

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

WEDNESDAY, MAY 6, 2009

FORTY-SECOND DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, May 6, 2009, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Representative Matt Huffman-4th district, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

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

The Sylvania Southview High School football team and Jim Mayzes received House Resolutions 303 & 311 respectively, presented by Representative Sears-46th district.

Michael Amheiser received H. R. 31, presented by Representatives Ruhl-90th district and Book-89th district.

Lamont Taylor, a guest of Representative Mallory-32nd district.

Reed Adler, a guest of Representative Yates-33rd district.

Members of the Lucas County Coalition for Healthy Communities, guests of Representative Ujvagi-47th district.

Tom Turner, a guest of Representative Slesnick-52nd district.

Mark Zappa, a guest of Representative Boose-58th district.

Members of the Seneca County Young Republicans, guests of Representatives Boose-58th district and Wagner-81st district.

Mike Zappa, guests of Representative Goyal-73rd district.

Students of the Zahn's Corner Middle School, guests of Representative Daniels-86th district.

### INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 173**-Representatives Fende, Combs.

Cosponsors: Representatives Evans, Murray, Letson, Chandler, Hagan, Ujvagi, Domenick, Bulp, Garland, Harwood, Uecker, Brown, Lehner, DeBose.

To amend sections 4713.01 and 4713.08 and to enact section 4713.50 of the Revised Code regarding the regulation of chemical tanning applications and the use of tanning services by individuals under 18 years of age.

Said bill was considered the first time.

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

Representative Stebelton submitted the following report:

The standing committee on Education to which was referred **H. B. No. 19**-Representative Harwood, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: DATING VIOLENCE

Representative Williams, B. moved to amend the title as follows:

Add the names: "Luckie, DeBose, Driehaus, Garland, Lundy, Pryor, Weddington."

CLYDE EVANS	BRIAN G. WILLIAMS
CLAYTON LUCKIE	NANCY GARLAND
PEGGY LEHNER	DEBBIE PHILLIPS
W. CARLTON WEDDINGTON	RAYMOND PRYOR
MATT LUNDY	MICHAEL DEBOSE
DENISE DRIEHAUS	MARIAN HARRIS
W. SCOTT OELSLAGER	RON GERBERRY
RICHARD ADAMS	MIKE MORAN
NAN BAKER	CLIFF HITE

The following members voted "NO"

GERALD L. STEBELTON	JARROD MARTIN
MATT HUFFMAN	SETH MORGAN
JEFF WAGNER	

The report was agreed to.

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

Representative Koziura submitted the following report:

The standing committee on Rules and Reference to which was referred **H. B. No. 81**-Representatives Boyd, Gardner, et al., having had the same under consideration, recommends its re-referral to the committee on Health.

RE: HEALTH INSURANCE COVER DIABETIES

T. TODD BOOK	JOSEPH KOZIURA
MATT LUNDY	TIMOTHY J. DEGEETER
BARBARA BOYD	WILLIAM G. BATCHELDER
LOUIS W. BLESSING	

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Health.

Representative Hottinger submitted the following report:

The standing committee on Insurance to which was referred **H. B. No. 50**-Representative Domenick, et al., having had the same under consideration, reports it back and recommends its passage.

RE: VEHICLE REGISTRATION CERTIFICATE OMIT DUPLICATE ADDRESS

Representative Dodd moved to amend the title as follows:

Add the names: "Hottinger, McGregor."

KRIS JORDAN	TOM LETSON
JOHN PATRICK CARNEY	DAN DODD
JAY HOTTINGER	ROSS MCGREGOR
DEBBIE PHILLIPS	ROBERT HACKETT
MATTHEW J. DOLAN	SANDRA STABILE HARWOOD
MARK SCHNEIDER	DAVID DANIELS
JOSEPH KOZIURA	LYNN R. WACHTMANN
TRACY HEARD	

The report was agreed to.

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

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bills be considered for the second time and referred to the following committees for consideration.

**H.B. No. 141 - Representative Dodd, et al**

TO REVISE THE HOUSEHOLD SEWAGE AND SMALL FLOW ON-SITE SEWAGE TREATMENT SYSTEMS LAW, AND TO DECLARE AN EMERGENCY.

To the committee on Environment and Brownfield Development

**H.B. No. 142 - Representative Gardner, et al**

TO ESTABLISH THE COMMISSION FOR THE FUTURE OF LOCAL VETERANS POSTS IN OHIO TO DEVELOP RECOMMENDATIONS ON LOCAL VETERANS POSTS' ECONOMIC STATUS, TAX AND REGULATORY ISSUES, LOCAL ECONOMIC AND CIVIC IMPACT, STATE FUNDING ISSUES, AND SUSTAINABILITY.

To the committee on Veterans Affairs

**H.B. No. 143 - Representative Combs, et al**

TO PROHIBIT THE USE BY THE STATE HIGHWAY PATROL, COUNTIES, AND TOWNSHIPS OF TRAFFIC LAW PHOTO-MONITORING DEVICES.

To the committee on Criminal Justice

**H.B. No. 144 - Representative Grossman, et al**

TO GRANT AN INCOME TAX CREDIT ELIMINATING TAX LIABILITY FOR FIVE YEARS FOR INDIVIDUALS WHO OBTAIN A BACCALAUREATE DEGREE AND WHO RESIDE IN OHIO.

To the committee on Ways and Means

**H.B. No. 145 - Representative Yuko, et al**

TO REQUIRE THAT RESIDENTIAL UNITS CONVEYED PURSUANT TO A LAND INSTALLMENT CONTRACT RECEIVE AN APPRAISAL AND AN INSPECTION, TO DEFINE RESIDENTIAL LEASE OPTION CONTRACT, TO REGULATE RESIDENTIAL LEASE OPTION CONTRACTS UNDER THE OHIO LANDLORD AND TENANT LAW, AND TO PROVIDE PENALTIES.

To the committee on Civil and Commercial Law

**H.B. No. 146 - Representative Hagan, et al**

TO ALLOW COUNTIES TO PARTICIPATE IN A STATE EMPLOYEE HEALTH INSURANCE PLAN SPONSORED BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES.

To the committee on Insurance

**H.B. No. 147- Representative Miller, et al**

TO REQUIRE PUBLISHERS TO DISCLOSE THE PRICE OF COLLEGE TEXTBOOKS TO FACULTY AND OTHERS UPON REQUEST, TO PROHIBIT FACULTY AND OTHERS FROM RECEIVING CERTAIN GIFTS IN EXCHANGE FOR ADOPTING SPECIFIC COURSE MATERIAL FOR COURSE INSTRUCTION, AND TO IMPOSE OTHER REQUIREMENTS AND PROHIBITIONS RELATING TO COLLEGE TEXTBOOK PRICING.

To the committee on Consumer Affairs and Economic Protection

**H.B. No. 148 - Representative Miller**

TO REQUIRE CERTAIN TECHNOLOGICAL IMPROVEMENTS AND UPDATES FOR 9-1-1 SYSTEMS IN OHIO.

To the committee on Public Safety and Homeland Security

**H.B. No. 149 - Representative Miller**

TO ALLOW CHAPTER 166. LOANS AND LOAN GUARANTEES TO BE MADE TO ESTABLISH SUPERMARKETS AND GROCERY STORES IN UNDERSERVED COMMUNITIES, AND TO MAKE AN APPROPRIATION.

To the committee on Finance and Appropriations

**H.B. No. 150 - Representatives Ujvagi and McGregor, et al**

TO DESIGNATE AUGUST AS "OHIO MILITARY FAMILY MONTH."

To the committee on Veterans Affairs

**H.B. No. 151 - Representatives Pryor and Pillich, et al**

TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO

INSTALL DIRECTIONAL AND INFORMATIONAL SIGNS ON STATE HIGHWAYS TO INDICATE THE LOCATION OF UNITED STATES DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS, OUTPATIENT CLINICS, AND COMMUNITY-BASED OUTPATIENT CLINICS.

To the committee on Transportation and Infrastructure

**H.B. No. 152 - Representative Pryor, et al**

TO CREATE THE VIETNAM COMBAT INFANTRY AND COMBAT MEDIC LICENSE PLATES.

To the committee on Transportation and Infrastructure

**H.B. No. 153 - Representative Yuko, et al**

TO AUTHORIZE REGIONAL WATER AND SEWER DISTRICTS TO ESTABLISH POLICE DEPARTMENTS.

To the committee on Local Government and Public Administration

**H.B. No. 154 - Representative Yuko, et al**

TO PROHIBIT A PERSON WHO IS NOT OPERATING A MOTOR VEHICLE FROM FLEEING FROM A LAW ENFORCEMENT OFFICER WHO GIVES A LAWFUL ORDER TO STOP AND TO INCREASE THE MINIMUM PENALTY FOR FLEEING AND ELUDING A POLICE OFFICER IN A MOTOR VEHICLE AFTER RECEIVING A VISIBLE OR AUDIBLE SIGNAL TO STOP.

To the committee on Criminal Justice

**H.B. No. 155 - Representative Yuko, et al**

TO CHANGE THE DEFINITION OF "INSTANT BINGO TICKET DISPENSER" AND TO AUTHORIZE A CHARITABLE ORGANIZATION TO PURCHASE, LEASE, AND USE INSTANT BINGO TICKET DISPENSERS.

To the committee on State Government

**H.B. No. 156 - Representative Harris, et al**

TO DESIGNATE APRIL 30 AS "DIA DE LOS NINOS" OR "CHILDREN'S DAY."

To the committee on State Government

**H.B. No. 157 - Representative Sayre, et al**

TO CREATE "SPECIAL OLYMPICS" LICENSE PLATES.

To the committee on Transportation and Infrastructure

**H.B. No. 158 - Representative Domenick, et al**

TO REQUIRE A SHERIFF TO WAIVE THE LICENSE FEE FOR A LICENSE TO CARRY A CONCEALED HANDGUN FOR AN INSTRUCTOR OF A FIREARMS COURSE, CLASS, OR PROGRAM.

To the committee on Public Safety and Homeland Security

**H.B. No. 159 - Representative Skindell and Hagan, et al**

TO ESTABLISH AND OPERATE THE OHIO HEALTH CARE PLAN TO PROVIDE UNIVERSAL HEALTH CARE COVERAGE TO ALL OHIO

## RESIDENTS.

To the committee on Healthcare Access and Affordability

**H.B. No. 160 - Representative Koziura, et al**

TO REQUIRE THAT AN APPROPRIATIONS BILL FOR EDUCATION AGENCIES BE ENACTED SEPARATELY FROM AND PRIOR TO ANY OTHER OPERATING APPROPRIATIONS BILLS.

To the committee on Finance and Appropriations

**H.B. No. 161 - Representative Koziura, et al**

TO REQUIRE STATE UNIVERSITIES TO GUARANTEE THAT A FULL-TIME UNDERGRADUATE STUDENT WITH A DECLARED MAJOR FIELD OF STUDY CAN COMPLETE THE COURSEWORK FOR THAT PROGRAM OF STUDY IN A SPECIFIED TIME PERIOD.

To the committee on Education

**H.B. No. 162 - Representatives DeGeeter and Dodd, et al**

TO INCREASE THE SPEED LIMIT FOR PASSENGER VEHICLES AND COMMERCIAL BUSES FROM 65 TO 70 MILES PER HOUR ON CERTAIN INTERSTATE FREEWAYS.

To the committee on Transportation and Infrastructure

**H.B. No. 163 - Representative Miller, et al**

TO ESTABLISH FIVE OHIO SICKLE CELL ANEMIA COMPREHENSIVE TREATMENT CENTERS.

To the committee on Health

**H.B. No. 164 - Representative Miller, et al**

TO AUTHORIZE A BOARD OF EDUCATION OF A SCHOOL DISTRICT OR GOVERNING BOARD OF AN EDUCATIONAL SERVICE CENTER TO EMPLOY PUBLIC HIGH SCHOOL LAW ENFORCEMENT OFFICERS, TO PROVIDE THAT PUBLIC HIGH SCHOOL LAW ENFORCEMENT OFFICERS ARE MEMBERS OF THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM, TO PROHIBIT THE IMPERSONATION OF A PUBLIC HIGH SCHOOL LAW ENFORCEMENT OFFICER, AND TO SPECIFY THE POWERS OF ARREST AND CITATION OF PUBLIC HIGH SCHOOL LAW ENFORCEMENT OFFICERS.

To the committee on Public Safety and Homeland Security

**H.B. No. 165 - Representative Ujvagi, et al**

TO RATIFY THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN AND TO ESTABLISH THE STATE COUNCIL ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN AND OTHER OFFICES TO IMPLEMENT THE STATE'S PARTICIPATION IN THE COMPACT.

To the committee on Education

**H.B. No. 166 - Representatives Carney and McGregor, et al**

TO AUTHORIZE THE CREATION OF TRANSPORTATION

INNOVATION AUTHORITIES BY SPECIFIED GOVERNMENTAL ENTITIES AND TO ESTABLISH THE POWERS AND DUTIES OF SUCH AUTHORITIES.

To the committee on Transportation and Infrastructure

**S.B. No. 57 - Senator Gibbs, et al**

TO PERMIT PERSONS WHO ARE SIXTEEN TO DONATE BLOOD WITH PARENTAL CONSENT.

To the committee on State Government

**Am. Sub. S.B. No. 58 - Senator Hughes, et al**

TO PROHIBIT A PERSON FROM COLLECTING ANY BODILY SUBSTANCE OF ANOTHER PERSON WITHOUT PRIVILEGE OR CONSENT TO DO SO, TO CORRECT ERRONEOUS CROSS-REFERENCES IN PROVISIONS ENACTED IN AM. SUB. H.B. 280 OF THE 127TH GENERAL ASSEMBLY REGARDING INCREASED PENALTIES FOR DOMESTIC VIOLENCE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PERMIT EMERGENCY MEDICAL TECHNICIANS-INTERMEDIATE AND EMERGENCY MEDICAL TECHNICIANS-PARAMEDIC TO WITHDRAW BLOOD FOR THE PURPOSES OF THE WATERCRAFT OR VEHICLE OVI LAW OR THE COMMERCIAL MOTOR VEHICLE LAW.

To the committee on Criminal Justice

**S.B. No. 79 - Senator Stewart, et al**

TO CHANGE THE NAME OF THE DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES TO THE DEPARTMENT OF DEVELOPMENTAL DISABILITIES AND THE NAME OF COUNTY BOARDS OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES TO COUNTY BOARDS OF DEVELOPMENTAL DISABILITIES AND TO MAKE SIMILAR NAME CHANGES FOR THE JOINT COUNCIL ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, THE MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES DEVELOPMENTAL CENTER CLOSURE COMMISSION, AND CERTAIN STATE AND COUNTY FUNDS.

To the committee on Local Government and Public Administration

T. TODD BOOK  
BARBARA BOYD  
MATT LUNDY  
WILLIAM G. BATCHELDER

JOSEPH KOZIURA  
TIMOTHY J. DEGEETER  
LOUIS W. BLESSING

Representative Szollosi moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills and Senate Bills contained in the report of the committee on Rules and Reference.



The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Bills were considered the second time and referred as recommended.

### MOTIONS AND RESOLUTIONS

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Concurrent Resolutions and House Resolution be introduced and referred to the following committees for consideration:

**H.C.R. No. 17 - Representative Dodd**

TO REQUEST THAT THE MEMBERS OF THE UNITED STATES CONGRESS REFRAIN FROM ENACTING THE CONSUMER PROTECTION AND REGULATORY MODERNIZATION ACT.

To the committee on Consumer Affairs and Economic Protection

**H.C.R. No. 18 - Representative Yuko, Pillich, Morgan, Adams, J., Fende, Gerberry, Evans, Pryor, DeGeeter, Gardner, Dodd, Chandler, B. Williams, Hagan, Heard, Sayre, Letson, Domenick**

TO DECLARE THE MONTH OF NOVEMBER AS "OHIO ADOPTION MONTH."

To the committee on State Government

**H.C.R. No. 19 - Representative Hagan, Celeste, Phillips, Newcomb, Yuko, Gardner, Boyd, Evans, Koziura, Murray, Foley, Harris, Williams, Chandler, Carney, Luckie, Slesnick, B. Williams, Okey, Letson, Heard, Skindell, Ujvagi, Gerberry, Mallory, Book, Domenick**

TO URGE THE CONGRESS, PRESIDENT OF THE UNITED STATES, AND THE SECRETARY OF TRANSPORTATION TO UTILIZE OHIO'S SKILLED LABOR, INDUSTRIAL RESOURCES, AND TRANSPORTATION SYSTEM TO MANUFACTURE AND REHABILITATE PASSENGER RAIL CARS AND COMPONENTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.

To the committee on Transportation and Infrastructure

**H.C.R. No. 20 - Representative Harwood, Murray, Hagan, Boyd, Chandler, B. Williams, Domenick, Skindell, Okey, Luckie, S. Williams**

TO MEMORIALIZE CONGRESS TO SUPPORT LEGISLATION KNOWN AS THE AIRLINE PASSENGER BILL OF RIGHTS ACT OF 2009.

To the committee on Transportation and Infrastructure

**H.C.R. No. 21 - Representative Pryor, Letson, Okey, Phillips, Zehringer, Domenick**

TO URGE THE CONGRESS OF THE UNITED STATES TO TAKE APPROPRIATE MEASURES TO DENOUNCE THE ACTIONS OF THE RUSSIAN FEDERATION IN BANNING MEAT IMPORTS FROM OHIO

AND OTHER AREAS OF THE UNITED STATES.

To the committee on Agriculture and Natural Resources

**H.C. R. No. 22 - Representative Mandel, J. Adams, R. Adams, Amstutz, Bacon, Baker, Balderson, Batchelder, Blair, Blessing, Boose, Bupp, Burke, Coley, Combs, Daniels, Derickson, Domenick, Evans, Gardner, Goodwin, Grossman, Hackett, Hall, Hite, Hottinger, Huffman, Jones, Jordan, Lehner, Maag, Martin, McClain, Mecklenborg, Morgan, Oelslager, Ruhl, Sears, Snitchler, Harwood, Stautburg, Uecker, Wachtmann, Wagner, Zehringer**

TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES, THE SECRETARY OF THE TREASURY, AND THE INTERNAL REVENUE SERVICE TO WITHDRAW APPLICATION OF THE NEW FEDERAL INCOME TAX WITHHOLDING SCHEDULES TO PENSIONERS.

To the committee on Aging and Disability Services

**H.R. No. 58 - Representative Yuko, Pryor, Foley, Phillips, Williams, S., Hagan, Luckie, Letson, Domenick, Skindell**

TO ENCOURAGE STATE AGENCIES TO USE PROJECT LABOR AGREEMENTS ON PUBLIC IMPROVEMENT PROJECTS.

To the committee on Commerce and Labor

/s/ TODD BOOK

Todd Book, Chair

Representative Szollosi moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolutions were introduced and referred as recommended.

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

**H.R. No. 59 - Representative Maag**

Honoring the Indian Hill High School Mock Trial team on winning the 2009 State Championship.

**H.R. No. 60 - Representative Wachtmann**

Honoring the Holgate High School cheerleading team as the 2009 Americheer Varsity Non-Mount National Champion.

**H.R. No. 61 - Representative Morgan**

Recognizing the National Day of Prayer, May 7, 2009.

**H.R. No. 62 - Representative S. Williams**

Honoring the Cleveland Central Catholic High School boys basketball team as the 2009 Division III State Champion.

**H.R. No. 63 - Representative Letson**

Honoring Rebecca "Ronnie" Conner on receiving the Trumbell County Meritorious Service Award.

**H.R. No. 64 - Representative Murray**

Honoring Cedar Point on its One Hundred Fortieth season.

**H.R. No. 65 - Speaker Budish, Representatives Batchelder, Adams, J., Adams, R., Amstutz, Bacon, Baker, Balderson, Blair, Blessing, Bolon, Book, Boose, Boyd, Brown, Bulp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Jones, Jordan, Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko, Zehringer**

Honoring Representative Eugene Miller for outstanding service to the Ohio House of Representatives.

**H.R. No. 66 - Representative Bacon**

Honoring the Northland High School STEM Club on winning the second-place title at the 2009 Try-Math-alon USA Quiz Bowl.

/s/ TODD BOOK

Todd Book, Chair

Representative Szollosi moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Wednesday, May 6, 2009, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Bulp moved that minority party members asking leave to be absent or absent the week of Wednesday, May 6, 2009, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

**BILLS FOR THIRD CONSIDERATION****Sub. H. B. No. 9**-Representatives Celeste, Foley.

Cosponsors: Representatives Garrison, Heard, Okey, Harris, Boyd, Newcomb, Harwood, Koziura, Hagan, Skindell, Stewart, Slesnick, Chandler, Brown, Murray, Mallory, DeBose, Patten, Oelslager, Lehner, Yuko, Moran, Pryor, Williams, S., Pillich, Phillips, Williams, B., Letson, Winburn, Fende, Luckie, Driehaus, Garland, Weddington.

To amend section 5321.04 and to enact section 5321.20 of the Revised Code to require that notice of foreclosure and related sale of residential rental property be given to tenants at that property and to specify that a rental agreement for a residential property that is sold pursuant to a foreclosure action converts to a month-to-month rental agreement, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Derickson moved to amend as follows:

Between lines 151 and 152, insert:

" (G) The successor in interest pursuant to division (A) of this section assumes the right to enter the property subject to division (A)(8) of section 5321.04 of the Revised Code. "

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

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Blair	Blessing
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hottinger	Huffman	Jones	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
Martin	McClain	McGregor	Mecklenborg
Moran	Morgan	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates

Yuko

Zehringer

Budish-95.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Jones moved to amend as follows:

In line 9, delete the first "section" and insert "sections 1923.04 and"

Between lines 10 and 11, insert:

**"Sec. 1923.04.** (A) Except as provided in division (B) ~~or~~ (C) or (D) of this section, a party desiring to commence an action under this chapter shall notify the adverse party to leave the premises, for the possession of which the action is about to be brought, three or more days before beginning the action, by certified mail, return receipt requested, or by handing a written copy of the notice to the defendant in person, or by leaving it at the defendant's usual place of abode or at the premises from which the defendant is sought to be evicted.

Every notice given under this section by a landlord to recover residential premises shall contain the following language printed or written in a conspicuous manner: "You are being asked to leave the premises. If you do not leave, an eviction action may be initiated against you. If you are in doubt regarding your legal rights and obligations as a tenant, it is recommended that you seek legal assistance."

(B) The service of notice pursuant to section 5313.06 of the Revised Code constitutes compliance with the notice requirement of division (A) of this section. The service of the notice required by division (C) of section 5321.17 of the Revised Code constitutes compliance with the notice requirement of division (A) of this section.

(C) If the adverse party in an action under this chapter is a deceased resident of a manufactured home park, the notice required by division (A) of this section shall be left at the premises from which the defendant is sought to be evicted and also shall be sent by ordinary mail to the following persons if their names and addresses are known to the park operator:

(1) If a probate court has granted letters testamentary or of administration for the estate of the adverse party in accordance with Title XXI of the Revised Code, the executor or administrator appointed by the probate court;

(2) The deceased resident's spouse and any other members of the deceased resident's immediate family.

(D) A party who has acquired property at a foreclosure sale ordered pursuant to section 2323.07 of the Revised Code and desires to commence an action under this chapter for the possession of such property, shall notify the adverse party to leave the premises, for the possession of which the action is

about to be brought, fourteen or more days before beginning the action. Notification shall be made by certified mail, return receipt requested, or by handing a written copy of the notice to the defendant in person, or by leaving it at the defendant's usual place of abode or at the premises from which the defendant is sought to be evicted."

In line 68, delete " , the new owner will become your"

Delete lines 69 and 70

In line 71, delete all before the underlined period and insert " your rental agreement may terminate"

In line 80, delete all after " (A)"

Delete lines 81 through 87

In line 88, delete " (B)"

In line 105, delete " will convert to a month-to-month rental agreement" and insert " may terminate."

Delete lines 106 through 111

In line 119, delete " (C)" and insert " (B)"

Delete lines 124 through 139

In line 140, delete " (E)" and insert " (C)"

In line 142, delete " , obtain"

In line 143, delete all before " if"

In line 144, delete all after " landlord"

Delete lines 145 and 146

In line 147, delete " (2) Fails" and insert " fails"; delete " (B)" and insert " (A)"

In line 148, delete " (C)" and insert " (B)"

In line 149, delete " (E)" and insert " (D)"

In line 152, delete "section" and insert "sections 1923.04 and"

In line 153, delete "is" and insert "are"

In line 1 of the title, delete the first "section" and insert "sections 1923.04 and"

Delete lines 5 through 8 of the title and insert "to require that a notice to vacate following a foreclosure action be delivered fourteen days before eviction proceedings begin."

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

Representative Garrison moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 51, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Book	Boyd	Brown	Carney
Celeste	Chandler	DeBose	DeGeeter
Dodd	Domenick	Driehaus	Fende
Foley	Garland	Garrison	Gerberry
Goyal	Hagan	Harris	Harwood
Heard	Koziura	Letson	Luckie
Lundy	Mallory	Moran	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Sayre	Schneider	Skindell	Slesnick
Stewart	Sykes	Szollosi	Ujvagi
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko		Budish-51.

Those who voted in the negative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Blair	Blessing
Boose	Bubp	Burke	Coley
Combs	Daniels	Derickson	Dolan
Evans	Gardner	Goodwin	Grossman
Hackett	Hall	Hite	Hottinger
Huffman	Jones	Jordan	Lehner
Maag	Mandel	Martin	McClain
McGregor	Mecklenborg	Morgan	Ruhl
Sears	Snitchler	Stautberg	Stebelton
Uecker	Wachtmann	Wagner	Zehringer-44.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Jones moved to amend as follows:

In line 9, delete the first "section" and insert "sections"; after "5321.04" insert ", 5321.08, and 5321.10"; delete the second "section" and insert "sections 5321.071, 5321.091, and"

Between lines 79 and 80, insert:

**" Sec. 5321.071. A tenant who is residing in a property that is subject of a foreclosure action may give notice in writing to the landlord or the landlord's agent requesting that the landlord deposit an amount equal to all security deposits that have been paid to the landlord by the tenant with the clerk of the municipal or county court having jurisdiction in the territory in which the residential premises are located. The tenant may deposit all rent that is due and thereafter becomes due the landlord with such clerk of court.**

**Sec. 5321.08.** (A) (1) Whenever a tenant deposits rent with the clerk of a court as provided in section 5321.07 or 5321.071 of the Revised Code, the clerk shall give written notice of this fact to the landlord and to his the landlord's agent, if any.

(2) Whenever a landlord deposits money with the clerk of court as provided in section 5321.071 of the Revised Code, the clerk shall give written notice of this fact to the tenant.

(B) The clerk shall place all ~~rent~~ money deposited with ~~him~~ the clerk in a separate rent escrow account in the name of the clerk in a bank or building and loan association domiciled in this state.

(C) The clerk shall keep in a separate docket an account of each deposit, with the name and address of the tenant, and the name and address of the landlord and of ~~his~~ the landlord's agent, if any.

(D) For ~~his~~ the clerk's costs, the clerk may charge a fee of one per cent of the amount ~~of the rent~~ deposited, which shall be assessed as court costs.

(E) All interest that has accrued on the ~~rent~~ money deposited by the clerk of a county court under division (B) of this section shall be paid into the treasury of the political subdivision for which the clerk performs ~~his~~ official duties. All interest that has accrued on the ~~rent~~ money deposited by the clerk of a municipal court under division (B) of this section shall be paid into the city treasury as defined in division (B) of section 1901.03 of the Revised Code.

**Sec. 5321.091.** (A) A landlord who has deposited security deposit money, or who receives notice that the rent due the landlord has been deposited, with the clerk of a municipal or county court pursuant to section 5321.071 of the Revised Code may apply to the court for release of the rent or money on the ground that the foreclosure action has been terminated or that a foreclosure sale has been completed and confirmed by a court pursuant to section 2329.31 of the Revised Code.

(B) A tenant who has deposited rent money, or whose security deposit was deposited, with a clerk of court pursuant to section 5321.071 of the Revised Code, may, pending the confirmation of the sale of the property pursuant to section 2329.31 of the Revised Code, apply to the court for release of excess rent money or security deposit money.

(C) The tenant and landlord shall be named as a party to any action filed by the landlord or tenant under this section, and shall have the right to file an answer and counterclaim, as in other civil actions. A trial shall be held within thirty days of the date of the filing of the landlord's or tenant's complaint, unless for good cause shown, the court continues the period for trial.

(D) If the court finds that the foreclosure action has been terminated, the court shall order the release to the landlord of the rent or money on deposit with the clerk, less costs. If the court finds that a property sale has been confirmed pursuant to section 2329.31 of the Revised Code, the court shall order the release



to the tenant of any rent deposited in excess of rent due to the landlord up to the date of the confirmation or security deposit money. The court shall order the release of any remaining funds to the landlord, less costs.

**Sec. 5321.10.** (A) If a landlord brings an action for the release of rent deposited with a clerk of court pursuant to section 5321.07 of the Revised Code, the court may, during the pendency of the action, upon application of the landlord, release part of the rent on deposit for payment of the periodic interest on a mortgage on the premises, the periodic principal payments on a mortgage on the premises, the insurance premiums for the premises, real estate taxes on the premises, utility services, repairs, and other customary and usual costs of operating the premises as a rental unit.

(B) In determining whether to release rent for the payments described in division (A) of this section, the court shall consider the amount of rent the landlord receives from other rental units in the buildings of which the residential premises are a part, the cost of operating those units, and the costs which may be required to remedy the condition contained in the notice given pursuant to division (A) of section 5321.07 of the Revised Code."

In line 152, delete "section" and insert "sections"; after "5321.04" insert ", 5321.08, and 5321.10"

In line 153, delete "is" and insert "are"

In line 1 of the title, delete the first "section" and insert "sections"; after "5321.04" insert ", 5321.08, and 5321.10"; delete the second "section" and insert "sections 5321.071, 5321.091, and"

In line 4 of the title, delete "and" and insert a comma

In line 8 of the title, after "agreement" insert ", and to provide for rent or security deposit money for a property in foreclosure to be paid to a clerk of court and placed in an escrow account"

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

Representative Garrison moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 52, nays 43, as follows:

Those who voted in the affirmative were: Representatives

Blessing	Book	Boyd	Brown
Carney	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Driehaus
Fende	Foley	Garland	Garrison
Gerberry	Goodwin	Goyal	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Moran	Murray	Newcomb	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Sayre	Schneider	Skindell

Slesnick	Stewart	Sykes	Szollosi
Ujvagi	Weddington	Williams B.	Williams S.
Winburn	Yates	Yuko	Budish-52.

Those who voted in the negative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Blair	Boose
Bubp	Burke	Coley	Combs
Daniels	Derickson	Dolan	Evans
Gardner	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jones
Jordan	Lehner	Maag	Mandel
Martin	McClain	McGregor	Mecklenborg
Morgan	Oelslager	Ruhl	Sears
Snitchler	Stautberg	Stebelton	Uecker
Wachtmann	Wagner		Zehringer-43.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Jones moved to amend as follows:

In line 68, after " auction" insert " . and you are not in default in the payment of rent"

In line 80, delete " Any" and insert " (1) Except as provided in division (A)(2) of this section, any"

Between lines 87 and 88, insert:

" (2) The rental agreement shall not convert to a month-to-month rental agreement and the successor in interest to the property shall not assume interest in the rental agreement and be the landlord under the agreement, if the tenant is in default in the payment of rent on confirmation of the sale"

In line 106, after " property" insert " . Your current rental agreement will not convert if you are in default in the payment of rent at the time the foreclosure sale is confirmed"

In line 119, after " (C)" insert " Any landlord of a residential property that has been notified by a court that the property is the subject of a foreclosure action shall submit to the court a copy of any written rental agreements, and a summation of any oral rental agreements, currently in effect for the subject property.

(D)"

In line 124, delete " (D)" and insert " (E)"

In line 129, after " property" insert " . but only if the tenant is not in default in the payment of rent at the time the sale is confirmed. If the tenant is in default, the security deposit shall not be forwarded pursuant to this section"

In line 135, delete " tenant's"

In line 136, delete " , as of" and insert " in effect prior to"

In line 137, delete the underlined comma

In line 138, delete " , not convert to a month-to-month rental agreement,"

In line 140, delete " (E)" and insert " (F)"

In line 144, delete " either" and insert " any"

In line 148, delete " (C)" and insert " (D)"; delete the underlined period and insert an underlined semicolon

Between line 148 and 149, insert:

" (3) Fails to provide to the court a copy of any written rental agreements, or a summation of any oral rental agreements, as required by division (C) of this section."

In line 149, delete " (F)" and insert " (G)"

In line 4 of the title, delete "and" and insert a comma

In line 5 of the title, delete "that" and insert "the conditions under which"

In line 8 of the title, after "agreement" insert ", and to require a landlord of a property in foreclosure to submit any rental agreements to the court"

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

Representative Garrison moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 50, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Book	Boyd	Brown	Carney
Celeste	Chandler	DeBose	DeGeeter
Dodd	Domenick	Driehaus	Fende
Foley	Garland	Garrison	Gerberry
Goyal	Hagan	Harris	Harwood
Heard	Koziura	Letson	Luckie
Lundy	Mallory	Moran	Murray
Newcomb	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-50.

Those who voted in the negative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Blair	Blessing
Boose	Bubp	Burke	Coley

Combs	Daniels	Derickson	Dolan
Evans	Gardner	Goodwin	Grossman
Hackett	Hall	Hite	Hottinger
Huffman	Jones	Jordan	Lehner
Maag	Mandel	Martin	McClain
McGregor	Mecklenborg	Morgan	Oelslager
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-45.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Blessing moved that **Sub. H. B. No. 9**-Representatives Celeste, Foley, et al., be rereferred to the committee on Judiciary.

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

The yeas and nays were taken and resulted - yeas 41, nays 54, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Balderson
Batchelder	Blair	Blessing	Boose
Bubp	Burke	Coley	Combs
Daniels	Derickson	Dolan	Evans
Gardner	Goodwin	Hackett	Hall
Hite	Hottinger	Huffman	Jones
Jordan	Lehner	Maag	Mandel
Martin	McClain	McGregor	Mecklenborg
Morgan	Ruhl	Sears	Snitchler
Stautberg	Uecker	Wachtmann	Wagner
			Zehringer-41.

Those who voted in the negative were: Representatives

Baker	Book	Boyd	Brown
Carney	Celeste	Chandler	DeBose
DeGeeter	Dodd	Domenick	Driehaus
Fende	Foley	Garland	Garrison
Gerberry	Goyal	Grossman	Hagan
Harris	Harwood	Heard	Koziura
Letson	Luckie	Lundy	Mallory
Moran	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stebelton	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-54.

The motion was not agreed to.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 53, nays 42, as follows:

Those who voted in the affirmative were: Representatives

Book	Boyd	Brown	Carney
Celeste	Chandler	DeBose	DeGeeter
Dodd	Domenick	Driehaus	Fende
Foley	Garland	Garrison	Gerberry
Goyal	Hagan	Harris	Harwood
Heard	Koziura	Lehner	Letson
Luckie	Lundy	Mallory	McGregor
Moran	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-53.

Those who voted in the negative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Blair	Blessing
Boose	Bubp	Burke	Coley
Combs	Daniels	Derickson	Dolan
Evans	Gardner	Goodwin	Grossman
Hackett	Hall	Hite	Hottinger
Huffman	Jones	Jordan	Maag
Mandel	Martin	McClain	Mecklenborg
Morgan	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-42.

The bill passed.

Representative Celeste moved to amend the title as follows:

Add the names: "Carney, DeGeeter, Dodd, Lundy, Sayre, Sykes, Szollosi, Ujvagi, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Am. H. B. No. 68**-Representative Dodd.

Cosponsors: Representatives Weddington, Newcomb, Slesnick, Harris, Murray, Harwood, Sayre, Garrison, Domenick, Skindell, Stebelton, Williams, S., Okey, Letson, Heard.

To enact sections 901.91 to 901.95 of the Revised Code to establish the healthy farms and healthy schools grant program for the purpose of providing grants to schools to establish nutrition education and agricultural education programs for kindergarteners, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 82, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Bacon	Balderson	Blair
Blessing	Book	Boose	Boyd
Brown	Bubp	Carney	Celeste
Chandler	Coley	Daniels	DeBose
DeGeeter	Derickson	Dodd	Dolan
Domenick	Driehaus	Evans	Fende
Foley	Gardner	Garland	Garrison
Gerberry	Goodwin	Goyal	Grossman
Hackett	Hagan	Hall	Harris
Harwood	Heard	Hite	Hottinger
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mallory	Mandel
McGregor	Mecklenborg	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Ruhl	Sayre	Schneider
Skindell	Slesnick	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szolloosi
Ujvagi	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
Zehringer			Budish-82.

Those who voted in the negative were: Representatives

Amstutz	Baker	Batchelder	Burke
Combs	Huffman	Jones	Jordan
Martin	McClain	Sears	Uecker
			Wachtmann-13.

The bill passed.

Representative Dodd moved to amend the title as follows:

Add the names: "Book, Boose, Boyd, Brown, Carney, Chandler, DeBose, Fende, Garland, Gerberry, Goyal, Hackett, Hagan, Lehner, Luckie, Mallory, Oelslager, Patten, Phillips, Pryor, Stewart, Szolloosi, Williams, B., Winburn, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

#### Message from the Senate

Mr. Speaker:

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

**Am. S. B. No. 7** -Senator Wagoner

Cosponsors: Senators Gibbs, Buehrer, Fedor, Miller, D., Morano, Niehaus, Schaffer, Schuler, Turner, Faber, Patton, Hughes, Schiavoni, Wilson, Strahorn, Sawyer, Harris, Schuring, Stewart, Husted, Cates

To amend section 124.341 and to enact section 117.103 of the Revised Code to require the Auditor of State to establish a fraud-reporting system for residents and public employees to file anonymous complaints of fraud and misuse of public funds by public offices or officials.

Attest:

Vincent L. Keeran,  
Clerk.

Said bill was considered the first time.

Message from the Speaker

Pursuant to Ohio Revised Code section 5740.02(A)(1)(2), the Speaker hereby appoints Representative Letson to the Implementing States (NCSL) for the Streamlined Sales and Use Tax System.

On motion of Representative Szollosi, the House adjourned until Tuesday, May 12, 2009 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,  
Clerk.