

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**TUESDAY, JANUARY 31, 2012**

ONE HUNDRED TWENTY-SECOND DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, January 31, 2012, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Doug Lynn of the South Shore Ministries in Thornville, Ohio, followed by the Pledge of Allegiance to the Flag.

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

The following guests of the House of Representatives were recognized by Speaker Batchelder prior to the commencement of business:

Dave Wycuff received H. R. 260, presented by Speaker Batchelder-69th district.

The Cleveland Municipal Court received H. R. 253, presented by Representative Antonio-13th district and the Cuyahoga County delegation.

Steve Volk received H. R. 244, presented by Representative Ramos-56th district.

Malaya Sherman received H. R. 111, presented by Representative Ruhl-90th district.

Stephanie Kunze, a guest of Representative Grossman-23rd district.

William L. Mallory, Sr., father of Representative Mallory-32nd district.

Wes Retherford, a guest of Representative Combs-54th district and Eric Combs, son of Representative Combs-54th district.

Jesse Vogel, a guest of Representative Ramos-56th district.

Bryce Dukeshire, a guest of Representative Damschroder-81st district.

Mark Mechling and David Kose, guests of Representative Hill-94th district.

#### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 431**-Representatives Landis, Cera.

Cosponsors: Representatives Bulp, Slaby, Johnson, Thompson, Pillich, Gardner, Grossman, Gonzales, Adams, R., Maag, Beck, Yuko, Antonio.

To enact section 5533.301 of the Revised Code to designate a portion of Interstate Highway 70 in Belmont County the "Staff Sgt. Jesse Ault Memorial Highway."

**H. B. No. 432**-Representative Boyd.

Cosponsors: Representatives Murray, Foley, Okey, Weddington, Letson, O'Brien.

To amend section 3937.18 of the Revised Code to prohibit automobile insurance policies that include uninsured and underinsured coverage from excluding coverage for family members solely on the basis of that relationship and from limiting or contradicting coverage requirements specified in law.

**H. B. No. 433**-Representative Damschroder.

To amend sections 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, and 1907.11 of the Revised Code to abolish the Sandusky County County Court, to create the Sandusky County Municipal Court, to provide that the judge of the Sandusky County Municipal Court shall be nominated by petition, and to designate the clerk of courts of Sandusky County the clerk of the Sandusky County Municipal Court.

**H. B. No. 434**-Representative Newbold.  
Cosponsor: Representative Hall.

To amend sections 2744.02 and 2744.09 of the Revised Code to require that a political subdivision other than a county exhaust its own assets to satisfy its contract or tort liability, before it may seek contribution out of the assets of the county or counties having territory within the political subdivision.

**H. B. No. 435**-Representative Beck.  
Cosponsors: Representatives Terhar, Thompson, Henne.

To enact section 135.146 of the Revised Code to authorize boards of township trustees to invest all or part of township interim funds in corporate bonds.

**H. B. No. 436**-Representatives Grossman, Anielski.  
Cosponsors: Representatives Thompson, Wachtmann, Combs, Landis, Terhar, Baker, Pelanda, Hagan, C., Buchy, Kozlowski, Henne, Newbold.

To enact sections 122.97 and 122.971 of the Revised Code to create the SiteOhio certification program within the Department of Development to certify and market eligible commercial, industrial, and manufacturing sites and facilities.

**H. B. No. 437**-Representatives Roegner, Patmon.  
Cosponsors: Representatives Newbold, Huffman, Gardner, Buchy, Dovilla, Goodwin, Adams, J., Derickson, Thompson.

To amend section 3327.15 of the Revised Code to increase the number of miles a school district board may authorize its motor vehicles for out-of-state

travel.

Said bills were considered the first time.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Am. H. B. No. 215**-Representative Dovilla, et al., were taken up for consideration.

**Am. H. B. No. 215**-Representative Dovilla.

Cosponsors: Representatives Burke, Blessing, Derickson, O'Brien, Gardner, Baker, Boose, Grossman, Combs, Stinziano, Anielski, Mecklenborg, Johnson, Wachtmann, Fende, Antonio, Balderson, Barnes, Celeste, Duffey, Garland, Gonzales, Hottinger, McKenney, Ramos, Schuring, Sears, Yuko, Adams, J., Adams, R., Beck, Blair, Brenner, Bubp, Buchy, Budish, Butler, Carey, Damschroder, Goodwin, Hackett, Hagan, C., Huffman, Milkovich, Newbold, Peterson, Reece, Rosenberger, Ruhl, Slaby, Uecker, Weddington, Young, Speaker Batchelder. Senators Brown, Tavares, Coley, Bacon, Balderson, Beagle, Burke, Cafaro, Eklund, Faber, Gentile, Hite, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Skindell, Turner, Wagoner, Widener.

To enact section 5.2273 of the Revised Code to designate the fifteenth day of June as "Elder Abuse Awareness Day."

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 92, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Boyd	Brenner	Bubp	Buchy
Budish	Butler	Carney	Celebrezze
Celeste	Cera	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Fedor	Fende
Gardner	Garland	Gerberry	Gonzales
Goodwin	Goyal	Grossman	Hackett
Hagan, C.	Hall	Hayes	Heard
Henne	Hill	Hottinger	Huffman
Johnson	Kozlowski	Landis	Letson
Luckie	Lundy	Maag	Mallory
Martin	McClain	McGregor	Milkovich
Murray	Newbold	O'Brien	Okey
Patmon	Pelanda	Peterson	Phillips
Pillich	Ramos	Reece	Roegner
Rosenberger	Ruhl	Schuring	Sears
Slaby	Slesnick	Sprague	Stautberg
Stebelton	Stinziano	Sykes	Szollusi

Thompson  
Winburn

Uecker  
Young

Weddington  
Yuko

Williams  
Batchelder-92.

Representative Foley voted in the negative-1.

The Senate amendments were concurred in.

## **REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION**

Representative Williams submitted the following report:

The standing committee on Economic and Small Business Development to which was referred **H. B. No. 331**-Representatives Dovilla, Bulp, et al., having had the same under consideration, reports it back and recommends its passage.

**RE: CREATE CYBERSECURITY, EDUCATION, AND ECONOMIC  
DEVELOPMENT COUNCIL**

Representative Baker moved to amend the title as follows:

Add the names: "Grossman, Hagan, C., Terhar."

NAN BAKER  
SANDRA WILLIAMS  
JOHN BARNES  
DENISE DRIEHAUS  
CHRISTINA HAGAN  
MICHAEL HENNE  
AL LANDIS  
DOROTHY PELANDA  
LOUIS TERHAR

JIM BUCHY  
MARLENE ANIELSKI  
TED CELESTE  
CHERYL GROSSMAN  
TRACY HEARD  
CASEY KOZLOWSKI  
CRAIG NEWBOLD  
CLIFF ROSENBERGER  
ROLAND WINBURN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

## **MOTIONS AND RESOLUTIONS**

Representative Adams, J. moved that majority party members asking leave to be absent or absent the week of Tuesday, January 31, 2012, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Heard moved that minority party members asking leave to be absent or absent the week of Tuesday, January 31, 2012, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative Blessing moved that the following resolution be brought up for immediate adoption, read in full, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 261-Speaker Batchelder.**

Cosponsors: Representatives Adams, J., Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyd, Brenner, Bulp, Buchy, Budish, Butler, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, DeVitis, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Maag, Mallory, Martin, McClain, McGregor, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Pelanda, Peterson, Phillips, Pillich, Ramos, Reece, Roegner, Rose, Rosenberger, Ruhl, Schuring, Sears, Slaby, Slesnick, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Terhar, Thompson, Uecker, Wachtmann, Weddington, Williams, Winburn, Young, Yuko.

In memory of Paul Parks Mechling.

WHEREAS, The members of the House of Representatives of the 129th General Assembly of Ohio extend our sincere condolences to the family and friends of Paul Parks Mechling on the sorrowful occasion of his death; and

WHEREAS, Paul Mechling left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. Among his endeavors, he was a member of the Ohio House of Representatives from 1983 to 1992, serving five terms and chairing the Economic Affairs and Federal Relations Committee, the owner and operator of Wal Mec Farm and Wal Mec Bed and Breakfast, a former vocational-agriculture teacher in the Westville, Versailles, and Lancaster school districts, a past farm loan and public relations officer for Fairfield National Bank, the director of adult and continuing education for Ohio University-Lancaster, and a member of the Ohio Exposition Commission for the Ohio State Fair, the Lancaster Kiwanis Club, the Perry County Farm Bureau Federation, Grace Lutheran Church, and the National Vocational Agriculture Teachers. Without a doubt, he was a dedicated and devoted public servant whose exemplary career serves as an inspiration for others; and

WHEREAS, Paul Mechling's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his

absence will be keenly felt; and

WHEREAS, A loving husband to his wife, Annabelle, and a devoted father to his two sons, Mark and Paul, Paul Mechling always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him but also to those he left behind. Although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 129th General Assembly of Ohio, in adopting this Resolution, salute the memory of a truly remarkable man, Paul Parks Mechling; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of Paul Parks Mechling.

The resolution was adopted.

Representative Blessing moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

The question being on the adoption of the resolution, reading as follows:

**H. R. No. 262-Speaker Batchelder.**

Relative to the election of Philip H. Rose to fill the vacancy in the membership of the House of Representatives created by the resignation of John Carey of the 87th House District.

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

WHEREAS, John Carey of the 87th House District has resigned as a member of the House of Representatives of the 129th General Assembly effective December 31, 2011, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Republican party that Philip H. Rose, Republican, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 87th House District, is hereby elected, effective January 31, 2012, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 87th House District, to fill the vacancy created by the unexpired portion of the term of said John Carey, ending on December 31, 2012; and be it further

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

The yeas and nays were taken and resulted - yeas 56, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Butler	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Gardner
Gonzales	Goodwin	Grossman	Hackett
Hagan, C.	Hall	Hayes	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Maag	Martin
McClain	McGregor	Newbold	Pelanda
Peterson	Pillich	Roegner	Rosenberger
Ruhl	Schuring	Sears	Slaby
Sprague	Stautberg	Stebelton	Thompson
Uecker	Wachtmann	Young	Batchelder-56.

The resolution was adopted.

Mr. Rose was escorted to the bar of the House by Representatives Slaby, Rosenberger, Johnson, Grossman, Budish, Szollosi, Phillips, and Heard, took the oath of office administered by The Honorable William G. Batchelder, Speaker of the Ohio House of Representatives, and entered upon the discharge of his duties.

State of Ohio

County of Franklin

I, Philip H. Rose, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ PHILIP H. ROSE  
Philip H. Rose

Sworn to and subscribed before me this 31st day of January, 2012.

/s/ WILLIAM G. BATCHELDER  
William G. Batchelder  
Speaker  
Ohio House of Representatives



**BILLS FOR THIRD CONSIDERATION****Sub. S. B. No. 223-Senator Bacon.**

Cosponsors: Senators Wagoner, Faber, Turner, Kearney, Obhof, Balderson, Beagle, Burke, Cafaro, Coley, Daniels, Eklund, Hite, Hughes, Jones, Lehner, Manning, Niehaus, Oelslager, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Tavares, Widener.

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 taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 84, nays 10, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barnes	Beck
Blair	Blessing	Boose	Boyd
Brenner	Bubp	Buchy	Butler
Carney	Celebrezze	Celeste	Cera
Clyde	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Fedor	Fende	Foley	Gardner
Garland	Gerberry	Gonzales	Goodwin
Goyal	Grossman	Hackett	Hagan, C.
Hall	Hayes	Heard	Henne
Hill	Hottinger	Huffman	Johnson
Kozlowski	Landis	Lundy	Maag
Mallory	McClain	McGregor	Milkovich
Newbold	O'Brien	Okey	Patmon
Pelanda	Peterson	Phillips	Pillich
Roegner	Rose	Rosenberger	Ruhl
Schuring	Sears	Slaby	Slesnick
Sprague	Stautberg	Stebelton	Stinziano
Szollosi	Thompson	Uecker	Wachtmann
Williams	Winburn	Young	Batchelder-84.

Those who voted in the negative were: Representatives

Budish	Letson	Luckie	Martin
Murray	Ramos	Reece	Sykes
Weddington			Yuko-10.

The bill passed.

Representative Slaby moved to amend the title as follows:

Add the names: "Anielski, Antonio, Boose, Boyd, Buchy, Combs, DeVitis, Dovilla, Grossman, Hackett, Hall, Hill, Johnson, McGregor, Newbold, O'Brien, Patmon, Roegner, Thompson, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

Pursuant to Section 4781.02(A)(4)(a) of the Ohio Revised Code, the Speaker hereby appoints public member Daniel Rolfes to the Ohio Manufactured Homes Commission.

Message from the Speaker

Pursuant to Section 904.02 (A)(3) of the Ohio Revised Code, the Speaker hereby appoints public member Dominic Marchese, a family farmer, to the Ohio Livestock Care Standards Board.

Message from the Speaker

Pursuant to Section 701.40 of Am. Sub. H. B. 153, 129th General Assembly, the Speaker hereby appoints Representative Foley to the Ohio Housing Study Committee.

Clerk's Notation

In accordance with the provisions of Article II, Section 1b and 1g, of the Ohio Constitution and Section 3519 of the Ohio Revised Code, the Secretary of State has transmitted notice on January 27, 2012, a petition seeking to initiate a statute entitled "The Ohio Dog Auctions Act." This petition contains the required number of valid signatures as certified by the Secretary of State, which warrants the filing of said proposed law with the General Assembly.

On motion of Representative Blessing, the House adjourned until Thursday, February 2, 2012 at 9:00 o'clock a.m.

Attest:

JENNIFER E. WOODRING,  
Clerk.