

OHIO

House

of

Representatives

JOURNAL

CORRECTED VERSION
TUESDAY, MAY 17, 2011

FORTY-NINTH DAY

Hall of the House of Representatives, Columbus, Ohio

Tuesday, May 17, 2011, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Wendell Brown of the Circleville Church of the Nazarene in Circleville, 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:

The Ohio Chapter of the American Academy of Pediatrics received H. R. 98, presented by Representative Duffey-21st district.

The LaSalle High School boys basketball team received H. R. 103, presented by Representatives Mecklenborg-30th district and Blessing-29th district.

Julie Foote, a guest of Representative Roegner-42nd district.

Students from Anthony Wayne High School, guests of Representative Sears-46th district.

Members of the International Code Council, guests of Speaker Batchelder-69th district.

Fourth grade students from Versailles Elementary School, guests of Representative Buchy-77th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 227-Representative Goyal.

Cosponsors: Representatives Garland, Ruhl, Stinziano, Schuring, Fedor, Williams, Martin, Phillips, Clyde, Weddington, O'Brien, Ashford, Fende, Antonio.

To amend sections 5747.08 and 5747.98 and to enact sections 718.17, 3333.51, and 5747.81 of the Revised Code to grant an income tax credit to individuals who earn degrees in science, technology, engineering, or math-based fields of study and to authorize municipal corporations to grant a credit to individuals qualifying for the state credit.

H. B. No. 228-Representative Goyal.

Cosponsors: Representatives Carey, Mecklenborg, Yuko, Ashford, Letson.

To amend section 4501.21 and to enact section 4503.524 of the Revised Code to create Power Squadron license plates.

H. B. No. 229-Representative Buchy.

Cosponsors: Representatives Hall, Derickson, Thompson, Maag, Boose, Adams, R., Hayes.

To amend sections 121.04, 121.09, 307.204, 505.266, 901.08, 901.43, 903.02, 907.11, 923.41, 923.52, 924.52, 941.02, 941.041, 941.14, 942.02, 943.03, 943.031, 943.04, 943.05, 943.16, 953.23, 955.35, 959.14, 1711.50, 1711.51, 1711.55, 1711.57, 3717.22, and 4707.11 and to enact section 923.411 of the Revised Code to revise the laws governing agriculture.

H. B. No. 230-Representative Williams.

Cosponsors: Representatives Antonio, Letson, Hagan, R.

To enact section 4113.13 of the Revised Code to prohibit employers from including on an employment application any question concerning whether an applicant has pleaded guilty to or been convicted of a felony.

H. B. No. 231-Representative Wachtmann.

To amend sections 1501.33, 1521.04, 1522.03, and 1522.05, to enact sections 1522.10, 1522.101, and 1522.11 to 1522.20, and to repeal section 1522.07 of the Revised Code to establish a program for the issuance of permits for the withdrawal and consumptive use of waters from the Lake Erie basin.

H. B. No. 232-Representatives Letson, O'Brien.

Cosponsors: Representatives Antonio, Fende.

To amend sections 331.01, 331.02, 331.03, and 331.04 of the Revised Code to expand the authority of a county facilities review board to include any facility where an adult ward of the probate court resides or receives services among the institutions subject to its review.

H. B. No. 233-Representatives Letson, Huffman.

Cosponsors: Representatives Beck, Young, Thompson, Stinziano, O'Brien, Fende.

To amend sections 4511.76 and 4511.761 and to enact section 3327.20 of the Revised Code to authorize school districts to sell commercial advertising space on school buses.

Said bills were considered the first time.

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

Representative Fende submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 32**-Representative Amstutz, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: HOUSEHOLD SEWAGE SYSTEMS - PLANS EXEMPT FROM PROFESSIONAL ENGINEERS AND SURVEYORS LAW

Representative Wachtmann moved to amend the title as follows:

Add the name: "Wachtmann."

LYNN R. WACHTMANN
LORRAINE M. FENDE
JOHN BARNES
TED CELESTE
RANDY GARDNER
ANNE GONZALES
ROBERT F. HAGAN
JAY HOTTINGER
TODD MCKENNEY
BARBARA R. SEARS

BRUCE W. GOODWIN
TROY BALDERSON
DAVE BURKE
MIKE DUFFEY
NANCY GARLAND
ROBERT HACKETT
RICHARD HOLLINGTON
TERRY JOHNSON
KIRK SCHURING
KENNY YUKO

The following members voted "NO"

NICKIE ANTONIO
DAN RAMOS

JOHN PATRICK CARNEY

The report was agreed to.

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

Representative Celeste submitted the following report:

The standing committee on Education to which was referred **H. B. No. 96**-Representatives Celeste, Brenner, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: DYSLEXIA - A LEARNING DISABILITY / SCREENING AND INTERVENTION SERVICES FOR

Representative Brenner moved to amend as follows:

In line 204, after " association" insert " or any other nationally recognized organization that specializes in issues surrounding dyslexia"

In line 231, after " by" insert " unexpected"

In lines 232, after "abilities" insert "not consistent with the person's intelligence, motivation, and sensory capabilities"

The motion was agreed to and the bill so amended.

GERALD L. STEBELTON	CRAIG NEWBOLD
MARLENE ANIELSKI	NAN BAKER
ANDREW BRENNER	JIM BUTLER
TIMOTHY DERICKSON	BILL HAYES
MICHAEL HENNE	MATT HUFFMAN
CASEY KOZLOWSKI	RON MAAG
KRISTINA ROEGNER	ANDY THOMPSON
NICKIE ANTONIO	TED CELESTE
DENISE DRIEHAUS	TERESA FEDOR
RON GERBERRY	BILL PATMON
DEBBIE PHILLIPS	DAN RAMOS

The report was agreed to.

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

Representative Yuko submitted the following report:

The standing committee on Commerce and Labor to which was referred **H. B. No. 102**-Representative Young, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: CERTAIN LABOR REQUIREMENTS - CANNOT REQUIRE OR PROHIBIT ON PUBLIC WORKS

JOSEPH W. UECKER	RON YOUNG
JOHN ADAMS	RICHARD ADAMS
TERRY BLAIR	TODD MCKENNEY
KRISTINA ROEGNER	LYNN R. WACHTMANN

The following members voted "NO"

NICKIE ANTONIO	ROBERT F. HAGAN
ROSS MCGREGOR	DENNIS MURRAY
DAN RAMOS	MATT SZOLLOSI
KENNY YUKO	

The report was agreed to.

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

Representative Fende submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 215**-Representative Dovilla, et al., having had the same under consideration, reports it back and recommends its passage.

RE: ELDER ABUSE AWARENESS DAY - JUNE 15

Representative Wachtmann moved to amend the title as follows:

Add the names: "Wachtmann, Fende, Antonio, Balderson, Barnes, Celeste, Duffey, Garland, Gonzales, Hagan, R., Hottinger, McKenney, Ramos, Schuring, Sears, Yuko."

LYNN R. WACHTMANN
LORRAINE M. FENDE
TROY BALDERSON
DAVE BURKE
TED CELESTE
RANDY GARDNER
ANNE GONZALES
ROBERT F. HAGAN
JAY HOTTINGER
TODD MCKENNEY
KIRK SCHURING
KENNY YUKO

BRUCE W. GOODWIN
NICKIE ANTONIO
JOHN BARNES
JOHN PATRICK CARNEY
MIKE DUFFEY
NANCY GARLAND
ROBERT HACKETT
RICHARD HOLLINGTON
TERRY JOHNSON
DAN RAMOS
BARBARA R. SEARS

The report was agreed to.

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

Representative Barnes submitted the following report:

The standing committee on Ways and Means to which was referred **S. B. No. 71**-Senator Manning, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: PROPERTY TAX EXEMPTION - MUNICIPALLY OWNED HOUSING FOR MINOR LEAGUE BASEBALL TEAM

Representative Beck moved to amend the title as follows:

Add the names: "Representatives Letson, Barnes."

Representative Boose moved to amend as follows:

In line 41, strike through "(G)" and insert "(H)"

In line 47, strike through "(G)" and insert "(H)"

In line 161, delete everything after "Section 3." and insert "Section 5709.081 of the Revised Code, as amended by this act, is remedial in nature and applies to the tax years at issue in any application for exemption from taxation pending before the Tax Commissioner, the Board of Tax Appeals, any Court of Appeals, or the Supreme Court on the effective date of this act and to the property that is the subject of any such application."

Delete lines 162 through 170

The motion was agreed to and the bill so amended.

PETER BECK
 TOM LETSON
 JOHN BARNES
 TERRY BOOSE
 LORRAINE M. FENDE
 BILL HAYES
 ZACK MILKOVICH
 PETER STAUTBERG

JEFFREY MCCLAIN
 RON AMSTUTZ
 TERRY BLAIR
 MIKE DOVILLA
 MIKE FOLEY
 RON MAAG
 STEPHEN SLESNICK
 ROLAND WINBURN

The report was agreed to.

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

Representative Phillips reported for the Rules and Reference Committee recommending that the following House Bill be considered for the second time and referred to the following committee for consideration.

H.B. No. 223 - Representative Patmon, et al

TO REQUIRE CERTIFICATION OF EMERGENCY SERVICE
 TELECOMMUNICATORS AND MODIFY TRAINING REQUIREMENTS.

To the committee on Transportation, Public Safety, and Homeland Security

LOUIS W. BLESSING
 ANDREW BRENNER
 CHERYL GROSSMAN
 DEBBIE PHILLIPS

JOHN ADAMS
 DAVE BURKE
 TRACY HEARD
 MATT SZOLLOSI

Representative Blessing 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 the House 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 Bill was considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

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

H.C.R. No. 16 - Representatives Butler and Rosenberger, et al

TO COMMEND AND HONOR THE MEMBERS OF THE UNITED
 STATES ARMED FORCES, INCLUDING THE UNITED STATES
 SPECIAL FORCES, THE UNITED STATES NATIONAL SECURITY
 AGENCIES, AND THE UNITED STATES INTELLIGENCE

COMMUNITY IN CONDUCTING THE SUCCESSFUL OPERATION
AGAINST OSAMA BIN LADEN ON SUNDAY MAY 1, 2011.

To the committee on Veterans Affairs

/s/ LOUIS BLESSING
Louis Blessing, Chair

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

The motion was agreed to.

Said resolution was introduced and referred as recommended.

BILLS FOR THIRD CONSIDERATION

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.

To amend sections 1701.13, 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, and 1705.61 and to enact sections 1701.881, 1701.882, and 1701.883 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, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 68, nays 25, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Anielski	Baker
Balderson	Barnes	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Budish	Burke	Butler	Carey
Carney	Clyde	Coley	Combs
Damschroder	DeGeeter	Derickson	Duffey
Gardner	Garland	Gonzales	Goodwin
Goyal	Grossman	Hackett	Hagan, C.
Hall	Hayes	Henne	Hollington
Hottinger	Huffman	Johnson	Kozlowski
Landis	Letson	Maag	Martin
McClain	McGregor	McKenney	Mecklenborg
Milkovich	Newbold	O'Brien	Peterson
Pillich	Roegner	Ruhl	Schuring
Sears	Slaby	Slesnick	Sprague
Stautberg	Stebelton	Stinziano	Thompson
Uecker	Wachtmann	Young	Batchelder-68.

Those who voted in the negative were: Representatives

Antonio	Ashford	Celeste	Driehaus
Fedor	Fende	Foley	Gentile
Gerberry	Hagan, R.	Heard	Luckie
Lundy	Murray	Okey	Patmon
Phillips	Ramos	Reece	Sykes
Szollosi	Weddington	Williams	Winburn
			Yuko-25.

The bill passed.

Representative Mecklenborg moved to amend the title as follows:

Add the names: "Blessing, Bubp, Buchy, Derickson, Hackett, Hagan, C., Huffman, Letson, Martin, McClain, Newbold, Peterson, Roegner, Slaby, Thompson, Wachtmann, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Blessing, the House recessed.

The House met pursuant to recess.

Representative Burke moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Weddington submitted the following report:

The standing committee on Local Government to which was referred **H. B. No. 158**-Representatives Stebelton, Okey, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: AMATEUR STATION ANTENNA - CODIFY FEDERAL
RESTRICTIONS ON LOCAL ZONING

Representative Okey moved to amend as follows:

In line 48, delete " .For"

Delete line 49

In line 50, delete everything before the underlined period and insert " and shall comply with 47 C.F.R. 97.15. For purposes of effective radio service

communications, an antenna structure height of up to seventy-five feet shall be presumed reasonable. This presumption may be rebutted by the legislative authority, based on consideration of site specific factors"

The motion was agreed to and the bill so amended.

TERRY BLAIR	TERRY BOOSE
W. CARLTON WEDDINGTON	NAN BAKER
ANDREW BRENNER	JIM BUTLER
TIMOTHY J. DEGEETER	TIMOTHY DERICKSON
RON GERBERRY	ROBERT HACKETT
DAVE HALL	TRACY HEARD
MATT LUNDY	TODD MCKENNEY
CRAIG NEWBOLD	MARK D. OKEY
MARGARET RUHL	KIRK SCHURING
VERNON SYKES	

The following members voted "NO"

MIKE DUFFEY	JARROD MARTIN
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The report was agreed to.

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

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

H.B. No. 224 - Representatives Dovilla and Stinziano, et al

TO PERMIT UNIFORMED SERVICES AND OVERSEAS VOTERS TO REQUEST AND RECEIVE ABSENT VOTER'S BALLOT APPLICATIONS AND ABSENT VOTER'S BALLOTS BY ELECTRONIC MAIL OR INTERNET DELIVERY, TO SPECIFY THAT A FEDERAL WRITE-IN ABSENTEE BALLOT SUBMITTED BY SUCH A PERSON MAY BE USED AS THE PERSON'S VOTER REGISTRATION FORM AND ABSENT VOTER'S BALLOT, TO ESTABLISH EMERGENCY ELECTION PROCEDURES FOR SUCH PERSONS INVOLVED IN ARMED CONFLICTS, TROOP MOBILIZATIONS, OR OTHER EMERGENCIES, AND TO ADD DAUGHTERS-IN-LAW AND SONS-IN-LAW TO THE LIST OF FAMILY MEMBERS WHO MAY REQUEST AN ABSENT VOTER'S BALLOT ON BEHALF OF A UNIFORMED SERVICES OR OVERSEAS VOTER.

To the committee on State Government and Elections

H.B. No. 225 - Representatives Peterson and Landis, et al

TO VEST IN COUNTY AUDITORS RESPONSIBILITY FOR REVIEWING AND APPROVING PROPERTY TAX EXEMPTION APPLICATIONS FOR SOME PUBLICLY OWNED PROPERTY, TO AUTHORIZE COUNTY

AUDITORS AND BOARDS OF TOWNSHIP TRUSTEES TO ADOPT A DIRECT DEPOSIT PAYROLL POLICY, AND TO AUTHORIZE COUNTIES TO INCREASE THE AMOUNT CREDITED TO "RAINY DAY" RESERVE BALANCE ACCOUNTS TO ONE-SIXTH OF THE EXPENDITURES MADE IN THE PRECEDING FISCAL YEAR FROM THE FUND IN WHICH THE RESERVE BALANCE ACCOUNT IS ESTABLISHED.

To the committee on Local Government

H.B. No. 226 - Representative Sprague

TO ALLOW A POLICE DOG TO ACCOMPANY ITS HANDLER IN PLACES TO WHICH THE GENERAL PUBLIC IS INVITED.

To the committee on Criminal Justice

H.B. No. 227 - Representative Goyal, et al

TO GRANT AN INCOME TAX CREDIT TO INDIVIDUALS WHO EARN DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH-BASED FIELDS OF STUDY AND TO AUTHORIZE MUNICIPAL CORPORATIONS TO GRANT A CREDIT TO INDIVIDUALS QUALIFYING FOR THE STATE CREDIT.

To the committee on Ways and Means

H.B. No. 228 - Representative Goyal, et al

TO CREATE POWER SQUADRON LICENSE PLATES.

To the committee on Transportation, Public Safety and Homeland Security

H.B. No. 229 - Representative Buchy, et al

TO REVISE THE LAWS GOVERNING AGRICULTURE.

To the committee on Agriculture and Natural Resources

H.B. No. 230 - Representative Williams, et al

TO PROHIBIT EMPLOYERS FROM INCLUDING ON AN EMPLOYMENT APPLICATION ANY QUESTION CONCERNING WHETHER AN APPLICANT HAS PLEADED GUILTY TO OR BEEN CONVICTED OF A FELONY.

To the committee on Commerce and Labor

H.B. No. 231 - Representative Wachtmann

TO ESTABLISHES A PROGRAM FOR THE ISSUANCE OF PERMITS FOR THE WITHDRAWAL AND CONSUMPTIVE USE OF WATERS FROM THE LAKE ERIE BASIN.

To the committee on Agriculture and Natural Resources

H.B. No. 232 - Representatives Letson and O'Brien, et al

TO EXPAND THE AUTHORITY OF A COUNTY FACILITIES REVIEW BOARD TO INCLUDE ANY FACILITY WHERE AN ADULT WARD OF THE PROBATE COURT RESIDES OR RECEIVES SERVICES AMONG THE INSTITUTIONS SUBJECT TO ITS REVIEW.

To the committee on Local Government

H.B. No. 233 - Representatives Letson and Huffman, et al
TO AUTHORIZE SCHOOL DISTRICTS TO SELL COMMERCIAL
ADVERTISING SPACE ON SCHOOL BUSES.

To the committee on Education

LOUIS W. BLESSING
ANDREW BRENNER
ANNE GONZALES
ARMOND BUDISH
DEBBIE PHILLIPS

WILLIAM G. BATCHELDER
DAVE BURKE
CHERYL GROSSMAN
TRACY HEARD
MATT SZOLLOSI

Representative Burke 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 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 were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

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

H.R. No. 98 - Representatives Duffey, Gonzales, Grossman, Carey, Gardner, Wachtmann, Carney, Fende, Fedor, Pillich

Honoring the Ohio Chapter of the American Academy of Pediatrics as the 2010 Outstanding Very Large Chapter.

H.R. No. 99 - Representative Clyde

Honoring the Kent State University men's basketball team as the 2011 Mid-American Conference Champion.

H.R. No. 100 - Representative Clyde

Honoring J.R. Campbell as a recipient of an International Artist of the Year Award at the 2010 Fashion Art Biennale.

H.R. No. 101 - Representative Clyde

Honoring Dustin Kilgore as a 2011 NCAA Wrestling Champion.

H.R. No. 102 - Representative Clyde

Honoring Vincent Quevedo as a recipient of an International Artist of the Year Award at the 2010 Fashion Art Biennale.

H.R. No. 103 - Representatives Mecklenborg, Blessing

Honoring the LaSalle High School boys basketball team as the 2011 Division I State Champion.

/s/ LOUIS BLESSING

Louis Blessing, Chair

Representative Burke 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.

Message from the Senate

Mr. Speaker:

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

Am. Sub. H. B. No. 93 -Representatives Burke, Johnson

Cosponsors: Speaker Batchelder, Representatives Bubp, Adams, J., Boose, Grossman, Hackett, Hottinger, Huffman, Peterson, Pillich, Rosenberger, Ruhl, Uecker, Balderson, Gardner, McKenney, Gonzales, Goodwin, Hagan, R., Garland, Fende, Sears, Schuring, Wachtmann, Barnes, Duffey, Antonio, Adams, R., Amstutz, Anielski, Ashford, Baker, Beck, Blair, Blessing, Brenner, Buchy, Budish, Butler, Carey, Carney, Celeste, Clyde, Coley, Combs, Damschroder, DeGeeter, Derickson, Dovilla, Driehaus, Fedor, Foley, Gerberry, Goyal, Hagan, C., Hall, Hayes, Heard, Henne, Kozlowski, Landis, Letson, Luckie, Lundy, Mallory, Martin, McClain, McGregor, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Patmon, Phillips, Ramos, Reece, Roegner, Slaby, Slesnick, Sprague, Stautberg, Stebelton, Stinziano, Szollosi, Thompson, Weddington, Williams, Winburn, Young, Yuko Senators Bacon, Beagle, Brown, Cafaro, Cates, Daniels, Faber, Gillmor, Hite, Hughes, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Smith, Stewart, Tavares, Widener, Wilson

To amend sections 109.57, 325.19, 3719.08, 4715.30, 4723.28, 4729.01, 4729.071, 4729.29, 4729.51, 4729.54, 4729.541, 4729.55, 4729.75, 4729.77, 4729.78, 4729.79, 4729.80, 4729.81, 4729.82, 4729.83, 4729.99, 4731.052, 4731.22, 4731.283, 4776.02, 4776.04, and 5111.172; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4729.79 (4729.80), 4729.80 (4729.81), 4729.81 (4729.82), 4729.82 (4729.83), 4729.83 (4729.84), and 4729.84 (4729.85); and to enact new section 4729.79 and sections 109.90, 313.212, 3719.031, 3793.22, 4121.50, 4715.302, 4723.064, 4723.487, 4725.092, 4729.162, 4729.291, 4729.552, 4729.571, 4729.69, 4729.86, 4730.53, 4731.054, 4731.055, 4731.241, 4731.391, 5111.085, 5111.179, and 5111.1710 of the Revised Code to establish and modify laws regarding the prevention of prescription drug abuse, to provide

that certain county employees when separating from county service as a result of a transfer of the assets of a county hospital are not entitled to unused vacation leave from the county when the employee accepts employment with the acquiring entity and the entity assumes the unused vacation leave accrued to the employee's credit, and to declare an emergency.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 21, after "109.57," insert "325.19,"

In line 30, delete "4729.021,"

Between lines 429 and 430, insert:

"Sec. 325.19. (A)(1) The granting of vacation leave under division (A)(1) of this section is subject to divisions (A)(2) and (3) of this section. Each full-time employee in the several offices and departments of the county service, including full-time hourly rate employees, after service of one year with the county or any political subdivision of the state, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time county employee with eight or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time county employee with fifteen or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time county employee with twenty-five years of service with the county or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; and seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year.

The appointing authorities of the offices and departments of the county service may permit all or any part of a person's prior service with any regional council of government established in accordance with Chapter 167. of the Revised Code to be considered service with the county or a political subdivision of the state for the purpose of determining years of service under this division.

(2) Full-time employees granted vacation leave under division (A)(1) of this section who render any standard of service other than forty hours per week as described in division ~~(J)~~ (K) of this section and who are in active pay status in a biweekly pay period, shall accrue a number of hours of vacation leave during

each such pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours which are accepted as full-time in active pay status, excluding overtime hours, bears to eighty hours.

(3) Full-time employees granted vacation leave under division (A)(1) of this section who are in active pay status in a biweekly pay period for less than eighty hours or the number of hours of service otherwise accepted as full-time by their employing office or department shall accrue a number of hours of vacation leave during that pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours in active pay status, excluding overtime hours, bears to eighty or the number of hours of service accepted as full-time, whichever is applicable.

(B) A board of county commissioners, by resolution, may grant vacation leave with full pay to part-time county employees. A part-time county employee shall be eligible for vacation leave with full pay upon the attainment of the first year of employment, and annually thereafter. The ratio between the hours worked and the vacation hours awarded to a part-time employee shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time employee as provided for in this section.

(C) Days specified as holidays in section 124.19 of the Revised Code shall not be charged to an employee's vacation leave. Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of the employee's employment, provided that the appointing authority may, in special and meritorious cases, permit such employee to accumulate and carry over the employee's vacation leave to the following year. No vacation leave shall be carried over for more than three years. An employee is entitled to compensation, at the employee's current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to the employee's credit at time of separation, and in addition shall be compensated for any unused vacation leave accrued to the employee's credit, with the permission of the appointing authority, for the three years immediately preceding the last anniversary date of employment.

(D)(1) In addition to vacation leave, a full-time county employee is entitled to eight hours of holiday pay for New Year's day, Martin Luther King day, Washington-Lincoln day, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day, of each year. Except as provided in division (D)(2) of this section, holidays shall occur on the days specified in section 1.14 of the Revised Code. If any of those holidays fall on Saturday, the Friday immediately preceding shall be observed as the holiday. If any of those holidays fall on Sunday, the Monday immediately succeeding shall be observed as the holiday. If an employee's work schedule is other than Monday through Friday, the employee is entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed.

(2)(a) When a classified employee of a county board of developmental

disabilities works at a site maintained by a government entity other than the board, such as a public school, the board may adjust the employee's holiday schedule to conform to the schedule adopted by the government entity. Under an adjusted holiday schedule, an employee shall receive the number of hours of holiday pay granted under division (D)(1) of this section.

(b) Pursuant to division (J)(6) of section 339.06 of the Revised Code, a county hospital may observe Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.

(E) In the case of the death of a county employee, the unused vacation leave and unpaid overtime to the credit of the employee shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate.

(F) Notwithstanding this section or any other section of the Revised Code, any appointing authority of a county office, department, commission, board, or body may, upon notification to the board of county commissioners, establish alternative schedules of vacation leave and holidays for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, as long as the alternative schedules are not inconsistent with the provisions of at least one collective bargaining agreement covering other employees of that appointing authority, if such an agreement exists. If no such collective bargaining agreement exists, an appointing authority, upon notification to the board of county commissioners, may establish an alternative schedule of vacation leave and holidays for its employees that does not diminish the vacation leave and holiday benefits granted by this section.

(G) The employees of a county children services board that establishes vacation benefits under section 5153.12 of the Revised Code are exempt from division (A) of this section.

(H) The provisions of this section do not apply to superintendents and management employees of county boards of developmental disabilities.

(I) Division (A) of this section does not apply to an employee of a county board of developmental disabilities who works at, or provides transportation services to pupils of, a special education program provided by the county board pursuant to division (A)(4) of section 5126.05 of the Revised Code, if the employee's employment is based on a school year and the employee is not subject to a contract with the county board that provides for division (A) of this section to apply to the employee.

(J) Notwithstanding division (C) of this section or any other section of the Revised Code, if a separation from county service occurs in connection with the lease, sale, or other transfer of all or substantially all the business and assets of a county hospital organized under Chapter 339. of the Revised Code to a private corporation or other entity, the appointing authority shall have no

obligation to pay any compensation with respect to unused vacation leave accrued to the credit of an employee who accepts employment with the acquiring corporation or other entity, if at the effective time of separation the acquiring corporation or other entity expressly assumes such unused vacation leave accrued to the employee's credit.

(K) As used in this section:

(1) "Full-time employee" means an employee whose regular hours of service for a county total forty hours per week, or who renders any other standard of service accepted as full-time by an office, department, or agency of county service.

(2) "Part-time employee" means an employee whose regular hours of service for a county total less than forty hours per week, or who renders any other standard of service accepted as part-time by an office, department, or agency of county service, and whose hours of county service total at least five hundred twenty hours annually.

(3) "Management employee" has the same meaning as in section 5126.20 of the Revised Code."

Delete lines 1278 through 1288

In line 3446, after "109.57," insert "325.19,"

In line 3457, after "citizens" insert ", and that immediate action is necessary to ensure that the sale of certain county hospitals is not impeded"

In line 1 of the title, after "109.57," insert "325.19,"

In line 13 of the title, delete "4729.021,"

In line 18 of the title, delete ", to permit"

Delete line 19 of the title

In line 20 of the title, delete "private entities"; after the comma insert "to provide that certain county employees when separating from county service as a result of a transfer of the assets of a county hospital are not entitled to unused vacation leave from the county when the employee accepts employment with the acquiring entity and the entity assumes the unused vacation leave accrued to the employee's credit,"

Attest:

Vincent L. Keeran,
Clerk.

The Senate amendments were laid over under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the adoption of the following concurrent resolution:

H. C. R. No. 14 -Representative Blessing

Cosponsors: Representatives Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Balderson, Barnes, Beck, Blair, Boose, Brenner, Bubp, Buchy, Budish, Burke, Butler, Carey, Carney, Celeste, Clyde, Coley, Combs, Damschroder, DeGeeter, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hollington, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Maag, Martin, McClain, McGregor, McKenney, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Winburn, Yuko, Speaker Batchelder Senators Bacon, Beagle, Brown, Cafaro, Cates, Daniels, Faber, Gillmor, Grendell, Hite, Hughes, Jones, Jordan, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Stewart, Tavares, Wagoner, Widener, Wilson

To adopt the Legislative Code of Ethics for the members and employees of both chambers of the 129th General Assembly, employees of any legislative agency, and candidates for the 130th General Assembly.

Attest:

Vincent L. Keeran,
Clerk.

Message from the Senate

Mr. Speaker:

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

S. B. No. 101 -Senator Patton

Cosponsors: Senators Wagoner, Schaffer, Grendell, Turner, Cafaro, Gillmor, Tavares, Bacon, Brown, Cates, Daniels, Faber, Hite, Hughes, Kearney, Lehner, Manning, Obhof, Oelslager, Sawyer, Schiavoni, Smith, Widener, Wilson

To enact section 5.2266 of the Revised Code to designate May as "Substance Abuse Awareness and Education Month."

S. B. No. 118 -Senator Cates

Cosponsors: Senators Schaffer, Gillmor, Hite, Jordan, Patton

To amend sections 3301.922, 3302.032, 3313.674, 3314.03, and 3326.11 and to enact sections 3314.15 and 3326.26 of the Revised Code to make schools' implementation of body mass index screenings optional.

Attest:

Vincent L. Keeran,
Clerk.

Said bills were considered the first time.

On motion of Representative Burke, the House adjourned until Wednesday, May 18, 2011 at 1:30 p.m.

Attest:

LAURA P. CLEMENS,
Clerk.