

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MARCH 3, 2010

ONE HUNDRED FIFTY-FIRST DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 3, 2010, 1:30 p.m.

The House met pursuant to adjournment.

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

The journal of yesterday was read and approved.

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

The Winton Woods High School football team received H. R. 210, presented by Representative Pillich-28th district.

The Sentinel Career Center received H. R. 219, presented by Representative Wagner-81st district.

The University of Cincinnati football team received H. R. 223, presented by the members of the Hamilton County delegation.

The Archbishop Alter high school football team received H. R. 201, presented by Representative Lehner-37th district.

Doug McDonald and members of the Cincinnati Museum Center, guests of the Hamilton County delegation.

Sheryl Huffman, wife of Representative Huffman-4th district.

Dr. Ted Wymyslo, a guest of Representative Lehner-37th district.

Jim Rickel, a guest of Representative Ujvagi-47th district.

Mitch Rhodus, a guest of Representative Combs-54th district.

Students from Findlay High School, Diana Shwinefurth, and Gene Damon, guests of Representative Hite-76th district.

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

Representative Stebelton submitted the following report:

The standing committee on Civil and Commercial Law to which was referred **H. B. No. 338**-Representatives Book, Uecker, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: DRIVER'S LICENSE LITIGATION IN SINGLE COURT

Representative Okey moved to amend the title as follows:

Add the names: "Oelslager, Huffman, Mecklenborg, Coley, Stebelton."

MARK D. OKEY	DENNIS MURRAY
W. SCOTT OELSLAGER	T. TODD BOOK
BILL COLEY	MIKE FOLEY
STEPHEN DYER	SANDRA STABILE HARWOOD
MATT HUFFMAN	ROBERT MECKLENBORG
MICHAEL J. SKINDELL	PETER STAUTBERG
GERALD L. STEBELTON	

The report was agreed to.

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

Representative Blair submitted the following report:

The standing committee on Local Government/Public Administration to which was referred **H. B. No. 393**-Representatives Gerberry, Blessing, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TOWNSHIP NOTICES TO LANDLORDS TO REMOVE NUISANCES

Representative Chandler moved to amend the title as follows:

Add the names: "Chandler, Weddington, Blair, Boose, Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko."

KATHLEEN CHANDLER	W. CARLTON WEDDINGTON
TERRY BLAIR	NAN BAKER
TERRY BOOSE	TIMOTHY DERICKSON
JOHN DOMENICK	CLAYTON LUCKIE
MARGARET RUHL	STEPHEN SLESNICK
KENNY YUKO	

The report was agreed to.

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

Representative Zehringer submitted the following report:

The standing committee on Agriculture and Natural Resources to which was referred **H. B. No. 414**-Representatives Sayre, Bolon, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: IMPLEMENT ISSUE 2 OHIO LIVESTOCK CARE STANDARDS BOARD

Representative Domenick moved to amend the title as follows:

Add the names: "Boose, Hite, Ruhl, Derickson, Pryor, Weddington, Domenick, Zehringer, Wagner."

JOHN DOMENICK	ALLAN R. SAYRE
JAMES ZEHRINGER	RICHARD ADAMS
TROY BALDERSON	LINDA S. BOLON
TERRY BOOSE	TIMOTHY DERICKSON
DAN DODD	JENNIFER GARRISON
DAVE HALL	CLIFF HITE
DENNIS MURRAY	DEBORAH NEWCOMB
MARK D. OKEY	RAYMOND PRYOR
MARGARET RUHL	JEFF WAGNER
W. CARLTON WEDDINGTON	

The report was agreed to.

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

Representative Bubp submitted the following report:

The standing committee on Veterans Affairs to which was referred **H. B. No. 449**-Representative Ujvagi, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: DD FORM 93 - DISPOSITION OF REMAINS

Representative Otterman moved to amend the title as follows:

Add the name: "Goyal."

JOHN OTTERMAN	RAYMOND PRYOR
DANNY R. BUBP	PETER BECK
TERRY BOOSE	COURTNEY COMBS
DAN DODD	JAY P. GOYAL
CONNIE PILLICH	SANDRA WILLIAMS

The following member voted "NO"

JOHN ADAMS

The report was agreed to.

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

MOTIONS AND RESOLUTIONS

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Wednesday, March 3, 2010, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Adams, J. moved that minority party members asking leave to be absent or absent the week of Wednesday, March 3, 2010, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Resolution be read and approved:

H.R. No. 228 - Speaker Budish, Representatives Batchelder, Adams, J., Adams, R., Amstutz, Bacon, Baker, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Book, Boose, Boyd, Brown, Bubp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hollington, Hottinger, Huffman, Jordan, Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, B., Williams, S., Winburn, Yuko, Zehringer

In memory of the Honorable Claudette Woodard.

/s/ TODD BOOK
Todd Book, Chair

Representative Heard moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein 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. 228-Speaker Budish, Representative Batchelder.

Cosponsors: Representatives Adams, J., Adams, R., Amstutz, Bacon, Baker, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Book, Boose, Boyd, Brown, Bubp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hite, Hollington, Hottinger, Huffman, Jordan, Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton,

Stewart, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington, Williams, B., Williams, S., Winburn, Yuko, Zehringer.

In memory of the Honorable Claudette Woodard.

WHEREAS, The members of the House of Representatives of the 128th General Assembly of Ohio extend heartfelt condolences to the family and friends of the Honorable Claudette Woodard in their time of bereavement; and

WHEREAS, Over the years, Claudette Woodard achieved a praiseworthy record of service with such organizations as the Council for Exceptional Children, the Black Women's Political Action Committee, the National Council of Negro Women, Women Speak Out for Peace and Justice, the African-American Women's Agenda, the League of Women Voters, and the Case Western Reserve Mental Development Center. The warmth and understanding she so readily extended to others will stand as a monument to her personal character; and

WHEREAS, Claudette Woodard's personal sacrifices of time and energy to her family, her friends, her community, and the State of Ohio will certainly live beyond her, and she will long be remembered for her kindness and her unwavering commitment to service. How fortunate we are that we have the capacity for resilience, for there is welcome serenity in our gratitude for the blessed pleasure, however temporary, of each other's company; therefore be it

RESOLVED, That we, the members of the House of Representatives of the 128th General Assembly of Ohio, in adopting this Resolution, salute the memory of a truly remarkable woman, the Honorable Claudette Woodard; 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 the Honorable Claudette Woodard.

The resolution was adopted.

Representative Heard moved that the following resolution be brought up for immediate adoption, read by title only, and spread upon the pages of the journal.

The motion was agreed to.

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

H. R. No. 233-Speaker Budish.

Relative to the election of Alicia Reece to fill the vacancy in the membership of the House of Representatives created by the resignation of Tyrone Yates of the 33rd House District.

WHEREAS, Section 11 of Article II, Ohio Constitution provides for the filling of a vacancy in the membership of the House of Representatives by election by the members of the House of Representatives who are affiliated with the same political party as the person last elected to the seat which has become vacant; and

WHEREAS, Tyrone Yates of the 33rd House District has resigned as a member of the House of Representatives of the 128th General Assembly effective January 28th, 2010, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Democratic party that Alicia Reece, Democrat, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 33rd House District, is hereby elected, effective March 3rd, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 33rd House District, to fill the vacancy created by the unexpired portion of the term of said Tyrone Yates, ending on December 31, 2010; and be it further

RESOLVED, That a copy of this resolution be spread upon the pages of the Journal of the House of Representatives together with the yeas and nays of the members of the House of Representatives affiliated with the Democratic party voting on the resolution, and that the Clerk of the House of Representatives shall certify the resolution and vote on its adoption to the Secretary of State.

The yeas and nays were taken and resulted - yeas 50, nays 0, as follows:

Those who voted in the affirmative were: Representatives

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

The resolution was adopted.

Ms. Reece was escorted to the bar of the House by Representatives Driehaus, Pillich, S. Williams, Goyal, Sayre, Blessing, Stautberg, Maag, and Beck, took the oath of office administered by The

Honorable Armond Budish, Speaker of the Ohio House of Representatives, and entered upon the discharge of her duties.

State of Ohio
County of Franklin

I, Alicia Reece, do solemnly swear to support the Constitution of the United States and the Constitution of the State of Ohio, and faithfully to discharge and perform all duties incumbent upon me as a member of the Ohio House of Representatives, according to the best of my ability and understanding; and this I do as I shall answer unto God.

/s/ ALICIA REECE
Alicia Reece

Sworn to and subscribed before me this 3rd day of March, 2010.

/s/ ARMOND BUDISH
Armond Budish
Speaker
Ohio House of Representatives

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 198-Representatives Lehner, Ujvagi.

Cosponsors: Representatives Grossman, Harris, Jones, Weddington, Foley, Domenick, Hackett, Burke, Bacon, Blair, Ruhl, Martin, Yuko, Derickson, Newcomb, Harwood, Letson, Moran, Winburn, Fende, Garland, McGregor, Bolon, Sears, Patten, Williams, B.

To amend section 3923.91 and to enact sections 185.01 to 185.12, 3333.611, and 3333.612 of the Revised Code to establish the Patient Centered Medical Home Education Pilot Project and to authorize implementation of a primary care component of the Choose Ohio First Scholarship Program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|----------|-----------|------------|---------|
| Adams J. | Adams R. | Amstutz | Bacon |
| Baker | Balderson | Batchelder | Beck |
| Belcher | Blair | Blessing | Bolon |
| Book | Boose | Boyd | Brown |
| Bubp | Burke | Carney | Celeste |
| Chandler | Coley | Combs | Daniels |
| DeBose | DeGeeter | Derickson | Dodd |
| Domenick | Driehaus | Dyer | Evans |
| Fende | Foley | Gardner | Garland |

Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hollington	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer Budish-97.

The bill passed.

Representative Lehner moved to amend the title as follows:

Add the names: "Balderson, Batchelder, Beck, Blessing, Boyd, Brown, Carney, Celeste, Combs, Driehaus, Dyer, Evans, Garrison, Gerberry, Goyal, Hagan, Koziura, Luckie, Lundy, Maag, McClain, Morgan, Murray, Phillips, Pillich, Pryor, Reece, Slesnick, Stebelton, Stewart, Williams, S.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 215-Representatives Letson, Mecklenborg.

Cosponsors: Representatives Hagan, Luckie, Fende, Mallory, Gardner, Lehner, Garland, Boyd, Yuko, Snitchler, Huffman, Bacon, Winburn.

To amend sections 4715.03, 4715.031, 4715.06, 4715.14, 4715.141, 4715.24, 4715.25, and 4715.30 and to enact sections 4715.032, 4715.033, 4715.034, 4715.035, 4715.036, 4715.037, 4715.038, 4715.039, and 4715.0310 of the Revised Code to modify the law governing investigations and hearings conducted by the State Dental Board, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Letson moved to amend as follows:

In line 216, delete the first underlined comma and insert "and"; delete the second underlined comma

In line 217, delete "and, except" and insert ". Except"

In line 218, delete "be made" and insert "the supervisory investigative"

panel shall make its recommendation"

In line 219, after "investigation" insert "or, if the investigation pertains to an alleged violation of division (A)(7) of section 4715.30 of the Revised Code, not later than two years after the panel begins to supervise the investigation"

Delete lines 223 through 227 and insert:

" Sec. 4715.035. If the supervisory investigative panel is supervising an investigation of an individual who is also the subject of a criminal investigation and the panel suspends the investigation because the panel is asked to do so by the entity conducting the criminal investigation or the panel determines that it is necessary to do so due to the criminal investigation, the time during which the investigation is suspended shall not be counted for purposes of determining the time within which the panel is required to make its recommendation to the state dental board under section 4715.034 of the Revised Code."

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

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hollington	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer Budish-97.

The motion was agreed to and the bill so amended.

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

Representative Patten moved to amend as follows:

In line 8, after "sections" insert "119.12,"

Between lines 12 and 13, insert:

"Sec. 119.12. Any party adversely affected by any order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a licensee, or revoking or suspending a license, or allowing the payment of a forfeiture under section 4301.252 of the Revised Code may appeal from the order of the agency to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident, except that appeals from decisions of the liquor control commission, the state medical board, state chiropractic board, and board of nursing shall be to the court of common pleas of Franklin county. If any party appealing from the order is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin county.

Any party adversely affected by any order of an agency issued pursuant to any other adjudication may appeal to the court of common pleas of Franklin county, except that appeals from orders of the fire marshal issued under Chapter 3737. of the Revised Code may be to the court of common pleas of the county in which the building of the aggrieved person is located and except that appeals under division (B) of section 124.34 of the Revised Code from a decision of the state personnel board of review or a municipal or civil service township civil service commission shall be taken to the court of common pleas of the county in which the appointing authority is located or, in the case of an appeal by the department of rehabilitation and correction, to the court of common pleas of Franklin county.

This section does not apply to appeals from the department of taxation.

Any party desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and ~~the grounds of the party's appeal stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law.~~ The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. ~~A copy of the~~ The notice of appeal shall also be filed by the appellant with the court. In filing a notice of appeal with the agency or court, the notice that is filed may be either the original notice or a copy of the original notice. Unless otherwise provided by law relating to a particular agency, notices of appeal shall be filed within fifteen days after the mailing of the notice of the agency's order as provided in this section. For purposes of this paragraph, an order includes a determination appealed pursuant to division (C) of section 119.092 of the Revised Code. The amendments made to this paragraph by Sub. H.B. 215 of the 128th general assembly are procedural, and this paragraph as amended by those amendments shall be applied

retrospectively to all appeals pursuant to this paragraph filed prior to, on, or after the effective date of those amendments.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of an agency. If it appears to the court that an unusual hardship to the appellant will result from the execution of the agency's order pending determination of the appeal, the court may grant a suspension and fix its terms. If an appeal is taken from the judgment of the court and the court has previously granted a suspension of the agency's order as provided in this section, the suspension of the agency's order shall not be vacated and shall be given full force and effect until the matter is finally adjudicated. No renewal of a license or permit shall be denied by reason of the suspended order during the period of the appeal from the decision of the court of common pleas. In the case of an appeal from the state medical board or state chiropractic board, the court may grant a suspension and fix its terms if it appears to the court that an unusual hardship to the appellant will result from the execution of the agency's order pending determination of the appeal and the health, safety, and welfare of the public will not be threatened by suspension of the order. This provision shall not be construed to limit the factors the court may consider in determining whether to suspend an order of any other agency pending determination of an appeal.

The final order of adjudication may apply to any renewal of a license or permit which has been granted during the period of the appeal.

Notwithstanding any other provision of this section, any order issued by a court of common pleas or a court of appeals suspending the effect of an order of the liquor control commission issued pursuant to Chapter 4301. or 4303. of the Revised Code that suspends, revokes, or cancels a permit issued under Chapter 4303. of the Revised Code or that allows the payment of a forfeiture under section 4301.252 of the Revised Code shall terminate not more than six months after the date of the filing of the record of the liquor control commission with the clerk of the court of common pleas and shall not be extended. The court of common pleas, or the court of appeals on appeal, shall render a judgment in that matter within six months after the date of the filing of the record of the liquor control commission with the clerk of the court of common pleas. A court of appeals shall not issue an order suspending the effect of an order of the liquor control commission that extends beyond six months after the date on which the record of the liquor control commission is filed with a court of common pleas.

Notwithstanding any other provision of this section, any order issued by a court of common pleas suspending the effect of an order of the state medical board or state chiropractic board that limits, revokes, suspends, places on probation, or refuses to register or reinstate a certificate issued by the board or reprimands the holder of the certificate shall terminate not more than fifteen months after the date of the filing of a notice of appeal in the court of common pleas, or upon the rendering of a final decision or order in the appeal by the court of common pleas, whichever occurs first.

Within thirty days after receipt of a notice of appeal from an order in any

case in which a hearing is required by sections 119.01 to 119.13 of the Revised Code, the agency shall prepare and certify to the court a complete record of the proceedings in the case. Failure of the agency to comply within the time allowed, upon motion, shall cause the court to enter a finding in favor of the party adversely affected. Additional time, however, may be granted by the court, not to exceed thirty days, when it is shown that the agency has made substantial effort to comply. The record shall be prepared and transcribed, and the expense of it shall be taxed as a part of the costs on the appeal. The appellant shall provide security for costs satisfactory to the court of common pleas. Upon demand by any interested party, the agency shall furnish at the cost of the party requesting it a copy of the stenographic report of testimony offered and evidence submitted at any hearing and a copy of the complete record.

Notwithstanding any other provision of this section, any party desiring to appeal an order or decision of the state personnel board of review shall, at the time of filing a notice of appeal with the board, provide a security deposit in an amount and manner prescribed in rules that the board shall adopt in accordance with this chapter. In addition, the board is not required to prepare or transcribe the record of any of its proceedings unless the appellant has provided the deposit described above. The failure of the board to prepare or transcribe a record for an appellant who has not provided a security deposit shall not cause a court to enter a finding adverse to the board.

Unless otherwise provided by law, in the hearing of the appeal, the court is confined to the record as certified to it by the agency. Unless otherwise provided by law, the court may grant a request for the admission of additional evidence when satisfied that the additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the agency.

The court shall conduct a hearing on the appeal and shall give preference to all proceedings under sections 119.01 to 119.13 of the Revised Code, over all other civil cases, irrespective of the position of the proceedings on the calendar of the court. An appeal from an order of the state medical board issued pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code, or the state chiropractic board issued pursuant to section 4734.37 of the Revised Code, or the liquor control commission issued pursuant to Chapter 4301. or 4303. of the Revised Code shall be set down for hearing at the earliest possible time and takes precedence over all other actions. The hearing in the court of common pleas shall proceed as in the trial of a civil action, and the court shall determine the rights of the parties in accordance with the laws applicable to a civil action. At the hearing, counsel may be heard on oral argument, briefs may be submitted, and evidence may be introduced if the court has granted a request for the presentation of additional evidence.

The court may affirm the order of the agency complained of in the appeal if it finds, upon consideration of the entire record and any additional evidence the court has admitted, that the order is supported by reliable, probative, and

substantial evidence and is in accordance with law. In the absence of this finding, it may reverse, vacate, or modify the order or make such other ruling as is supported by reliable, probative, and substantial evidence and is in accordance with law. The court shall award compensation for fees in accordance with section 2335.39 of the Revised Code to a prevailing party, other than an agency, in an appeal filed pursuant to this section.

The judgment of the court shall be final and conclusive unless reversed, vacated, or modified on appeal. These appeals may be taken either by the party or the agency, shall proceed as in the case of appeals in civil actions, and shall be pursuant to the Rules of Appellate Procedure and, to the extent not in conflict with those rules, Chapter 2505. of the Revised Code. An appeal by the agency shall be taken on questions of law relating to the constitutionality, construction, or interpretation of statutes and rules of the agency, and, in the appeal, the court may also review and determine the correctness of the judgment of the court of common pleas that the order of the agency is not supported by any reliable, probative, and substantial evidence in the entire record.

The court shall certify its judgment to the agency or take any other action necessary to give its judgment effect."

In line 714, after "sections" insert "119.12,"

In line 1 of the title, after "sections" insert "119.12,"

In line 7 of the title, after "Board" insert "and to require a person appealing an administrative adjudication merely to state in the notice of appeal that the order is not supported by reliable, probative, and substantial evidence and is not in accordance with law"

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

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hollington	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips

Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer
			Budish-97.

The motion was agreed to and the bill so amended.

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

Representative Mecklenborg moved to amend as follows:

In line 38, delete " all" and insert " both"

Delete lines 55 through 63

In line 190, after " (C)" insert " (1)"

Between lines 193 and 194, insert:

" (2)(a) Except as provided in division (C)(2)(b) of this section, the subpoena shall state that the person being subpoenaed has a reasonable period of time that is not less than three calendar days to comply with the subpoena.

(b) If the board's executive director determines that the person being subpoenaed represents a clear and immediate danger to the public health and safety, the subpoena shall state that the person being subpoenaed must immediately comply with the subpoena."

In line 228, after " (A)" insert " As used in this section, "personal identifying information" has the same meaning as in section 2913.49 of the Revised Code, except that it also includes the name of an individual who submits a complaint to the state dental board, the individual's job title, and the individual's job responsibilities.

(B)"

Between lines 238 and 239, insert:

" Before providing copies of investigative items under this division, the board shall determine whether the items contain any personal identifying information of an individual whose current or future employment within any dental profession, either as a dental professional regulated by the board or in a position related to those professionals, could be adversely affected by disclosure of the information. If the board determines that the investigative items contain such personal identifying information, the board shall redact the information from the copies of the items provided under this division."

In line 239, delete " (B)"

In line 240, delete the first "section" and insert "division"

In line 243, delete "materials" and insert "items"

Between lines 243 and 244, insert:

" (C) After the board notifies an individual of an opportunity for a hearing, the board shall issue a subpoena, upon request by either party, to compel the attendance and testimony of witnesses at the hearing.

The board shall also issue a subpoena after the board notifies an individual of an opportunity for a hearing, upon request by either party, for the production of books, records, papers, and other tangible items. The person or government entity subject to such a subpoena shall comply with the subpoena at least thirty days prior to the hearing."

In line 251, delete "at law"; delete "and"

Delete lines 252 through 254

In line 255, delete "the Revised Code" and insert "in this state. In making the appointments, the board shall not appoint an attorney who is a board employee or represents the board in any other manner"

In line 560, delete "or plea of guilty to"; reinsert "misdemeanor"

In line 561, reinsert "committed in the course of practice or of any felony"; delete "criminal"

Delete lines 562 through 564

In line 565, delete "hygiene, or any other profession the board regulates"

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

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hollington	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips

Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer
			Budish-97.

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 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hollington	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer
			Budish-97.

The bill passed.

Representative Letson moved to amend the title as follows:

Add the names: "Amstutz, Batchelder, Beck, Belcher, Blair, Bolon, Book, Boose, Brown, Bubp, Burke, Combs, DeBose, DeGeeter, Derickson, Domenick, Dyer, Evans, Garrison, Gerberry, Goodwin, Hackett, Hall, Harris, Hite, Jordan, Lundy, McClain, McGregor, Newcomb, Oelslager, Patten, Ruhl, Sayre, Sears, Stebelton, Stewart, Uecker, Wagner, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 216-Representative Carney.

Cosponsors: Representatives Domenick, Murray, Daniels.

To amend sections 4123.291, 4125.01, 4125.02, 4125.03, 4125.05, 4125.07, 4125.08, 4141.24, and 5747.07 and to enact sections 4125.041, 4125.042, 4125.051, 4125.10, and 4125.11 of the Revised Code to establish certain financial capacity requirements for professional employer organizations, clarify rights and liabilities of professional employer organizations and client employers, and make other changes to the professional employer organization law, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hollington	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer
			Budish-97.

The bill passed.

Representative Carney moved to amend the title as follows:

Add the names: "Adams, R., Amstutz, Bacon, Batchelder, Beck, Belcher, Bolon, Boose, Boyd, Brown, Bubp, Coley, Combs, DeBose, Driehaus, Dyer,

Evans, Garland, Gerberry, Goyal, Hackett, Harris, Harwood, Letson, Luckie, Lundy, Newcomb, Patten, Pillich, Pryor, Reece, Sayre, Slesnick, Uecker, Weddington, Williams, B., Winburn, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

H. B. No. 384-Representative Bolon.

Cosponsors: Representatives Balderson, Boyd, Chandler, Daniels, Derickson, Dolan, Domenick, Evans, Fende, Garland, Hackett, Hagan, Harris, Harwood, Heard, Letson, Lundy, Newcomb, Pillich, Sears, Ujvagi, Weddington.

To amend sections 1751.66 and 3923.60 of the Revised Code to use the compendia adopted by the United States Department of Health and Human Services to determine whether an insurer may exclude coverage for off-label drug usage, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Domenick	Driehaus	Dyer	Evans
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goodwin	Goyal
Grossman	Hackett	Hagan	Hall
Harris	Harwood	Heard	Hite
Hollington	Hottinger	Huffman	Jordan
Koziura	Lehner	Letson	Luckie
Lundy	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Reece	Ruhl
Sayre	Schneider	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Uecker	Ujvagi
Wachtmann	Wagner	Weddington	Williams B.
Williams S.	Winburn	Yuko	Zehringer Budish-97.

The bill passed.

Representative Bolon moved to amend the title as follows:

Add the names: "Batchelder, Belcher, Blair, Book, Boose, Brown, Burke, Carney, Celeste, Coley, Combs, DeBose, DeGeeter, Driehaus, Dyer, Foley, Gardner, Garrison, Gerberry, Goyal, Grossman, Hall, Hite, Hottinger, Lehner, Luckie, Mandel, Mecklenborg, Okey, Otterman, Patten, Phillips, Pryor, Reece, Sayre, Skindell, Slesnick, Snitchler, Stewart, Uecker, Wachtmann, Williams, B., Winburn, Yuko, Zehringer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Heard, the House adjourned until Thursday, March 4, 2010 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.