

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, MARCH 27, 2012

ONE HUNDRED FORTIETH DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, March 27, 2012, 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Michael Brown of the Franklin Church in New Albany, 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:

Amon Roy Daniels received H.R. 303, presented by Representative Brenner-2nd district.

Claudia Saunders received H.R. 273, presented by Representative Pillich-28th district.

Adam Paynter received H.R. 220, presented by Representative McClain-82nd district.

The Sylvania Northview High School hockey team received H.R. 307, presented by Representative Sears-46th district.

Dayton Christian High School students, guests of Representative Butler-37th district.

#### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 491**-Representatives Young, Kozlowski.

To enact section 5.2282 of the Revised Code to designate June as "Ohio Wines Month."

**H. B. No. 492**-Representative Gonzales.

Cosponsors: Representatives Conditt, Grossman, Celebrezze, Patmon, Fende, Ruhl, Stebelton, Adams, R., Hill, Gerberry, Wachtmann, Derickson.

To enact section 5.2280 of the Revised Code to designate May as "Melanoma and Skin Cancer Detection and Prevention Month."

**H. B. No. 493**-Representatives Okey, Fedor.

Cosponsors: Representatives Antonio, Carney, Driehaus, Foley, Garland, Gerberry, Goyal, Hagan, R., Heard, Letson, Lundy, Murray, Phillips, Williams, Yuko.

To amend sections 1509.022, 1509.19, 1509.24, and 1509.25 and to enact sections 1509.081, 1509.311, and 1509.312 of the Revised Code to establish additional requirements governing wells that are drilled into the Marcellus shale formation or a deeper formation, to establish requirements governing oil and gas land professionals, including the registration of such professionals and the creation of disclosure forms that must be presented to a prospective lessor of oil and gas mineral rights and to a prospective seller of mineral rights, and to make other changes in the Oil and Gas Law.

**H. B. No. 494**-Representative Pillich.

Cosponsors: Representatives Fende, Lundy, Murray, Phillips, Garland, Antonio, Ashford, Reece.

To amend sections 125.01, 125.09, 125.11, 3772.033, 5747.98, and 5751.98 and to enact sections 5747.61 and 5751.55 of the Revised Code to provide a five per cent bid preference for state contracts to a business owned by veterans and to authorize a personal income and commercial activity tax credit for a business that hires and employs a veteran for at least one year.

**H. B. No. 495**-Representative Johnson.

Cosponsors: Representatives Hill, Hall, Adams, R., Brenner, Derickson, Wachtmann, Combs, Hayes, Buchy, Boose, McClain, Goodwin, Thompson, Conditt, Grossman, Maag, Sears, Damschroder, Hackett, Fende, Uecker, Young, Adams, J., Bubp, Stautberg, Ruhl, DeVitis, Dovilla.

To amend sections 109.69, 109.731, 311.41, 311.42, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, and 2953.37 of the Revised Code to authorize the automatic validity in Ohio of a concealed handgun license issued by another state if the other state automatically recognizes as valid in that state an Ohio concealed handgun license without the need for any reciprocity agreement between the states; to repeal the competency certification currently required for renewal of a concealed handgun license; to revise the definition of "unloaded" that applies to the offense of "improperly handling firearms in a motor vehicle" and the related vessel-based offense; and to simplify, through the use of new definitions, the law regarding concealed handgun licenses.

**H. B. No. 496**-Representatives Hackett, Garland.

Cosponsors: Representatives Hagan, R., Stebelton.

To amend sections 102.02, 102.022, 102.03, 2152.54, 2919.271, 2945.37, 4732.01, 4732.02, 4732.03, 4732.05, 4732.06, 4732.07, 4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 4732.141, 4732.16, 4732.17, 4732.172, 4732.173, 4732.18, 4732.21, 4732.22, 4732.31, 4755.13, 4757.42, 5120.55, and 5122.01, to amend, for the purpose of adopting new section numbers as

indicated in parentheses, sections 4732.16 (4732.15), 4732.172 (4732.171), and 4732.173 (4732.172), to enact new sections 4732.16 and 4732.173 and sections 4732.142, 4732.151, 4732.221, and 4732.32, and to repeal sections 4732.15, 4732.171, and 4732.23 of the Revised Code to revise the laws governing the practice of psychology; and to amend the version of section 5122.01 of the Revised Code that is scheduled to take effect on October 1, 2012, to continue amendments made by this act to that section.

**H. B. No. 497**-Representative Hackett.

Cosponsors: Representatives Beck, Huffman, Bubp, Johnson, Fende, Hagan, R., Sykes.

To amend sections 1753.07, 1753.09, 3901.21, 3963.01, 3963.02, and 3963.03 of the Revised Code to prohibit a health insurer from reimbursing dental providers based upon a fee schedule if the dental services provided are not covered by any contract or participating provider agreement between the health insurer and the dental provider.

**H. B. No. 498**-Representatives Fedor, Garland.

Cosponsors: Representatives Antonio, Celebrezze, Driehaus, Fende, Hagan, R., Okey, Phillips, Yuko.

To amend sections 109.57, 109.572, 109.575, 109.576, 109.577, and 121.402 and to enact sections 1541.82 and 3313.539 of the Revised Code to make volunteer coaches engaged by recreational youth athletics organizations or entities and game officials certified by interscholastic athletic regulatory organizations or associations subject to mandatory criminal records checks, to prohibit for a minimum of five years after the individual's release from imprisonment imposed as a result of the offense or a minimum of five years after sentencing if the individual was not imprisoned the use of a coach or the certification of an individual as a game official who has been convicted of specified offenses, and to revise the immunity from civil liability for an act or omission of a volunteer who has been subject to a criminal records check.

Said bills were considered the first time.

### CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 275**-Representatives Young, Slaby, et al., were taken up for consideration.

**Sub. H. B. No. 275**-Representatives Young, Slaby.

Cosponsors: Representatives Henne, Bubp, Combs, Hollington, Hackett, Thompson, Adams, J., Adams, R., Newbold. Senators Schaffer, Hughes, Bacon, Balderson, Coley, Jordan, LaRose, Lehner, Niehaus, Seitz.

To amend section 1345.09 and to enact section 1345.092 of the Revised Code to allow suppliers and consumers to enter into a Right to Cure agreement.

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

The yeas and nays were taken and resulted - yeas 57, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Blair	Blessing
Boose	Brenner	Bubp	Buchy
Butler	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Duffey
Gardner	Gonzales	Goodwin	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Huffman	Johnson
Kozlowski	Landis	Letson	Maag
Martin	Matheney	McClain	McGregor
Pelanda	Roegner	Rose	Rosenberger
Ruhl	Schuring	Sears	Slaby
Sprague	Stautberg	Stebelton	Terhar
Thompson	Uecker	Wachtmann	Young
			Batchelder-57.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barnes	Budish
Carney	Celebrezze	Celeste	Cera
Clyde	Driehaus	Fedor	Fende
Foley	Garland	Gerberry	Goyal
Heard	Luckie	Lundy	Mallory
Milkovich	Murray	O'Brien	Okey
Patmon	Phillips	Pillich	Ramos
Reece	Slesnick	Stinziano	Szollosi
Williams	Winburn		Yuko-35.

The Senate amendments were concurred in.

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

Representative Williams submitted the following report:

The standing committee on Economic and Small Business Development to which was referred **H. B. No. 327**-Representative Gonzales, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: EXPERIMENTAL TAX CREDIT – EMPLOY HOME-BASED  
EMPLOYEES/REPORT

Representative Baker moved to amend the title as follows:

Add the name: "Buchy."

NAN BAKER	JIM BUCHY
SANDRA WILLIAMS	MARLENE ANIELSKI
PETER BECK	TED CELESTE
MIKE DOVILLA	DENISE DRIEHAUS
JAY P. GOYAL	CHERYL GROSSMAN
CHRISTINA HAGAN	TRACY HEARD
MICHAEL HENNE	CASEY KOZLOWSKI
AL LANDIS	CRAIG NEWBOLD
CLIFF ROSENBERGER	STEPHEN SLESNICK
LOUIS TERHAR	ROLAND WINBURN

The report was agreed to.

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

Representative Williams submitted the following report:

The standing committee on Economic and Small Business Development to which was referred **H. C. R. No. 33**-Representatives Derickson, Newbold, et al., having had the same under consideration, reports it back and recommends its adoption.

RE: CONGRESS-ENACT WORKFORCE INVESTMENT ACT

Representative Baker moved to amend the title as follows:

Add the names: "Buchy, Hagan, C.."

NAN BAKER	JIM BUCHY
SANDRA WILLIAMS	MARLENE ANIELSKI
JOHN BARNES	PETER BECK
TED CELESTE	MIKE DOVILLA
DENISE DRIEHAUS	JAY P. GOYAL
CHERYL GROSSMAN	CHRISTINA HAGAN
TRACY HEARD	MICHAEL HENNE
CASEY KOZLOWSKI	AL LANDIS
CRAIG NEWBOLD	ALICIA REECE
CLIFF ROSENBERGER	STEPHEN SLESNICK
LOUIS TERHAR	ROLAND WINBURN

The report was agreed to.

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

Representative Williams submitted the following report:

The standing committee on Economic and Small Business Development to which was referred **H. R. No. 292**-Representative Adams, R., having had the same under consideration, reports it back and recommends its adoption.

RE: MARCH 2012 SKILLED WORKFORCE RECOGNITION MONTH

Representative Baker moved to amend the title as follows:

Add the name: "Buchy."

NAN BAKER	JIM BUCHY
SANDRA WILLIAMS	MARLENE ANIELSKI
JOHN BARNES	PETER BECK
TED CELESTE	MIKE DOVILLA
DENISE DRIEHAUS	JAY P. GOYAL
CHERYL GROSSMAN	CHRISTINA HAGAN
TRACY HEARD	MICHAEL HENNE
CASEY KOZLOWSKI	AL LANDIS
CRAIG NEWBOLD	ALICIA REECE
CLIFF ROSENBERGER	STEPHEN SLESNICK
LOUIS TERHAR	ROLAND WINBURN

The report was agreed to.

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

### MOTIONS AND RESOLUTIONS

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

The motion was agreed to.

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

**H. R. No. 280**-Speaker Batchelder.

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

Szollosi, Terhar, Thompson, Uecker, Wachtmann, Weddington, Williams, Winburn, Young, Yuko.

In memory of George E. Terwilleger.

WHEREAS, The members of the House of Representatives of the 129th General Assembly of Ohio were deeply saddened to learn of the death of George E. Terwilleger and extend our heartfelt condolences to his family and friends; and

WHEREAS, George Terwilleger left an indelible impression on the people whose lives he touched, and he will be remembered as a spirited individual who contributed immeasurably to the world around him. A local entrepreneur, a veteran of the Ohio National Guard, and a 33rd degree Mason, he held public office for thirty-two years, including serving as a trustee and clerk for Hamilton Township, a commissioner for Warren County, and a member of the Ohio House of Representatives, and he was also active with numerous civic boards and organizations; and

WHEREAS, George Terwilleger's regard for improving the quality of life in our society was clearly evident in his personal sacrifices of time and effort to his family, friends, and community. Giving generously of his energy and abilities in all of his endeavors, he displayed exceptional concern and insight, and his absence will be keenly felt; and

WHEREAS, A loving husband to his wife, Jacqualine, a devoted father to his three children, DeWayne, DeLanna, and DeAnna, and the proud grandfather of six grandchildren, four stepgrandchildren, and three step-great-grandchildren, George Terwilleger always used his talents to the benefit of others, and the laurels of his life stand as a tribute not only to him but also to those he left behind. Although the void his death has created can never be filled, the legacy of care and commitment he established will surely live on. The world is a richer place for his having been in it, and he will be sorely missed; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 129th General Assembly of Ohio, in adopting this Resolution, express a profound sense of loss and sincere regret at the death of George E. Terwilleger and, in so doing, pay tribute to the memory of a truly unique individual; and be it further

RESOLVED, That the Clerk of the House of Representatives transmit a duly authenticated copy of this Resolution to the family of George E. Terwilleger.

The question being, "Shall the resolution be adopted?"

The resolution was adopted.



**BILLS FOR THIRD CONSIDERATION****Sub. S. B. No. 243**-Senator Hughes.

Cosponsors: Senators Wagoner, Patton, Turner, Bacon, Balderson, Beagle, Coley, Daniels, LaRose, Lehner, Niehaus, Schaffer, Seitz, Tavares. Representatives Hagan, R., Kozlowski, Uecker, Combs, Damschroder, Johnson, O'Brien.

To amend sections 5502.21, 5502.29, and 5502.41 and to enact section 3345.042 of the Revised Code to modify the laws governing the Intrastate Mutual Aid Compact, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Ruhl moved to amend as follows:

In line 5, after "sections" insert "121.40, 3701.04,"

In line 6, delete "section" and insert "sections"; after "3345.042" insert "and 5502.281"

Between lines 7 and 8, insert:

**"Sec. 121.40.** (A) There is hereby created the Ohio commission on service and volunteerism consisting of twenty-one voting members including the superintendent of public instruction or the superintendent's designee, the chancellor of the Ohio board of regents or the chancellor's designee, the director of youth services or the director's designee, the director of aging or the director's designee, the chairperson of the committee of the house of representatives dealing with education or the chairperson's designee, the chairperson of the committee of the senate dealing with education or the chairperson's designee, and fifteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of office of three years. The appointees shall include educators, including teachers and administrators; representatives of youth organizations; students and parents; representatives of organizations engaged in volunteer program development and management throughout the state, including youth and conservation programs; and representatives of business, government, nonprofit organizations, social service agencies, veterans organizations, religious organizations, or philanthropies that support or encourage volunteerism within the state. The director of the governor's office of faith-based and community initiatives shall serve as a nonvoting ex officio member of the commission. Members of the commission shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(B) The commission shall appoint an executive director for the commission, who shall be in the unclassified civil service. The governor shall be informed of the appointment of an executive director before such an appointment is made. The executive director shall supervise the commission's activities and report to the commission on the progress of those activities. The executive

director shall do all things necessary for the efficient and effective implementation of the duties of the commission.

The responsibilities assigned to the executive director do not relieve the members of the commission from final responsibility for the proper performance of the requirements of this section.

(C) The commission or its designee shall do all of the following:

(1) Employ, promote, supervise, and remove all employees as needed in connection with the performance of its duties under this section and may assign duties to those employees as necessary to achieve the most efficient performance of its functions, and to that end may establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission. Personnel employed by the commission who are subject to Chapter 4117. of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter. Nothing in this chapter shall be construed as eliminating or interfering with Chapter 4117. of the Revised Code or the rights and benefits conferred under that chapter to public employees or to any bargaining unit.

(2) Maintain its office in Columbus, and may hold sessions at any place within the state;

(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses. For that purpose, the commission shall prepare and submit to the office of budget and management a budget for each biennium according to sections 101.532 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the commission and its staff in the discharge of any duty imposed upon the commission by law. The commission shall not delegate any authority to obligate funds.

(4) Pay its own payroll and other operating expenses from line items designated by the general assembly;

(5) Retain its fiduciary responsibility as appointing authority. Any transaction instructions shall be certified by the appointing authority or its designee.

(6) Establish the overall policy and management of the commission in accordance with this chapter;

(7) Assist in coordinating and preparing the state application for funds under sections 101 to 184 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 12411 to 12544, as amended, assist in administering and overseeing the "National and Community Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the americorps program in this state, and assist in developing objectives for a comprehensive strategy to encourage and expand community service programs throughout the state;

(8) Assist the state board of education, school districts, the chancellor of the board of regents, and institutions of higher education in coordinating community service education programs through cooperative efforts between institutions and organizations in the public and private sectors;

(9) Assist the departments of natural resources, youth services, aging, and job and family services in coordinating community service programs through cooperative efforts between institutions and organizations in the public and private sectors;

(10) Suggest individuals and organizations that are available to assist school districts, institutions of higher education, and the departments of natural resources, youth services, aging, and job and family services in the establishment of community service programs and assist in investigating sources of funding for implementing these programs;

(11) Assist in evaluating the state's efforts in providing community service programs using standards and methods that are consistent with any statewide objectives for these programs and provide information to the state board of education, school districts, the chancellor of the board of regents, institutions of higher education, and the departments of natural resources, youth services, aging, and job and family services to guide them in making decisions about these programs;

(12) Assist the state board of education in complying with section 3301.70 of the Revised Code and the chancellor of the board of regents in complying with division (B)(2) of section 3333.043 of the Revised Code ;

~~(13) Advise, assist, consult with, and cooperate with, by contract or otherwise, agencies and political subdivisions of this state in establishing a statewide system for volunteers pursuant to section 121.404 of the Revised Code.~~

(D) The commission shall in writing enter into an agreement with another state agency to serve as the commission's fiscal agent. Before entering into such an agreement, the commission shall inform the governor of the terms of the agreement and of the state agency designated to serve as the commission's fiscal agent. The fiscal agent shall be responsible for all the commission's fiscal matters and financial transactions, as specified in the agreement. Services to be provided by the fiscal agent include, but are not limited to, the following:

(1) Preparing and processing payroll and other personnel documents that the commission executes as the appointing authority;

(2) Maintaining ledgers of accounts and reports of account balances, and monitoring budgets and allotment plans in consultation with the commission; and

(3) Performing other routine support services that the fiscal agent considers appropriate to achieve efficiency.

(E)(1) The commission, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:

(a) Sole authority to draw funds for any and all federal programs in which the commission is authorized to participate;

(b) Sole authority to expend funds from their accounts for programs and any other necessary expenses the commission may incur and its subgrantees may incur; and

(c) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.

(2) The commission shall follow all state procurement, fiscal, human resources, statutory, and administrative rule requirements.

(3) The fiscal agent shall determine fees to be charged to the commission, which shall be in proportion to the services performed for the commission.

(4) The commission shall pay fees owed to the fiscal agent from a general revenue fund of the commission or from any other fund from which the operating expenses of the commission are paid. Any amounts set aside for a fiscal year for the payment of these fees shall be used only for the services performed for the commission by the fiscal agent in that fiscal year.

(F) The commission may accept and administer grants from any source, public or private, to carry out any of the commission's functions this section establishes."

Between lines 51 and 52, insert:

"**Sec. 3701.04.** (A) The director of health shall:

(1) Require reports and make inspections and investigations that the director considers necessary;

(2) Provide administration, appoint personnel, make reports, and take other action as necessary to comply with the requirements of the "Construction and Modernization of Hospitals and Other Medical Facilities Act," Title VI of the "Public Health Service Act," 60 Stat. 1041 (1946), 42 U.S.C. 291, as amended, and the regulations adopted under that act;

(3) Procure by contract the temporary or intermittent services of experts, consultants, or organizations when those services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

(4) Enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;

(5) On behalf of the state, solicit, accept, hold, administer, and deposit in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code, any grant, gift, devise, bequest, or contribution

made to assist in meeting the cost of carrying out the director's responsibilities and expend the grant, gift, devise, bequest, or contribution for the purpose for which made. Fees collected by the director in connection with meetings and conferences shall also be credited to the fund and expended for the purposes for which paid.

(6) Make an annual report to the governor on activities and expenditures, including recommendations for such additional legislation as the director considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this state.

~~(7) Establish~~ (B) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules jointly with the executive director of the emergency management agency to do both of the following, as required by section 5502.281 of the Revised Code:

(1) Advise, assist, consult with, and cooperate with agencies and political subdivisions of this state to establish and maintain a statewide system for recruiting, registering, training, and deploying volunteers the director determines are advisable and reasonably necessary to respond to an emergency involving the public's health declared by the state or a political subdivision;

(2) Establish fees, procedures, standards, and requirements necessary for recruiting, registering, training, and deploying the volunteers.

~~(B)~~ (C) The director of health may enter into agreements to sell services offered by the department of health to boards of health of city and general health districts and to other departments, agencies, and institutions of this state, other states, or the United States. Fees collected by the director for the sale of services shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code."

Between lines 205 and 206, insert:

" **Sec. 5502.281.** (A) The executive director of the emergency management agency, jointly with the director of health, shall do both of the following:

(1) Advise, assist, consult with, and cooperate with agencies and political subdivisions of this state to establish and maintain a statewide system for recruiting, registering, training, and deploying the types of volunteers reasonably necessary to respond to an emergency declared by the state or a political subdivision;

(2) Establish fees, procedures, standards, and requirements necessary for recruiting, registering, training, and deploying the volunteers as required under this section.

(B)(1) A registered volunteer's status as a volunteer, and any information presented in summary, statistical, or aggregate form that does not identify an individual, is a public record pursuant to section 149.43 of the Revised Code.

(2) Information related to a registered volunteer's specific and unique responsibilities, assignments, or deployment plans, including but not limited to training, preparedness, readiness, or organizational assignment, is a security record for purposes of section 149.433 of the Revised Code.

(3) Information related to a registered volunteer's personal information, including but not limited to contact information, medical information, or information related to family members or dependents, is not a public record pursuant to section 149.43 of the Revised Code.

(C) A volunteer registered under this section is not liable in damages to any person or government entity in tort or other civil action, including an action upon a medical, dental, chiropractic, optometric, or other health-related claim or veterinary claim, for injury, death, or loss to person or property that may arise from an act or omission of that volunteer. This division applies to a registered volunteer while providing services within the scope of the volunteer's responsibilities during an emergency declared by the state or political subdivision or in disaster-related exercises, testing, or other training activities, if the volunteer's act or omission does not constitute willful or wanton misconduct.

(D) As used in this section:

(1) "Registered volunteer" means any individual registered as a volunteer pursuant to procedures established under this section and who serves without pay or other consideration, other than the reasonable reimbursement or allowance for expenses actually incurred or the provision of incidental benefits related to the volunteer's service, such as meals, lodging, and child care.

(2) "Political subdivision" means a county, township, or municipal corporation in this state."

In line 623, after "sections" insert "121.40, 3701.04,"

In line 624, after "5502.41" insert "and section 121.404"

In line 1 of the title, after "sections" insert "121.40, 3701.04,"; delete the second "and" and insert a comma

In line 2 of the title, delete "section" and insert "sections"; after "3345.042" insert "and 5502.281, and to repeal section 121.404"

In line 4 of the title, after "Compact" insert "and the volunteer database of the Department of Health and the Emergency Management Agency"

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

The yeas and nays were taken and resulted - yeas 91, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Brenner	Bubp	Buchy	Budish

Butler	Carney	Celebrezze	Celeste
Clyde	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Gonzales
Goodwin	Goyal	Grossman	Hackett
Hagan, C.	Hall	Hayes	Heard
Henne	Hill	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Maag	Mallory	Martin
Matheney	McClain	McGregor	Milkovich
Murray	O'Brien	Okey	Patmon
Pelanda	Phillips	Pillich	Ramos
Reece	Roegner	Rose	Rosenberger
Ruhl	Schuring	Sears	Slaby
Slesnick	Sprague	Stautberg	Stebelton
Stinziano	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-91.

Representative Cera voted in the negative-1.

The motion was agreed to and the bill so amended.

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

Representative Johnson moved to amend as follows:

In line 5, after "sections" insert "4765.43,"

Between lines 51 and 52, insert:

**"Sec. 4765.43.** (A) During each emergency run made by an ambulance that is equipped for emergency medical services, the emergency medical service organization operating the ambulance shall staff the ambulance in accordance with this section.

For purposes of determining the applicable staffing requirements, both of the following apply:

(1) An emergency run consists of components that are distinguished between the period during which the ambulance is traveling to the scene of an emergency and, if applicable, the period during which the ambulance is transporting a patient from the scene of the emergency.

(2) In the case of an emergency medical service organization that utilizes a combination of volunteer and paid first responders, emergency medical service technicians-basic, emergency medical service technicians-intermediate, or emergency medical service technicians-paramedic, the organization is considered to be substantially utilizing volunteers in a particular week when the paid individuals, taken as a whole, are scheduled for a total of not more than one hundred ninety-two hours in that week.

(B) With respect to the driver of an ambulance during an emergency run,

both of the following apply:

(1) The driver must be at least eighteen years of age and hold a valid driver's license.

(2) The driver must ~~hold~~ meet at least one of the following criteria:

(a) Hold a valid certificate issued under section 4765.30 of the Revised Code to practice as a medical first responder, ~~EMT-basie EMT, EMT-I advanced EMT,~~ or paramedic ~~or~~ ;

(b) Hold a valid fire training certificate issued pursuant to section 4765.55 of the Revised Code to provide services as a firefighter ;

(c) Be employed and in good standing as a sworn sheriff, deputy sheriff, constable, police officer, marshal, deputy marshal, or highway patrol trooper in this state;

(d) Have successfully completed either the emergency vehicle operations course approved by the national highway traffic safety administration or an equivalent course approved by the state board of emergency medical services.

(C) With respect to the component of an emergency run during which the ambulance is traveling to the scene of the emergency, the ambulance shall be staffed by at least one ~~EMT-basie EMT, EMT-I advanced EMT,~~ or paramedic. This individual may serve as the driver.

(D) With respect to the component of an emergency run during which a patient is being transported, the ambulance shall be staffed as follows:

(1) If the emergency medical service organization utilizes only paid individuals or utilizes volunteers on a basis that is not considered to be substantially utilizing volunteers, the ambulance shall be staffed by at least two ~~EMTs-basie EMTs, EMTs-I advanced EMTs,~~ or paramedics. One of these individuals may serve as the driver.

(2) If the emergency medical service organization is substantially utilizing volunteers or utilizes only volunteers, the ambulance shall be staffed by at least two ~~EMTs-basie EMTs, EMTs-I advanced EMTs,~~ or paramedics or by at least one first responder and one ~~EMT-basie EMT, EMT-I advanced EMT,~~ or paramedic. One of these individuals may serve as the driver, but if the staffing requirement is being met by utilizing a medical first responder, the medical first responder shall serve as the driver."

In line 623, after "sections" insert "4765.43,"

In line 1 of the title, after "sections" insert "4765.43,"

In line 4 of the title, after "Compact" insert "and to revise ambulance staffing requirements"



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

The yeas and nays were taken and resulted - yeas 91, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Brenner	Bubp	Buchy	Budish
Butler	Carney	Celebrezze	Celeste
Clyde	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Gonzales
Goodwin	Goyal	Grossman	Hackett
Hagan, C.	Hall	Hayes	Heard
Henne	Hill	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Maag	Mallory	Martin
Matheney	McClain	McGregor	Milkovich
Murray	O'Brien	Okey	Patmon
Pelanda	Phillips	Pillich	Ramos
Reece	Roegner	Rose	Rosenberger
Ruhl	Schuring	Sears	Slaby
Slesnick	Sprague	Stautberg	Stebelton
Stinziano	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-91.

Representative Cera voted in the negative-1.

The motion was agreed to and the bill so amended.

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

Representative Duffey moved to amend as follows:

In line 5, after "sections" insert "4765.06,"

Between lines 51 and 52, insert:

**"Sec. 4765.06.** (A) The state board of emergency medical services shall establish an emergency medical services incidence reporting system for the collection of information regarding the delivery of emergency medical services in this state and the frequency at which the services are provided. All emergency medical service organizations shall submit to the board any information that the board determines is necessary for maintaining the incidence reporting system.

(B) The board shall establish a state trauma registry to be used for the collection of information regarding the care of adult and pediatric trauma victims in this state. The registry shall provide for the reporting of adult and pediatric trauma-related deaths, identification of adult and pediatric trauma patients, monitoring of adult and pediatric trauma patient care data, determination of the total amount of uncompensated adult and pediatric trauma care provided annually by each facility that provides care to trauma victims, and collection of

any other information specified by the board. All persons designated by the board shall submit to the board any information it determines is necessary for maintaining the state trauma registry. At the request of the board any state agency possessing information regarding adult or pediatric trauma care shall provide the information to the board. The board shall maintain the state trauma registry in accordance with rules adopted under section 4765.11 of the Revised Code.

Rules relating to the state trauma registry adopted under this section and section 4765.11 of the Revised Code shall not prohibit the operation of other trauma registries and may provide for the reporting of information to the state trauma registry by or through other trauma registries in a manner consistent with information otherwise reported to the state trauma registry. Other trauma registries may report aggregate information to the state trauma registry, provided the information can be matched to the person that reported it. Information maintained by another trauma registry and reported to the state trauma registry in lieu of being reported directly to the state trauma registry is a public record and shall be maintained, made available to the public, held in confidence, risk adjusted, and not subject to discovery or introduction into evidence in a civil action as provided in section 149.43 of the Revised Code and this section. Any person who provides, maintains, or risk adjusts such information shall comply with this section and rules adopted under it in performing that function and has the same immunities with respect to that function as a person who performs that function with respect to the state trauma registry.

(C) The board and any employee or contractor of the board or the department of public safety shall not make public information it receives under Chapter 4765. of the Revised Code that identifies or would tend to identify a specific recipient of emergency medical services or adult or pediatric trauma care.

(D) Not later than two years after ~~the effective date of this amendment~~ November 3, 2000, the board shall adopt and implement rules under section 4765.11 of the Revised Code that provide written standards and procedures for risk adjustment of information received by the board under Chapter 4765. of the Revised Code. The rules shall be developed in consultation with appropriate medical, hospital, and emergency medical service organizations and may provide for risk adjustment by a contractor of the board. ~~Before~~ Except as provided in division (G) of this section, before risk adjustment standards and procedures are implemented, no member of the board and no employee or contractor of the board or the department of public safety shall make public information received by the board under Chapter 4765. of the Revised Code that identifies or would tend to identify a specific provider of emergency medical services or adult or pediatric trauma care. ~~After~~ Except as provided in division (G) of this section, after risk adjustment standards and procedures are implemented, the board shall make public such information only on a risk adjusted basis.

(E) The board shall adopt rules under section 4765.11 of the Revised

Code that specify procedures for ensuring the confidentiality of information that is not to be made public under this section. The rules shall specify the circumstances in which deliberations of the persons performing risk adjustment functions under this section are not open to the public and records of those deliberations are maintained in confidence. Nothing in this section prohibits the board from making public statistical information that does not identify or tend to identify a specific recipient or provider of emergency medical services or adult or pediatric trauma care.

(F) No provider that furnishes information to the board with respect to any patient the provider examined or treated shall, because of this furnishing, be deemed liable in damages to any person or be held to answer for betrayal of a professional confidence in the absence of willful or wanton misconduct. No such information shall be subject to introduction in evidence in any civil action against the provider. No provider that furnishes information to the board shall be liable for the misuse or improper release of the information by the board or any other person.

No person who performs risk adjustment functions under this section shall, because of performing such functions, be held liable in a civil action for betrayal of professional confidence or otherwise in the absence of willful or wanton misconduct.

(G) The board may transmit data that identifies or tends to identify a specific provider of emergency medical services care and has not been risk-adjusted from the emergency medical services incident reporting system directly to the national emergency medical services information system, pursuant to a written contract between the board and the federal agency that administers the national emergency medical services information system, which shall ensure to the maximum extent permitted by federal law that such agency shall use such data solely for inclusion in the national emergency medical services information system and shall not disclose such data to the public, through legal discovery, a freedom of information request, or otherwise, in a manner that identifies or tends to identify a specific provider of emergency medical services care."

In line 623, after "sections" insert "4765.06,"

In line 1 of the title, after "sections" insert "4765.06,"

In line 4 of the title, after "Compact" insert "and to address the transmittal of certain data to the National Emergency Medical Services Information System"

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

The yeas and nays were taken and resulted - yeas 79, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Brenner	Bubp	Buchy	Butler

Celebrezze	Celeste	Clyde	Combs
Conditt	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Fende	Foley	Gardner	Garland
Gonzales	Goodwin	Goyal	Grossman
Hackett	Hagan, C.	Hall	Hayes
Heard	Henne	Hill	Huffman
Johnson	Kozlowski	Landis	Maag
Mallory	Martin	Matheney	McClain
McGregor	Milkovich	O'Brien	Okey
Patmon	Pelanda	Pillich	Rose
Rosenberger	Ruhl	Schuring	Sears
Slaby	Slesnick	Sprague	Stautberg
Stebelton	Stinziano	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Young	Yuko		Batchelder-79.

Those who voted in the negative were: Representatives

Budish	Carney	Cera	Gerberry
Letson	Luckie	Lundy	Murray
Phillips	Ramos	Reece	Roegner
			Winburn-13.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barnes
Beck	Blair	Blessing	Boose
Brenner	Bubp	Buchy	Budish
Butler	Carney	Celebrezze	Celeste
Cera	Clyde	Combs	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Fende
Foley	Gardner	Garland	Gerberry
Gonzales	Goodwin	Goyal	Grossman
Hackett	Hagan, C.	Hall	Hayes
Heard	Henne	Hill	Huffman
Johnson	Kozlowski	Landis	Letson
Luckie	Lundy	Maag	Mallory
Martin	Matheney	McClain	McGregor
Milkovich	Murray	O'Brien	Okey
Patmon	Pelanda	Phillips	Pillich
Ramos	Reece	Roegner	Rose
Rosenberger	Ruhl	Schuring	Sears
Slaby	Slesnick	Sprague	Stautberg
Stebelton	Stinziano	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-92.

The bill passed.

Representative Combs moved to amend the title as follows:

Add the names: "Anielski, Antonio, Beck, Blessing, Bulp, Buchy, Butler, Carney, Celebrezze, Derickson, Dovilla, Duffey, Fende, Gardner, Garland, Gonzales, Goyal, Heard, Hill, Letson, Mallory, Matheney, McClain, Roegner, Rose, Rosenberger, Ruhl, Sears, Slaby, Sprague, Stinziano, Szollosi, Wachtmann, Young, Yuko, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 367**-Representative Maag.

Cosponsors: Representatives Grossman, Murray, Fende, Antonio, Duffey, Hackett, Sears.

To amend sections 109.57, 1337.11, 2133.01, 2317.54, 3701.881, 3712.01, 3712.03, 3712.09, 3721.01, 3795.01, 3963.01, 4719.01, 4752.02, 5119.70, and 5119.71 and to enact sections 3712.031, 3712.041, 3712.051, and 3712.061 of the Revised Code regarding licensure of pediatric respite care programs, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 91, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Antonio
Ashford	Baker	Barnes	Beck
Blair	Blessing	Boose	Brenner
Bulp	Buchy	Budish	Butler
Carney	Celebrezze	Celeste	Cera
Clyde	Combs	Conditt	Damschroder
DeVitis	Derickson	Dovilla	Driehaus
Duffey	Fedor	Fende	Foley
Gardner	Garland	Gerberry	Gonzales
Goodwin	Goyal	Grossman	Hackett
Hagan, C.	Hall	Hayes	Heard
Henne	Hill	Huffman	Johnson
Kozlowski	Landis	Letson	Luckie
Lundy	Maag	Mallory	Martin
Matheney	McClain	McGregor	Milkovich
Murray	O'Brien	Okey	Patmon
Pelanda	Phillips	Pillich	Ramos
Reece	Roegner	Rose	Rosenberger
Ruhl	Schuring	Sears	Slaby
Slesnick	Sprague	Stautberg	Stebelton
Stinziano	Szollosi	Terhar	Thompson
Uecker	Wachtmann	Williams	Winburn
Young	Yuko		Batchelder-91.

The bill passed.

Representative Maag moved to amend the title as follows:

Add the names: "Beck, Blair, Blessing, Bubp, Carney, Celebrezze, Celeste, Gardner, Garland, Hill, Johnson, Letson, Lundy, Mallory, Matheney, Milkovich, O'Brien, Phillips, Ramos, Stautberg, Stebelton, Stinziano, Terhar, Wachtmann, Winburn, Yuko, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 280**-Representatives Dovilla, Wachtmann.

Cosponsors: Representatives Mecklenborg, Gardner, Buchy, Grossman, Brenner, Gonzales, Goodwin, Derickson, Fende, Blair, Hackett, Maag, Lundy, Stebelton, Letson, Sprague, Reece, Johnson, Rosenberger, Pillich, Bubp, Butler, Hagan, C., Landis, Milkovich, Yuko.

To amend sections 5910.01, 5910.02, and 5919.34 and to enact section 5910.07 of the Revised Code to qualify for a War Orphans Scholarship, children of military veterans who participated in an operation for which the Armed Forces Expeditionary Medal was awarded, and to authorize the administrators of the Ohio National Guard Scholarship Program and the Ohio War Orphans Scholarship Program to apply for, and receive and accept, grants, and to receive and accept gifts, bequests, and contributions, from public and private sources, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 0, as follows:

Those who voted in the affirmative were: Representatives

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

Stebelton	Stinziano	Szollosi	Terhar
Thompson	Uecker	Wachtmann	Williams
Winburn	Young	Yuko	Batchelder-92.

The bill passed.

Representative Dovilla moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blessing, Boose, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, DeVitis, Driehaus, Duffey, Fedor, Foley, Garland, Gerberry, Goyal, Hall, Hayes, Heard, Henne, Hill, Huffman, Kozlowski, Mallory, Martin, Matheney, McClain, McGregor, Murray, O'Brien, Patmon, Phillips, Ramos, Roegner, Rose, Ruhl, Schuring, Sears, Slaby, Slesnick, Stautberg, Stinziano, Szollosi, Terhar, Thompson, Uecker, Williams, Winburn, Young, 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 Grossman 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 Phillips reported for the Rules and Reference Committee recommending that the following House Bill and Senate Bill be considered for the second time and referred to the following committee for consideration.

### **H.B. No. 491 – Representatives Young and Kozlowski TO DESIGNATE JUNE AS "OHIO WINES MONTH."**

To the committee on Commerce and Labor

### **Sub. S.B. No. 271 – Senator Larose, et al**

TO ESTABLISH CERTAIN EXEMPTIONS, INCLUDING PERMITTING THE WITHDRAWAL OF SERVICES, FOR INCUMBENT LOCAL EXCHANGE CARRIERS DETERMINED TO BE FULLY COMPETITIVE, AND, REGARDING THE PROVISION OF BASIC LOCAL EXCHANGE SERVICE, FOR OTHER TELEPHONE COMPANIES OPERATING IN THE SAME AREAS.

To the committee on Public Utilities

LOUIS W. BLESSING  
ANDREW BRENNER  
CHERYL GROSSMAN  
ARMOND BUDISH  
DEBBIE PHILLIPS

JOHN ADAMS  
ANNE GONZALES  
DOROTHY PELANDA  
TRACY HEARD  
MATT SZOLLOSI

Representative Grossman 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 Bill and Senate Bill 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 and Senate Bill 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 Concurrent Resolution be introduced and referred to the following committee for consideration:

**H.C.R. No. 40 – Representatives Young and Kozlowski**  
TO DECLARE THE MONTH OF JUNE AS “OHIO WINES MONTH.”  
To the committee on Commerce and Labor

/s/ LOUIS BLESSING  
Louis Blessing, Chair

Representative Grossman 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.

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. 307 – Representative Sears**  
Honoring the Sylvania Northview High School hockey team on winning the 2012 OHSAA State Championship.

**H.R. No. 308 – Representative Dovilla**  
Honoring Mark Martin as a 2012 Division I State Wrestling Champion.



**H.R. No. 309 – Representative Roegner**

Honoring Alex Obendorf on winning a 2012 Division I State Swimming and Diving Championship.

/s/ LOUIS BLESSING  
Louis Blessing, Chair

Representative Grossman 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.

Clerk's Notation

This is to acknowledge receipt of the report of the Committee of Conference on **Am. Sub. S. B. No. 165**—Senators Obhof, Grendell, et al., on March 27, 2012.

On motion of Representative Grossman, the House adjourned until Wednesday, March 28, 2012 at 1:30 p.m.

Attest:

JENNIFER E. WOODRING,  
Clerk.