehner | Manning | Obhof | Oelslager |
| Patton | Schaffer | Seitz | Smith |
| Wagoner | Widener | | Niehaus-27. |

Senators Kearney, Sawyer, Schiavoni, Skindell, Tavares, and Turner voted in the negative-6.

The motion was agreed to.

The question being, "Shall the section, Section 9, 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 4, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|--------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | LaRose |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Sawyer | Schaffer | Schiavoni |
| Seitz | Smith | Wagoner | Widener |
| | | | Niehaus-29. |

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

So the section, Section 9, 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 27, nays 6, as follows:

Those who voted in the affirmative were: Senators

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

Senators Kearney, Sawyer, Skindell, Smith, Tavares, and Turner voted in the negative-6.

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

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

Senator Faber moved to amend the title as follows:

Add the names: "Eklund, Seitz, Wagoner."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, the Senate reverted to the sixth Order of Business, Bills for Third Consideration.

Senator Faber moved that Am. Sub. H. B. No. 364, having been referred to the Committee on Rules and Reference, be brought up for consideration.

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

The motion was agreed to.

Senator Faber moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to **Am. Sub. H. B. No. 364**, and that said bill be considered the second time.

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

The yeas and nays were taken and resulted - yeas 28, nays 5, as follows:

Those who voted in the affirmative were: Senators

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

Senators Kearney, Sawyer, Skindell, Tavares, and Turner voted in the negative-5.

The motion was agreed to.

Senator Faber moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to **Am. Sub. H. B. No. 364**, and that said bill be considered the third time.

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

The yeas and nays were taken and resulted - yeas 28, nays 5, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|--------|-----------|---------|---------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |

| | | | |
|--------|----------|-----------|-------------|
| Hughes | Jones | Jordan | LaRose |
| Lehner | Manning | Obhof | Oelslager |
| Patton | Schaffer | Schiavoni | Seitz |
| Smith | Wagoner | Widener | Niehaus-28. |

Senators Kearney, Sawyer, Skindell, Tavares, and Turner voted in the negative-5.

The motion was agreed to.

The question being, "Shall the bill, **Am. Sub. H. B. No. 364**, pass?"

Senator Daniels moved to amend as follows:

In line 527, after " to" insert " 4928.143, or"

In line 546, after " to" insert " 4928.143, or"

In line 635, after " (B)" insert " When reviewing an application for a financing order pursuant to sections 4928.23 to 4928.2318 of the Revised Code, the commission may hold such hearings, make such inquiries or investigations, and examine such witnesses, books, papers, documents, and contracts as the commission considers proper to carry out these sections."

In line 659, delete " will" and insert " results in, consistent with market conditions, both measurably enhancing cost savings to customers and mitigating"

Delete line 660

In line 663, after " utility" insert " or, if the commission previously approved a recovery method, as compared with that recovery method"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 364**, pass?"

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

Those who voted in the affirmative were: Senators

| | | | |
|-----------|-----------|----------|-------------|
| Bacon | Balderson | Beagle | Brown |
| Burke | Cafaro | Coley | Daniels |
| Eklund | Faber | Gentile | Hite |
| Hughes | Jones | Jordan | Kearney |
| LaRose | Lehner | Manning | Obhof |
| Oelslager | Patton | Sawyer | Schaffer |
| Schiavoni | Seitz | Skindell | Smith |
| Tavares | Turner | Wagoner | Widener |
| | | | Niehaus-33. |

So the bill passed.

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

Senator Daniels moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Coley, Daniels, Eklund, Faber, Gentile, Hite, Hughes, Jones, LaRose, Lehner, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Tavares, Turner, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber, the Senate adjourned until Thursday, December 15, 2011 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,
Clerk.