OHIO

House of Representatives

JOURNAL

WEDNESDAY, MAY 22, 2019
Prayer was offered by Pastor Mark Hartsough of the New Hope Lutheran Church in Newark, Ohio, followed by the Pledge of Allegiance to the Flag.

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

Jeanie Kobak, a guest of Representative Wiggam-1st district.

Stacey, Shiloh, and Evan Stuart, guests of Representative Romanchuk-2nd district.

Students from Beaver Local High School, guests of Representative Ginter-5th district.

Representatives from the Western Reserve Area Agency on Aging, guests of Representatives Boyd-9th district, Howse-11th district, and Patton-7th district.

Nicholas Hanna, a guest of Representative Crossman-15th district.

Shadia Jallaq and students from the Ohio State University, guests of Representatives Lanese-23rd district and Boggs-18th district.

Todd and Austin Fowler and Collin Finn, guests of Representative Carruthers-51st district.

Greg Halley, Tyler Stein, Anthony D'Alesio, and Nick Crawford, guests of Representative Manning, D.-59th district.

Family and friends of Representative LaRe-77th district.

Peyton and Noah Scott and Billy and Heather Pierce, guests of Representative Wilkin-91st district.

Students from Buckskin Elementary School, guests of Representative Scherer-92nd district.

Richard Guggisberg and Ursula Guggisberg-Bennett, guests of Representative Hillyer-98th district.

The journal of yesterday was read and approved.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Smith, K. submitted the following report:

The standing committee on Rules and Reference to which was referred H. B. No. 80-Representative Oelslager, having had the same under consideration, reports it back and recommends its re-referral to the committee on Finance.
RE: CREATE FY 2020-2021 WORKERS' COMPENSATION BUDGET

LARRY HOUSEHOLDER      JIM BUTLER
JAMIE CALLENDER        ANTHONY DEVITIS
JAY EDWARDS            PAULA HICKS-HUDSON
LAURA LANESE            BILL SEITZ
KENT SMITH

The report was agreed to.

The bill was ordered to be engrossed and re-referred to the committee on Finance.

Representative Sheehy submitted the following report:

The standing committee on Transportation and Public Safety to which was referred H. B. No. 201-Representative Jones, having had the same under consideration, reports it back and recommends its passage.

RE: CREATE OHIO DEMOLAY LICENSE PLATE

Representative McClain moved to amend the title as follows:

Add the name: "Green."

DOUG GREEN       RIORDAN T. MCCLAIN
MICHAEL SHEEHY   STEVEN M. ARNDT
JUANITA O. BRENT JAMES M. HOOPS
STEPHANIE D. HOWSE DON JONES
MICHELE LEPORE-HAGAN GAYLE MANNING
JESSICA E. MIRANDA MICHAEL J. O'BRIEN
THOMAS F. PATTON

The report was agreed to.

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

Representative Sheehy submitted the following report:

The standing committee on Transportation and Public Safety to which was referred H. B. No. 225-Representative Hoops, having had the same under consideration, reports it back and recommends its passage.

RE: DESIGNATE RDML ALENE DUERK MEMORIAL HIGHWAY

Representative McClain moved to amend the title as follows:

Add the name: "Miranda."

DOUG GREEN       RIORDAN T. MCCLAIN
MICHAEL SHEEHY   JUANITA O. BRENT
JAMES M. HOOPS   STEPHANIE D. HOWSE
The report was agreed to.

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

Representative Smith, K. 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. 1** - Representatives Plummer and Hicks-Hudson
TO MODIFY THE REQUIREMENTS FOR INTERVENTION IN LIEU OF CONVICTION AND FOR SEALING RECORDS OF CONVICTION.
To the committee on Criminal Justice

**H. B. No. 5** - Representatives Hillyer and Leland
TO ESTABLISH THE OHIO PUBLIC DEFENDER STATE LOAN REPAYMENT PROGRAM.
To the committee on Criminal Justice

**H. B. No. 9** - Representatives Jones and Sweeney
WITH REGARD TO STUDENT DEGREE COMPLETION AT STATE INSTITUTIONS OF HIGHER EDUCATION AND TO ESTABLISH A UNIVERSAL STANDARD FOR GENERAL EDUCATION COURSES REQUIRED BY STATE UNIVERSITIES.
To the committee on Higher Education

**H. B. No. 12** - Representatives Manning, D. and West
TO CREATE THE OHIO CHILDREN'S BEHAVIORAL HEALTH PREVENTION NETWORK STAKEHOLDER GROUP.
To the committee on Health

**Sub. S. B. No. 55** - Senator Gavarone
TO ENHANCE PENALTIES FOR CERTAIN DRUG TRAFFICKING OFFENSES COMMITTED IN THE VICINITY OF A SUBSTANCE ADDICTION SERVICES PROVIDER AND TO NAME THE ACT'S PROVISIONS THE "RELAPSE REDUCTION ACT."
To the committee on Criminal Justice

**S. B. No. 101** - Senator Yuko
TO DESIGNATE MAY AS "PREECLAMPSIA AWARENESS MONTH."
To the committee on Health
Representative Butler 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 Smith, K. reported for the Rules and Reference committee recommending that the following resolutions be read by title only and approved:

**H. R. No. 143 - Representative Hillyer**
Honoring Tyler Warner as a 2015 Division II State Wrestling Champion.

**H. R. No. 144 - Representative Hillyer**
Honoring Tyler Warner as a 2014 Division II State Wrestling Champion.

**H. R. No. 145 - Representative Hillyer**
Honoring Tyler Warner on winning a 2013 NHSCA Freshman National Wrestling Championship.

**H. R. No. 146 - Representative Hillyer**
Honoring Tyler Warner as a 2013 Division II State Wrestling Champion.

**H. R. No. 147 - Representative Baldridge**
Honoring Covert’s Furniture on its Centennial.

/s/LARRY HOUSEHOLDER
Larry Householder, Chair

Representative Butler 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 Butler 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. 148**-Speaker Householder

Relative to the election of Jeff LaRe to fill the vacancy in the membership of the House of Representatives created by the resignation of Tim Schaffer of the 77th House District.

WHEREAS, Section 11 of Article II of the 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, Tim Schaffer of the 77th House District, has resigned as a member of the House of Representatives of the 133rd General Assembly effective May 7, 2019, 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 Jeff LaRe, 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 77th House District, is hereby elected, effective May 22, 2019, pursuant to Section 11 of Article II of the Ohio Constitution, as a member of the House of Representatives from the 77th House District, to fill the vacancy created by the unexpired portion of the term of said Tim Schaffer, ending on December 31, 2020; 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 question being, “Shall the resolution be adopted?”
The yeas and nays were taken and resulted – yeas 58, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- Antani
- Blessing
- Carfagna
- Dean
- Ginter
- Hillyer
- Jordan
- Lanese
- Manning, D.
- Oeslager
- Powell
- Roemer
- Seitz
- Stoltzfus
- Zeltwanger
- Arndt
- Brinkman
- Carruthers
- DeVitis
- Green
- Holmes, A.
- Keller
- Lang
- Manning, G.
- Patton
- Reineke
- Romanchuk
- Smith, R.
- Vitale
- Baldridge
- Butler
- Cross
- Edwards
- Greenspan
- Hoops
- Kick
- Lipps
- McClain
- Perales
- Richardson
- Ryan
- Smith, T.
- Wiggam
- Becker
- Callender
- Cupp
- Ghanbari
- Hambley
- Jones
- Koehler
- Manchester
- Merrin
- Plummer
- Riedel
- Scherer
- Stein
- Wilkin
- Householder-58

The resolution was adopted.

Mr. LaRe was escorted to the bar of the House by Representatives Edwards, Lanese, Scherer, Wilkin, Brown, and Lightbody, took the oath of office administered by Speaker Householder, and entered upon the discharge of his duties.

State of Ohio
County of Franklin

I, Jeff LaRe, 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/ JEFF LARE
Jeff LaRe

Sworn to and subscribed before me this 22nd day of May, 2019.

/s/ LARRY HOUSEHOLDER
Larry Householder
Speaker
House District 72
Representative Edwards moved that majority party members asking leave to be absent or absent the week of Wednesday, May 22, 2019, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Smith, K. moved that minority party members asking leave to be absent or absent the week of Wednesday, May 22, 2019, 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. 113**-Representative Patton.
Cosponsors: Representatives Hood, Riedel, Schaffer, West, Green, Sheehy, Miranda, O'Brien.

To amend section 4513.612 of the Revised Code to prohibit a private towing service from employing or compensating spotters, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 94, nays 1, as follows:

Those who voted in the affirmative were: Representatives

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Representative Antani voted in the negative-1.

The bill passed.
Representative Patton moved to amend the title as follows:


The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 172-Representative Hillyer.
Cosponsors: Representatives Seitz, Becker, Hambley.

To amend sections 5322.01, 5322.02, and 5322.03 of the Revised Code to amend the law regarding self-service storage facilities, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Hillyer moved to amend, amendment 0500X1, as follows:

In line 1 of the title, after "sections" insert "4513.601,"

In line 3 of the title, after "facilities" insert "and private tow-away zones"

In line 4, after "sections" insert "4513.601,"

After line 5, insert:

"Sec. 4513.601. (A) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

(1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:

(a) A statement that the property is a tow-away zone;

(b) A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone."
(c) If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

(d) The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

(e) A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of section 4505.101 of the Revised Code.

In order to comply with the requirements of division (A)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

(2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:

(a) It is located within twenty-five linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.

(b) It is well-lighted.

(c) It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(B)(1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (A) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in section 4505.101 of the Revised Code. The owner or lienholder of a vehicle that has been removed under this section, subject to division (C) of this section, may recover the vehicle in accordance with division (G) of this section.

(2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to division (B) of this section by an unlicensed tow truck or unlicensed tow truck operator.
(3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(C) If the owner or operator of a vehicle that is being removed under authority of division (B) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

(D)(1) Prior to towing a vehicle under division (B) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (A) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

(2) A towing service shall deliver a vehicle towed under division (B) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(E)(1) If an owner of a private property that is established as a private tow-away zone in accordance with division (A) of this section causes the removal of a vehicle from that property by a towing service under division
(B) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the sheriff of the county or the police department of the municipal corporation, township, port authority, or township or joint police district in which the property is located concerning all of the following:

(a) The vehicle's license number, make, model, and color;
(b) The location from which the vehicle was removed;
(c) The date and time the vehicle was removed;
(d) The telephone number of the person from whom the vehicle may be recovered;
(e) The address of the place from which the vehicle may be recovered.

(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, or joint police district shall maintain a record of any vehicle removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under this section. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(F)(1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The registrar of motor vehicles shall ensure that such information is provided in a timely manner. Subject to division (F)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

(a) Within five business days after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;

(b) If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under division (F)(1)(a) of this section;

(c) If the vehicle remains unclaimed forty-five days after the first notice is sent, in the manner required under division (F)(1)(a) of this section.
to the owner's and lienholder's last known address by regular United States mail.

(2) Sixty days after any notice sent pursuant to division (F)(1)(a) of this section is received, as evidenced by a receipt signed by any person or evidence that the notice sent pursuant to division (F)(1)(b) of this section was properly addressed and sent, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under division (B) of section 4505.101 of the Revised Code, may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

(3) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under division (B) of section 4505.101 of the Revised Code.

(4) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under section 4505.101 of the Revised Code, the towing service or storage facility need only comply with the initial notice required under division (F)(1)(a) of this section.

(G)(1) The owner or lienholder of a vehicle that is removed under division (B) of this section may reclaim it upon both of the following:

(a) Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;

(b) Payment of the following fees:

(i) All applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under division (F)(1)(a) of this section;

(ii) If notice has been sent to the owner and lienholder as described in division (F) of this section, a processing fee of twenty-five dollars.

(2) A towing service or storage facility in possession of a vehicle that is removed under authority of division (B) of this section shall show the vehicle owner, operator, or lienholder who contests the removal of the vehicle all photographs taken under division (D) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

(3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle
shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under section 4513.611 of the Revised Code.

(4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (B) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of division (G)(4) of this section, "personal items" do not include any items that are attached to the vehicle.

(H) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under this section or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(I) This section does not affect or limit the operation of section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code as they relate to property other than private property that is established as a private tow-away zone under division (A) of this section.

(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor.

(K) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

(1) Any person who holds title to the property;
(2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
(3) A person who is authorized to manage the property;
(4) A duly authorized agent of any person listed in divisions (K)(1) to (3) of this section.

In line 328, after "sections" insert "4513.601,"

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

The yeas and nays were taken and resulted – yeas 59, nays 36, as follows:

Those who voted in the affirmative were: Representatives

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<tr>
<th>Antani</th>
<th>Arndt</th>
<th>Baldrige</th>
<th>Becker</th>
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Those who voted in the negative were: Representatives

- Boggs
- Brown
- Denson
- Howse
- Leland
- Miller, A.
- Patterson
- Skindell
- Sykes

Those who voted in the affirmative were: Representatives

- Antani
- Blessing
- Carruthers
- Dean
- Ginter
- Hillier
- Jordan
- Koehler
- Leland
- Manning, G.
- Patton
- Reineke
- Rogers
- Seitz
- Stoltzfus
- Wilkin

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted – yeas 63, nays 32, as follows:

Those who voted in the affirmative were: Representatives

- Arndt
- Butler
- Cera
- DeVitis
- Green
- Holmes, A.
- Keller
- Lanese
- McClain
- Perales
- Richardson
- Romanchuk
- Smith, R.
- Stoltzfus
- Zeltwanger

Those who voted in the negative were: Representatives

- Boyd
- Brent
- Crawford
- Cross
- Galonski
- Green
- Kelly
- Lepore-Hagan
- Lightbody
- Miranda
- Russo
- Strathorn
- Weinstein

The bill passed.
Representative Hillyer moved to amend the title as follows:
Add the names: "Blessing, Carruthers, Holmes, A., Jones, Lang, Patton, Perales, Scherer."

The motion was agreed to and the title so amended.
The title as amended was agreed to.

On motion of Representative Butler, the House adjourned until Thursday, May 23, 2019 at 9:00 o'clock a.m.

Attest:                BRADLEY J. YOUNG,
                      Clerk.