

OHIO

SENATE

JOURNAL

TUESDAY, MARCH 27, 2012

ONE HUNDRED SIXTY-FIRST DAY
Senate Chamber, Columbus, Ohio
Tuesday, March 27, 2012, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Tom McCullough, State Director, Capitol Commission, Granville, Ohio, followed by the Pledge of Allegiance to the Flag.

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

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Niehaus reports for the Standing Committee on Rules and Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

H. B. No. 482-Representative Amstutz, et al.

To amend sections 126.14, 151.01, 151.04, and 154.21 and to repeal section 3333.072 of the Revised Code to make capital appropriations and make changes related to the laws governing capital projects.

To the Committee on Finance.

S. B. No. 314-Senators Wagoner, Cafaro, et al.

To amend sections 9.981, 102.03, 121.02, 121.03, 121.22, 122.01, 122.011, 122.07, 122.071, 122.17, 122.171, 122.174, 122.175, 122.39, 122.41, 122.42, 122.43, 122.44, 122.48, 122.49, 122.50, 122.51, 122.52, 122.53, 122.561, 122.57, 122.60, 122.601, 122.602, 122.603, 122.61, 122.62, 122.64, 122.76, 122.80, 122.86, 149.43, 164.05, 164.06, 164.08, 166.01, 166.04, 166.05, 166.13, 166.14, 166.18, 166.19, 166.25, 166.30, 174.01, 184.01, 184.02, 187.01, 187.03, 187.04, 187.05, 929.03, 1551.01, 3735.672, 3746.35, 5117.22, 5709.68, 6103.052, and 6117.062, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 122.07 (122.073) and 122.071 (122.072), to enact new sections 122.07 and 122.071 and sections 122.97, 184.011, 3735.01, and 5701.15, and to repeal sections 1525.11, 1525.12, 1525.13, and 6111.034 of the Revised Code; to repeal section 122.40 of the Revised Code on July 1, 2012; to amend Sections 261.10.40, 261.10.70, 261.20.40, 261.20.50, 261.20.60, 261.20.80, 261.20.90, 261.30.10, 261.30.20, 261.30.30, 261.30.40, 261.30.60, 261.30.70, 261.30.80, 261.30.90, and 261.40.10 of Am. Sub. H.B. 153 of the 129th General Assembly; to amend Sections 261.10 and 261.20.93 of Am. Sub. H.B. 153 of the 129th General Assembly, as subsequently amended by Sub. H.B. 371 of the 129th General

Assembly; and to repeal Sections 261.10.10, 261.10.20, 261.10.30, 261.10.50, 261.10.60, 261.10.80, 261.10.90, 261.20.10, 261.20.20, 261.20.70, and 261.30.50 of Am. Sub. H.B. 153 of the 129th General Assembly to rename the Department of Development the "Development Services Agency"; to establish the Office of TourismOhio within the Development Services Agency, create the TourismOhio Advisory Board, and establish a pilot program to test a new funding mechanism for the state's travel and tourism marketing; to modify the operation of JobsOhio; to make changes to the Capital Access Loan Program Fund and to allow transfers to the Capital Access Loan Program Fund from the Minority Business Enterprise Loan Fund; to increase the membership of the Ohio Tax Credit Authority and provide for projects that were started prior to receiving a tax credit; to modify reporting requirements under the Voluntary Action Program; to require the Director of Development Services to administer federal funds received for Brownfields revitalization purposes; to terminate the Water and Sewer Commission; to terminate the Development Financing Advisory Council as of July 1, 2012; to increase the membership of the Third Frontier Commission; and to make an appropriation.

To the Committee on Finance.

S. B. No. 315-Senator Jones (by request).

To amend sections 122.075, 123.011, 125.836, 133.06, 156.01, 156.02, 156.03, 156.04, 303.213, 1505.09, 1509.01, 1509.02, 1509.03, 1509.06, 1509.07, 1509.10, 1509.11, 1509.22, 1509.221, 1509.222, 1509.223, 1509.23, 1509.31, 1509.50, 1514.01, 1514.02, 1514.021, 1514.03, 1514.05, 3706.27, 4905.90, 4905.91, 4905.95, 4906.01, 4906.03, 4906.05, 4906.06, 4906.07, 4906.10, 4906.20, 4906.99, 4928.01, 4928.02, 4928.143, 4928.61, 4928.62, 4928.66, 4935.04, and 6111.30 and to enact sections 4905.911, 4928.111, 4928.70, 4928.71, 4928.72, and 6111.32 of the Revised Code to make changes to the energy and natural resources laws and related programs of the state.

To the Committee on Energy and Public Utilities.

S. B. No. 316-Senator Lehner (by request).

To amend sections 3301.079, 3301.0711, 3301.0712, 3301.0714, 3301.0715, 3301.0723, 3301.52, 3301.53, 3301.58, 3301.90, 3302.01, 3302.03, 3302.04, 3302.042, 3302.05, 3302.10, 3302.12, 3302.20, 3302.21, 3302.25, 3310.03, 3310.06, 3310.08, 3310.15, 3313.37, 3313.411, 3313.473, 3313.608, 3313.609, 3313.6013, 3313.816, 3313.845, 3313.978, 3314.012, 3314.015, 3314.016, 3314.02, 3314.028, 3314.03, 3314.05, 3314.08, 3314.17, 3314.35, 3314.37, 3317.01, 3318.023, 3318.034, 3318.36, 3318.37, 3318.371,

3319.02, 3319.111, 3319.112, 3319.58, 3321.01, 3323.011, 3333.0411, 3333.391, 4139.01, 4139.03, 4139.04, 4139.05, 5104.01, 5104.011, 5104.02, 5104.21, 5104.30, 5104.31, 5104.34, 5104.38, 5751.20, 6301.01, 6301.02, 6301.03, 6301.04, 6301.07, 6301.08, and 6301.10; to enact sections 3301.941, 3302.022, 3302.033, 3302.41, 3318.364, 3319.031, 4123.391, 5104.031, 5104.032, 5104.033, and 5123.022; and to repeal sections 3314.36 and 3319.19 of the Revised Code; to amend Sections 267.10.90, 267.30.56, and 733.10 of Am. Sub. H.B. 153 of the 129th General Assembly; and to repeal Section 267.60.23 of Am. Sub. H.B. 153 of the 129th General Assembly and Section 265.20.15 of Am. Sub. H.B. 1 of the 128th General Assembly to revise authorizations and conditions with respect to education, workforce development, and early childhood care; and to amend sections 109.57, 2151.011, 2919.227, 2923.124, 2923.126, 2923.1212, 2950.11, 2950.13, 3109.051, 3701.63, 3737.22, 3742.01, 3797.06, 4511.81, 5101.29, 5103.03, 5104.01, 5104.011, 5104.012, 5104.013, 5104.015, 5104.022, 5104.03, 5104.04, 5104.041, 5104.052, 5104.053, 5104.054, 5104.06, 5104.08, 5104.09, 5104.13, 5104.30, 5104.31, 5104.32, 5104.35, 5104.36, 5104.38, 5107.60, and 5153.175, to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5104.011 (5104.015), 5104.015 (5104.25), 5104.031 (5104.035), 5104.032 (5104.036), and 5104.033 (5104.037), to enact new sections 5104.032 and 5104.033 and sections 5104.016, 5104.017, 5104.018, 5104.019, 5104.0110, 5104.0111, 5104.0112, 5104.034, 5104.038, 5104.039, and 5104.14, and to repeal sections 5104.014 and 5104.11 of the Revised Code to revise the law governing type B family day-care homes on January 1, 2014.

To the Committee on Education.

YES - 9: THOMAS E. NIEHAUS, TOM PATTON, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, ERIC H. KEARNEY.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Niehaus submitted the following report:

The Standing Committee on Rules & Reference to which were referred the appointments by the Governor of:

Thomas E. Allenstein, from Lewis Center, Delaware County, Ohio, as a Member of the Ohio Medical Transportation Board for a new term beginning August 30, 2011 and ending at the close of business July 5, 2013.

Thomas H. McGloshen, Jr., Ph.D., Democrat, from Dublin, Franklin County, Ohio, as a Member of the Counselor, Social Worker, and Marriage and Family Therapist Board for a new term beginning January 18, 2012 and ending at the close of business October 10, 2014.

Elizabeth E. Tracy, from New Albany, Franklin County, Ohio, as a Member of the Ohio Board of Pathology and Audiology for a term beginning August 5, 2011 and ending at the close of business September 26, 2013, replacing J. Paul Good, who passed away.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 9: THOMAS E. NIEHAUS, TOM PATTON, SHANNON JONES, CHRIS WIDENER, MARK D. WAGONER, EDNA BROWN, NINA TURNER, JOSEPH SCHIAVONI, ERIC H. KEARNEY.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the Senate advised and consented to said appointments.

On the motion of Senator Faber the Senate advanced to the sixth order of business, Bills for Third Consideration.

BILLS FOR THIRD CONSIDERATION**S. B. No. 279**-Senator Seitz.

Cosponsors: Senators Patton, Jones, Obhof, Hughes, Cafaro.

To enact section 5533.254 of the Revised Code to designate a portion of State Route 264 in Hamilton County as the "Sergeant David Kreuter Memorial Highway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 279**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Seitz moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Gentile, Hite, Kearney, LaRose, Lehner, Manning, Niehaus, Oelslager, Peterson, Sawyer, Schaffer, Schiavoni, Smith, Tavares, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

S. B. No. 300-Senators Manning, Wagoner.

Cosponsors: Senators Brown, Hughes, Seitz, Cafaro.

To enact section 5533.181 of the Revised Code to designate the bridge spanning the Vermillion River, that is part of State Route 113, as the "Staff Sgt. James P. Hunter Memorial Bridge", was considered the third time.

The question being, "Shall the bill, **S. B. No. 300**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
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Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Manning moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gentile, Hite, Jones, Kearney, LaRose, Lehner, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Tavares, Widener."

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

The motion was agreed to and the title so amended.

S. B. No. 303-Senator Oelslager.

Cosponsors: Senators Cafaro, Schiavoni, Wagoner, Brown, Seitz, Jones, Beagle, LaRose.

To enact section 5533.322 of the Revised Code to designate a portion of State Route 44 within Stark County as the "First Lt. Ashley White Stumpf Memorial Highway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 303**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Oelslager moved to amend the title as follows:

Add the names: "Burke, Coley, Eklund, Faber, Gentile, Hite, Hughes, Kearney, Lehner, Manning, Niehaus, Obhof, Patton, Peterson, Sawyer, Schaffer, Tavares, Turner, Widener."

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

The motion was agreed to and the title so amended.

S. B. No. 311-Senator Gentile.

Cosponsors: Senators Brown, Cafaro.

To enact section 5533.688 of the Revised Code to designate a portion of State Route 800 in Harrison County as the "Trooper George Conn Memorial Highway", was considered the third time.

The question being, "Shall the bill, **S. B. No. 311**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Gentile moved to amend the title as follows:

Add the names: "Bacon, Balderson, Beagle, Burke, Coley, Eklund, Faber, Hite, Hughes, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Tavares, Turner, Wagoner, Widener."

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

The motion was agreed to and the title so amended.

Am. S. B. No. 238-Senator Lehner.

Cosponsors: Senators Jones, Wagoner, Schaffer, Brown, Tavares, Skindell.

To amend section 102.02 of the Revised Code to require persons who are

elected or appointed to, or who are candidates for, an office of a township with a population of five thousand or more to file statements under the Ethics Law, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 238**, pass?"

Senator Lehner moved to amend as follows:

In line 407, underline "township officials of a"

Underline lines 408 and 409

In line 410, underline "employees;"

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

The motion was agreed to.

The question recurred, "Shall the bill, **Am. S. B. No. 238**, pass?"

The yeas and nays were taken and resulted - yeas 31, nays 2, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Kearney	LaRose	Lehner
Manning	Obhof	Oelslager	Patton
Peterson	Sawyer	Schaffer	Schiavoni
Skindell	Smith	Tavares	Turner
Wagoner	Widener		Niehaus-31.

Senators Jordan and Seitz voted in the negative-2.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Lehner moved to amend the title as follows:

Add the names: "Cafaro, Sawyer."

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

The motion was agreed to and the title so amended.

Sub. S. B. No. 297-Senator Patton.

Cosponsor: Senator Tavares.

To amend section 4731.293 of the Revised Code to specify requirements for obtaining and renewing a clinical research faculty certificate and to declare an emergency, was considered the third time.

The question being, "Shall the section, Section 3, setting forth the emergency features of the bill, stand as a part of the bill?"

The yeas and nays were taken and resulted - yeas 31, nays 2, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Tavares	Turner
Wagoner	Widener		Niehaus-31.

Senators Skindell and Smith voted in the negative-2.

So the section, Section 3, setting forth the emergency features of the bill stood as a part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the bill having received the required constitutional majority passed as an emergency measure.

The question being, "Shall the title be agreed to?"

Senator Patton moved to amend the title as follows:

Add the names: "Brown, Burke, Cafaro, Coley, Jones, Kearney, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Schaffer, Schiavoni, Seitz, Wagoner."

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

The motion was agreed to and the title so amended.

On the motion of Senator Faber the Senate revert to the third order of business, House Amendments to Senate Bills and Resolutions.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Am. S. C. R. No. 19-Senator Widener.

Cosponsors: Senators Bacon, Balderson, Beagle, Burke, Daniels, Hughes, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Patton, Seitz, Schaffer, Skindell, Tavares, Turner, Brown, Cafaro, Coley, Faber, Gentile, Hite, Kearney, Niehaus, Sawyer, Schiavoni, Wagoner. Representatives Ruhl, Johnson, Adams, J., Adams, R., Anielski, Ashford, Baker, Barnes, Beck, Blair, Blessing, Boose, Boyd, Brenner, Bulp, Buchy, Butler, Carney, Celebrezze, Celeste, Combs, Conditt, Damschroder, Derickson, DeVitis, Dovilla, Driehaus, Duffey, Fedor, Fende, Gardner, Garland, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hayes, Henne, Hill, Landis, Letson, Luckie, Maag, Mallory, Martin, Matheney, McClain, McGregor, Milkovich, Newbold, O'Brien, Patmon, Pillich, Ramos, Reece, Roegner, Rose, Rosenberger, Schuring, Slaby, Slesnick, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Thompson, Uecker, Williams, Winburn, Young, Yuko, Speaker Batchelder.

To urge the Administrator of the Federal Aviation Administration to select Ohio as a site for testing the integration of Unmanned Aerial Systems into the National Airspace System, were taken up.

The question being, "Shall the Senate concur in the House amendments to **Am. S. C. R. No. 19**?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the Senate concurred in the amendments of the House of Representatives.

RESOLUTIONS REPORTED BY COMMITTEE

S. C. R. No. 16-Senator Burke.

Cosponsors: Senators Beagle, Brown, Patton, Schaffer, Wagoner.

To urge Congress to support the provision of efficient and comprehensive mental health treatment to combat military personnel and combat veterans who are suffering from Posttraumatic Stress Disorder (PTSD) and other combat-related stress disorders.

WHEREAS, The most common mental health problems faced by returning troops are Posttraumatic Stress Disorder (PTSD), depression, and other combat-related stress disorders; and

WHEREAS, The wars in Afghanistan and Iraq are the longest combat operations since Vietnam, and the stress of being in a war zone combined with the stress of being away from home for long periods of time can increase the chance of having PTSD or other mental health problems; and

WHEREAS, In 2009, more than 330 members of the United States Armed Forces nationwide committed suicide, and it is estimated that for every death, at least five members of the United States Armed Forces were hospitalized for attempting to take their own lives; and

WHEREAS, The United States Department of Veterans Affairs, the Department of Defense, and many other entities are working to identify and address the issues of combat veterans and combat military personnel suffering from PTSD and other combat-related stress disorders; and

WHEREAS, The United States Department of Veterans Affairs has established the National Center for PTSD as a center of excellence for research and education on the prevention, understanding, and treatment of PTSD; and

WHEREAS, The United States Department of Veterans Affairs has a PTSD program at each of Ohio's VA Medical Centers; and

WHEREAS, Mental trauma is not as easily identifiable as the physical trauma suffered by combat military personnel and combat veterans, and may require additional resources to identify and treat; and

WHEREAS, While support and treatment programs are available to combat veterans and combat military personnel suffering from PTSD or other combat-related stress disorders, there are many service members who are still not receiving sufficient treatment; and

WHEREAS, The service members who willingly sacrifice their safety for the freedom of all Americans deserve to have access to all the resources and support services necessary for them to reintegrate into society; now therefore be it

RESOLVED, That we, the members of the 129th General Assembly of the State of Ohio, urge the Congress of the United States to support the provision of efficient and comprehensive mental health treatment to combat military personnel and combat veterans who are suffering from PTSD and other

combat-related stress disorders; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the Speaker and the Clerk of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 16**, be adopted?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Balderson	Beagle	Brown
Burke	Cafaro	Coley	Eklund
Faber	Gentile	Hite	Hughes
Jones	Jordan	Kearney	LaRose
Lehner	Manning	Obhof	Oelslager
Patton	Peterson	Sawyer	Schaffer
Schiavoni	Seitz	Skindell	Smith
Tavares	Turner	Wagoner	Widener
			Niehaus-33.

So the concurrent resolution was adopted.

The question being, "Shall the title be agreed to?"

Senator Burke moved to amend the title as follows:

Add the names: "Balderson, Cafaro, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Peterson, Sawyer, Schiavoni, Seitz, Skindell, Tavares, Turner, Widener."

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

The motion was agreed to and the title so amended.

OFFERING OF RESOLUTIONS

Senators Jordan and Obhof offered the following concurrent resolution:

S. C. R. No. 29-Senators Jordan, Obhof.

To urge the Congress of the United States to maintain operation of the 179th Airlift Wing at Mansfield-Lahm Regional Airport in Mansfield, Ohio.

The question being, "Shall the concurrent resolution, **S. C. R. No. 29**, be adopted?"

On the motion of Senator Faber, **S. C. R. No. 29**, was referred to the Committee on Rules and Reference.

Senator Turner offered the following resolution:

S. R. No. 219-Senator Turner.

Cosponsors: Senators Wagoner, Kearney, Cafaro, Gentile, Seitz, Tavares, Patton, LaRose, Sawyer, Beagle, Obhof, Skindell.

To honor the 511 African-American Ohioans who enlisted in the 54th and 55th Regiments of the Massachusetts Volunteer Infantry during the Civil War.

The question being, "Shall the resolution, **S. R. No. 219**, be adopted?"

On the motion of Senator Faber, **S. R. No. 219**, was referred to the Committee on Rules and Reference.

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 218-Senator Faber.

Honoring Curtis Miller as a 2012 Division III State Wrestling Champion.

The question being, "Shall the resolution listed under the President's prerogative be adopted?"

So the resolution was adopted.

On the motion of Senator Faber, the Senate recessed until 3:15 p.m.

The Senate met pursuant to the recess.

Message from the House of Representatives

Mr. President:

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

Am. 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, 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, Speaker Batchelder

To amend sections 121.40, 3701.04, 4765.06, 4765.43, 5502.21, 5502.29,

and 5502.41, to enact sections 3345.042 and 5502.281, and to repeal section 121.404 of the Revised Code to modify the laws governing the Intrastate Mutual Aid Compact, the volunteer database of the Department of Health and the Emergency Management Agency, to address the transmittal of certain data to the National Emergency Medical Services Information System and to revise ambulance staffing requirements.

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

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-basic~~ 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-basic~~ 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-basic~~ 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-basic~~ EMTs, ~~EMTs-I~~ advanced EMTs, or paramedics or by at least one first responder and one ~~EMT-basic~~ 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"

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"

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"

Attest:

Jennifer E. Woodring,
Clerk.

Said amendments were laid over under the rule.

On the motion of Senator Eklund, the Senate adjourned until Wednesday, March 28, 2012 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.