

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, JANUARY 21, 2004

ONE HUNDRED THIRTY-EIGHTH DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, January 21, 2004 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by Reverend John J. Arnold of the First Presbyterian Church in Dresden, Ohio, 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 Householder prior to the commencement of business:

The Columbus Grove High School football team received HR 179, presented by Representative Hoops-75th district.

Ken Johnson, a guest of Representative Blasdel - 1st district.

Dorothy Gintree, a guest of Representative Carmichael - 3rd district.

Kurt Breden, a guest of Representatives Oelslager - 51st district and Hagan - 50th district.

Danny Cranic, a guest of Representatives Cates - 55th district and Webster - 53rd district.

Victor Viggucci, a guest of Representatives Chandler - 68th district and Taylor - 43rd district.

Michael Schwab, Amber Samuelson, Donna Kubler, Bill Ribler, Jennifer White, James Bierlair, and Carl Rufener, guests of Representative Chandler - 68th district.

Adam Gibbs, son, Representative Gibbs - 97th district.

Gary Cobery, a guest of Representative Grendell - 98th district.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 376-Representatives Latta, J. Stewart, McGregor, Willamowski, Kearns, Hughes, Taylor, Seitz, Fessler, D. Evans, Gilb, Carano, Seaver, Hoops, Faber, Schaffer, Setzer, Reidelbach, Buehrer, Daniels.

To enact section 4503.573 of the Revised Code to create three different "Sportsmen's License Plates," featuring either the walleye, white-tailed deer, or wild turkey.

H. B. No. 377-Representative Raga.

To amend section 4729.25, to enact sections 4729.75 to 4729.81, and to

repeal sections 4729.63 and 4729.64 of the Revised Code to require the State Board of Pharmacy to establish and maintain a dangerous drugs database to monitor the use, misuse, and diversion of dangerous drugs.

H. B. No. 378-Representatives Latta, Hollister, McGregor, Faber, Seitz.

To amend sections 109.71, 109.77, 109.801, 309.06, 309.07, 2935.01, and 2935.03 of the Revised Code to authorize a county prosecuting attorney to appoint persons who have received peace officer training and certification as secret service officers, to grant those officers arrest powers and other powers as peace officers within the county, to require those officers to have annual firearms requalification, and to amend the version of section 2935.03 of the Revised Code that is scheduled to take effect January 1, 2004, to continue the provisions of this act on and after that effective date.

Said bills were considered the first time.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 262**-Representative Carmichael, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ELECTION LAW REVISIONS

Representative Carmichael moved to amend the title as follows:

Add the names: "Buehrer, Peterson."

- | | |
|--------------------|-----------------|
| JAMES PETER TRAKAS | STEPHEN BUEHRER |
| JON M. PETERSON | KEVIN DEWINE |
| PATRICIA M. CLANCY | ANNIE L. KEY |
| LARRY L. FLOWERS | DAN STEWART |
| JIM CARMICHAEL | |

The report was agreed to.

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

Representative D. Stewart submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 306**-Representative Wolpert, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: LIQUOR CONTROL - AUTHORITY CHANGES

- | | |
|-----------------|--------------------|
| STEPHEN BUEHRER | JAMES PETER TRAKAS |
| JON M. PETERSON | KEVIN DEWINE |

PATRICIA M. CLANCY
LARRY L. FLOWERS
JIM CARMICHAEL

ANNIE L. KEY
DAN STEWART

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on County and Township Government to which was referred **H. B. No. 299**-Representative Gibbs, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: TOWNSHIP TRUSTEES - VACATE TOWNSHIP ROADS

Representative Wolpert moved to amend the title as follows:

Add the names: "Wagner, Wolpert, Daniels, McGregor, Collier, Domenick, C. Evans, Price, Sferra, Martin."

LYNN E. OLMAN
DIANA M. FESSLER
JEFF WAGNER
MARY M. CIRELLI
KATHLEEN CHANDLER
DAVID DANIELS
THOM COLLIER
EARL MARTIN
JOHN SCHLICHTER
PETER UJVAGI

LARRY L. FLOWERS
KATHLEEN WALCHER
LARRY PRICE
MICHAEL J. SKINDELL
LARRY L. WOLPERT
JIM MCGREGOR
JOHN DOMENICK
CLYDE EVANS
DANIEL J. SFERRA

The report was agreed to.

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

Representative Chandler submitted the following report:

The standing committee on County and Township Government to which was referred **H. B. No. 323**-Representative Hoops, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: COUNTY/TOWNSHIP - DONATE PROPERTY TO NONPROFIT ORGANIZATIONS

Representative Wolpert moved to amend the title as follows:

Add the names: "Wolpert, Daniels, Chandler, Cirelli, Collier, Domenick, C. Evans, Fessler, Flowers, Martin, McGregor, Oلمان, Price, Schlichter, Sferra, Skindell, Ujvagi, Wagner, Walcher."

LYNN E. OLMAN
LARRY L. FLOWERS

DIANA M. FESSLER
MICHAEL J. SKINDELL

JEFF WAGNER	KATHLEEN CHANDLER
LARRY L. WOLPERT	DAVID DANIELS
JIM MCGREGOR	THOM COLLIER
KATHLEEN WALCHER	JOHN DOMENICK
EARL MARTIN	CLYDE EVANS
JOHN SCHLICHTER	DANIEL J. SFERRA
MARY M. CIRELLI	PETER UJVAGI
LARRY PRICE	

The report was agreed to.

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

Representative Otterman submitted the following report:

The standing committee on Homeland Security, Engineering, and Architectural Design to which was referred **H. B. No. 322**-Representative Widener, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: ENGINEERS/SURVEYORS-REGISTRATION FEE/CONTINUING EDUCATION

Representative Schaffer moved to amend the title as follows:

Add the names: "Kilbane, Taylor, Otterman, Allen."

JIMMY STEWART	MICHAEL J. SKINDELL
MARY TAYLOR	DIXIE J. ALLEN
DIANA M. FESSLER	SALLY CONWAY KILBANE
CHRIS WIDENER	JOHN P. HAGAN
TIMOTHY O. SCHAFFER	ROBERT J. OTTERMAN
JEANINE PERRY	RON YOUNG

The report was agreed to.

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

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

H.B. No. 366 - Representative D. Evans

TO ADD A JUDGE TO THE DOMESTIC RELATIONS DIVISION OF THE LICKING COUNTY COURT OF COMMON PLEAS AND TO DECLARE AN EMERGENCY

To the committee on Judiciary

H.B. No. 367 - Representative Distel, et al

TO PERMIT ANY METROPOLITAN PARK DISTRICT TO EXPAND ITS BOARD OF PARK COMMISSIONERS PERMANENTLY FROM A THREE-MEMBER TO A FIVE-MEMBER BOARD

To the committee on County and Township Government

H.B. No. 368 - Representative Gibbs, et al

TO CREATE SEPARATE REGULATORY PROGRAMS FOR MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS, RECREATION CAMPS, COMBINED PARK-CAMPS, AND TEMPORARY PARK-CAMPS

To the committee on Agriculture and Natural Resources

H.B. No. 369 - Representative Collier, et al

TO EXPAND THE OFFENSE OF "HARASSING A POLICE DOG OR HORSE"; TO RENAME "HANDICAPPED ASSISTANCE DOGS" AS "SERVICE DOGS"; TO ENACT THE OFFENSE OF "HARASSING A SERVICE DOG"; TO REQUIRE AN OFFENDER WHO COMMITS ANY OF THE ASSAULT OR HARASSMENT OFFENSES RELATED TO POLICE DOGS OR HORSES OR SERVICE DOGS TO PAY RESULTING VETERINARY, REPLACEMENT, AND TRAINING COSTS; TO MAKE THEFT OF A POLICE DOG OR HORSE OR A SERVICE DOG A THIRD DEGREE FELONY; TO INCLUDE SEIZURE ASSISTANCE, RESPONSE, AND ALERT DOGS AS "SERVICE DOGS" FOR THE ASSAULT, HARASSMENT, AND THEFT OFFENSES RELATED TO SERVICE DOGS; TO EXEMPT SEIZURE ASSISTANCE, SEIZURE RESPONSE, OR SEIZURE ALERT DOGS FROM THE FEE FOR REGISTRATION AND PROVIDE THAT THE REGISTRATION IS PERMANENT; AND TO REPLACE THE PHRASE "UNFIT TO WORK" WITH "UNABLE TO WORK" IN VARIOUS DEFINITIONS RELATED TO PERSONS WITH A DISABILITY

To the committee on Criminal Justice

H.B. No. 370 - Representative Schaffer, et al

TO ALLOW A CREDIT AGAINST THE PERSONAL INCOME TAX FOR AMOUNTS SPENT BY LICENSED TEACHERS FOR INSTRUCTIONAL MATERIALS

To the committee on Ways and Means

H.B. No. 371 - Representative Grendell, et al

TO EXEMPT FROM THE ESTATE TAX CERTAIN CONTRIBUTIONS TO A TRUST OR FUND ATTRIBUTABLE TO A DECEDENT'S FORMER EMPLOYER

To the committee on Ways and Means

H.B. No. 372 - Representative Strahorn, et al

TO REQUIRE DNA TESTING OF CONVICTED OFFENDERS AND DELINQUENT CHILDREN FOR ALL FELONIES

To the committee on Criminal Justice

H.B. No. 373 - Representative Kearns, et al

TO PROVIDE FOR THE LICENSING OF EXPANDED FUNCTION DENTAL AUXILIARIES

To the committee on Health

LARRY HOUSEHOLDER
JIM CARMICHAEL
LARRY L. FLOWERS
THOMAS F. PATTON
JOHN SCHLICHTER
KATHLEEN WALCHER
DIXIE J. ALLEN
KENNETH A. CARANO
ROBERT J. OTTERMAN

GARY W. CATES
PATRICIA M. CLANCY
JIM HUGHES
JON M. PETERSON
JAMES PETER TRAKAS
CHRIS REDFERN
JOYCE BEATTY
EDWARD JERSE
CHARLES A. WILSON

Representative Cates moved that the House and constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of the House Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills were considered a second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Cates moved that H.R. No. 178 - Speaker Householder, 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. 178-Speaker Householder.

Relative to the election of Courtney Combs to fill the vacancy in the membership of the House of Representatives created by the resignation of Greg Jolivette of the 54th 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, Greg Jolivette of the 54th House District has resigned as a member of the House of Representatives of the 125th General Assembly effective January 16, 2004, thus creating a vacancy in the House of Representatives; therefore be it

RESOLVED, By the members of the House of Representatives who are affiliated with the Republican party that Courtney Combs, Republican, having the qualifications set forth in the Ohio Constitution and the laws of Ohio to be a member of the House of Representatives from the 54th House District, is hereby elected, effective January 21, 2004, pursuant to Section 11 of Article II, Ohio Constitution, as a member of the House of Representatives from the 54th House District, to fill the vacancy created by the unexpired portion of the term of said Greg Jolivette, ending on December 31, 2004; and be it further

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

The yeas and nays were taken and resulted - yeas 60, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Brinkman	Buehrer
Callender	Calvert	Carmichael	Cates
Clancy	Collier	Core	Daniels
DeWine	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hollister	Hoops
Hughes	Husted	Kearns	Kilbane
Latta	Martin	McGregor	Niehaus
Oelslager	Olman	Patton T.	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Setzer	Smith G.	Stewart J.	Taylor
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Young	Householder-60.

The resolution was adopted.

Mr. Combs was escorted to the bar of the House by Representatives Cates, Clancy, Trakas, Seitz, Webster, White, Redfern, and Miller, took the oath of office administered by the Honorable Larry Householder, Speaker of the Ohio House of Representatives, and entered upon the discharge of his duties.

State of Ohio

County of Franklin

I, Courtney Combs, 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/ COURTNEY COMBS

Sworn to and subscribed before me this 21st day of January, 2004.

/s/ LARRY HOUSEHOLDER
Larry Householder
Speaker
Ohio House of Representatives

Representative Wilson 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. Con. R. No. 40 - Representatives Taylor, Williams, Widowfield, Otterman, Hagan, Oelslager

TO DESIGNATE THE PORTAGE LAKES AREA IN SUMMIT COUNTY
THE PURPLE MARTIN CAPITAL OF OHIO

To the committee on State Government

Add the name: "Jerse"

/s/ LARRY HOUSEHOLDER
Larry Householder, Chair

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

H.R. No. 179 - Representative Hoops

HONORING THE COLUMBUS GROVE HIGH SCHOOL FOOTBALL
TEAM AS THE 2003 DIVISION VI STATE CHAMPION

H.R. No. 180 - Representative McGregor, Flowers, Wolpert, Beatty, G. Smith, Hughes, Reidelbach, D. Stewart, Price

HONORING THE COLUMBUS ACADEMY FOOTBALL TEAM AS THE
2003 DIVISION V STATE CHAMPION

/s/ LARRY HOUSEHOLDER
Larry Householder, Chair

Representative Cates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Trakas moved that majority party members asking leave to be absent or absent the week of Tuesday, January 20, 2004, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Miller moved that minority party members asking leave to be absent or absent the week of Tuesday, January 20, 2004, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 106-Representatives Williams, Otterman, McGregor, Hartnett, Hagan, Perry, Gilb, Koziura, Widowfield, Young, Bocchieri, Willamowski.

To amend sections 2152.18, 3313.533, 3313.672, and 5139.05 of the Revised Code to require the Department of Youth Services upon request to release certain records pertaining to a child discharged or released from its custody to the school district in which the child is entitled to attend school and to specify that a school district's policy on the assignment of students to an alternative school may provide for the assignment of any child released from the custody of the Department of Youth Services to such a school, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brinkman	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Chandler	Cirelli	Clancy
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Smith G.	Stewart D.	Stewart J.
Strahorn	Taylor	Trakas	Ujvagi
Wagner	Walcher	Webster	White

Widener
Wilson
Young

Widowfield
Wolpert

Willamowski
Woodard

Williams
Yates
Householder-94.

Representatives Skindell, Smith S., and Sykes voted in the negative-3.

The bill passed.

Representative Williams moved to amend the title as follows:

Add the names: "Aslanides, Carano, Chandler, Cirelli, Clancy, Collier, DeBose, Domenick, C. Evans, Flowers, Gibbs, Grendell, Harwood, Kilbane, Latta, Martin, Niehaus, T. Patton, Peterson, Schlichter, Schmidt, Setzer, Sferra, J. Stewart, Taylor."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 181-Representatives Schaffer, McGregor, Willamowski, Allen, Flowers, Brinkman, C. Evans, Setzer, Wolpert, Aslanides, G. Smith, Buehrer.

To enact sections 3.16 and 2961.02 of the Revised Code to permit the Governor to suspend from office in accordance with a specified procedure any elected local government official, other than a judge, charged with a felony related to the official's administration of, or conduct in the performance of the duties of, the office and to prohibit a person who is convicted of certain felony theft offenses, or any other felony involving fraud, deceit, or theft, from holding a public office or position of public employment, or serving in certain unpaid volunteer positions, that involve substantial management or control of certain public or private property, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Schaffer moved that **Sub. H. B. No. 181**-Representative Schaffer, et al., be informally passed and retain its place on the calendar.

The motion was agreed to.

H. B. No. 255-Representatives Setzer, Seitz, C. Evans, Kearns, Price, McGregor, Chandler, Domenick, Collier, Flowers, Wolpert.

To amend section 505.511 of the Revised Code to increase the charges for responding in townships to certain security alarm system false alarms and to earmark the moneys a township so collects for police services, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 94, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brown	Buehrer	Callender
Calvert	Carano	Carmichael	Cates
Chandler	Cirelli	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jerse
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	Patton S.	Patton T.	Perry
Peterson	Price	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Woodard
Young			Householder-94.

Representatives Brinkman, Clancy, and Yates voted in the negative-3.

The bill passed.

Representative Setzer moved to amend the title as follows:

Add the names: "Distel, D. Evans, Hagan, Hartnett, Oelslager, Otterman, S. Patton, Perry, J. Stewart, Taylor."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 278-Representatives Niehaus, Reidelbach, Seitz, Kearns, Carano, Webster, Fessler, Gibbs, Husted, Peterson, Hoops, Carmichael, Blasdel, T. Patton, D. Evans, McGregor, Gilb, DeWine, Setzer, Willamowski, Raga, Schaffer, Book, Widowfield, Hollister.

To amend sections 303.211, 519.211, 1509.02, 1509.03, 1509.06, 1509.23, 1509.31, and 1510.11 and to repeal section 1509.39 of the Revised Code to declare that the Division of Mineral Resources Management in the Department of Natural Resources has exclusive authority to regulate the permitting, location, and spacing of oil and gas wells in the state, and to revise the laws governing the drilling of oil and gas and the oil and natural gas marketing program, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Redfern moved to amend as follows:

In lines 11 and 712, after "519.211," insert "1505.07,"

Between lines 310 and 311, insert:

"**Sec. 1505.07.** (A) Subject to the ~~limitation~~limitations set forth in division (B) of this section and in section 1505.08 of the Revised Code, the director of natural resources, with the approval of the director of environmental protection, the attorney general, and the governor, may issue permits and make leases to parties making application for permission to take and remove sand, gravel, stone, and other minerals or substances from and under the bed of Lake Erie, either upon a royalty or rental basis, as ~~he~~the director of natural resources determines to be best for the state. Permits shall be issued for terms of not less than one year nor more than ten years, and leases shall be for a term of years or until the economic extraction of the mineral or other substance covered thereby has been completed. Such taking and removal shall be within certain fixed boundaries that do not conflict with the rights of littoral owners. Upon request from the holder of a permit, it shall be canceled, but in the case of any permit or lease, any equipment or buildings owned by the permittee or lessee shall be held as security by the director of natural resources for payment of all rentals or royalties due the state at the time of cancellation.

(B) The director of natural resources shall not issue any permit or make any lease under division (A) of this section to take or remove oil from and under the bed of Lake Erie.

(C) No person shall remove sand, gravel, stone, or other minerals or substances from and under the bed of Lake Erie without first obtaining a permit or lease therefor from the director.

(D) The director of ~~natural resources~~ may, in accordance with Chapter 119. of the Revised Code, adopt, amend, and rescind rules for the administration, implementation, and enforcement of this section."

In line 1 of the title, after "519.211," insert "1505.07,"

In line 8 of the title, after the comma insert "to ban the taking or removal of oil from and under the bed of Lake Erie,"

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

Representative Hollister moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

January 21, 2004

The Honorable Larry Householder, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Householder,

Pursuant to House Rule No. 56, I respectfully request that I be excused from voting on **Sub. H. B. No. 278**-Representative Niehaus, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ JIM ASLANIDES
JIM ASLANIDES
State Representative
94th House District

The request was granted.

1-21-04

The Honorable Larry Householder, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Householder,

Pursuant to House Rule No. 56, I respectfully request that I be excused from voting on **Sub. H. B. No. 278**-Representative Niehaus, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ JEAN SCHMIDT
JEAN SCHMIDT
State Representative
66th House District

The request was granted.

1-21-04

The Honorable Larry Householder, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Householder,

Pursuant to House Rule No. 56, I respectfully request that I be excused from voting on **Sub. H. B. No. 278**-Representative Niehaus, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/S/ MARY M. CIRELLI
MARY M. CIRELLI
State Representative
52nd House District

The request was granted.

The yeas and nays were taken and resulted - yeas 53, nays 41, as follows:

Those who voted in the affirmative were: Representatives

- | | | | |
|--------------|------------|-----------|-----------------|
| Blasdel | Buehrer | Callender | Calvert |
| Carmichael | Cates | Clancy | Collier |
| Combs | Core | Daniels | DeWine |
| Evans C. | Evans D. | Faber | Fessler |
| Flowers | Gibbs | Gilb | Hagan |
| Hollister | Hoops | Hughes | Husted |
| Kilbane | Latta | Martin | Niehaus |
| Oelslager | Patton T. | Peterson | Raga |
| Raussen | Reidelbach | Reinhard | Schaffer |
| Schlichter | Schneider | Seitz | Setzer |
| Taylor | Trakas | Wagner | Walcher |
| Webster | White | Widener | Widowfield |
| Williamowski | Williams | Wolpert | Woodard |
| | | | Householder-53. |

Those who voted in the negative were: Representatives

- | | | | |
|-----------|------------|------------|-----------|
| Allen | Barrett | Book | Brinkman |
| Brown | Carano | Chandler | DeBose |
| DeGeeter | Distel | Domenick | Driehaus |
| Grendell | Hartnett | Harwood | Jerse |
| Kearns | Key | Koziura | Mason |
| McGregor | Miller | Olman | Otterman |
| Patton S. | Perry | Price | Redfern |
| Seaver | Sferra | Skindell | Smith G. |
| Smith S. | Stewart D. | Stewart J. | Strahorn |
| Sykes | Ujvagi | Wilson | Yates |
| | | | Young-41. |

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Ujvagi moved to amend as follows:

In lines 362 and 505, delete "fifteen" and insert "five"

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

Representative Widowfield moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 56, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Blasdel	Buehrer	Callender	Calvert
Carmichael	Cates	Clancy	Collier
Combs	Core	Daniels	DeWine
Evans C.	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Hagan
Hollister	Hoops	Hughes	Husted
Kilbane	Latta	Martin	McGregor
Niehaus	Oelslager	Olman	Patton T.
Peterson	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seitz	Setzer	Smith G.	Taylor
Trakas	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wolpert	Young	Householder-56.

Those who voted in the negative were: Representatives

Allen	Barrett	Book	Brinkman
Brown	Carano	Chandler	DeBose
DeGeeter	Distel	Domenick	Driehaus
Grendell	Hartnett	Harwood	Jerse
Kearns	Key	Koziura	Mason
Miller	Otterman	Patton S.	Perry
Price	Redfern	Seaver	Sferra
Skindell	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Ujvagi	Wilson
Woodard			Yates-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 59, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Blasdel	Book	Buehrer	Callender
Carmichael	Cates	Clancy	Collier
Combs	Core	Daniels	DeGeeter
DeWine	Driehaus	Evans C.	Evans D.
Faber	Flowers	Gibbs	Gilb
Hagan	Hartnett	Hollister	Hoops
Hughes	Husted	Kilbane	Latta
McGregor	Niehaus	Oelslager	Olman
Patton T.	Peterson	Raga	Rausen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Stewart D.

Wagner	Walcher	Webster	White
Widener	Widowfield	Willamowski	Williams
Wolpert	Young		Householder-59.

Those who voted in the negative were: Representatives

Allen	Barrett	Brinkman	Brown
Calvert	Carano	Chandler	DeBose
Distel	Domenick	Fessler	Grendell
Harwood	Jerse	Kearns	Key
Koziura	Martin	Mason	Miller
Otterman	Patton S.	Perry	Price
Sferra	Smith S.	Stewart J.	Strahorn
Sykes	Taylor	Trakas	Ujvagi
Wilson	Woodard		Yates-35.

The bill passed.

Representative Niehaus moved to amend the title as follows:

Add the names: "Callender, Cates, Flowers, Hagan, Walcher, Wolpert."

Remove: "Carano, Fessler, Kearns."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Cates moved that the Constitutional requirements pertaining to bills being considered by each house on three different days be suspended and that S.B. No. 178, Senator Spada et al., be taken up for immediate consideration.

The motion was agreed to without objection.

S. B. No. 178-Senators Spada, Austria, Amstutz, Carey, Harris, Jacobson, Padgett, Armbruster.

To amend sections 109.572, 313.12, 2108.50, 2151.421, 2311.14, 2930.03, 5120.173, 5123.081, 5123.50, 5123.51, 5123.61, 5123.99, 5126.28, 5126.30, and 5126.33 and to enact sections 2108.521, 2152.821, 2903.341, 2930.061, 2945.482, 2945.491, 5123.032, 5123.541, 5123.542, 5123.614, 5126.058, 5126.331, 5126.332, and 5126.333 of the Revised Code to implement the recommendations of the MR/DD Victims of Crime Task Force, to make related changes in the law, and to provide a mechanism for the closing of developmental centers of the Department of Mental Retardation and Developmental Disabilities that involves independent studies and public hearings, was taken up for consideration.

The question being, "Shall the bill pass?"

Representative Chandler moved to amend as follows:

In line 2170, reinsert "divisions (D)(4) and"

In line 2171, delete "division"

In line 2196, reinsert "The director shall not include in the registry an"

Reinsert line 2197

In line 2198, reinsert "offense arising from the same facts"; delete "If an individual whose name"

Delete lines 2199 through 2202

In line 2203, delete "registry next to the individual's name"

Between lines 2203 and 2204, insert:

"If an individual whose name appears on the registry is involved in a court proceeding or arbitration arising from the same facts as the allegation resulting in the individual's placement on the registry, upon the disposition of the proceeding or arbitration, the director shall do one of the following:

(a) If the proceeding is a criminal proceeding and the individual is found not guilty by a court or jury of the offense charged arising from the same facts, the director shall remove the individual's name from the registry.

(b) In all circumstances not described in division (D)(4)(a) of this section, the director shall note in the registry next to the individual's name the disposition of the proceeding."

In line 2217, reinsert ", unless division (D)(4) of this section applies,"

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

Representative Gilb moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 59, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Combs	Core	Daniels
DeWine	Evans C.	Evans D.	Faber
Flowers	Gibbs	Gilb	Grendell
Hagan	Hollister	Hoops	Hughes
Husted	Kilbane	Latta	Martin
McGregor	Niehaus	Oelslager	Olman
Patton T.	Peterson	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Seitz	Setzer	Smith G.
Stewart J.	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wolpert
Woodard	Young		Householder-59.

Those who voted in the negative were: Representatives

Allen	Barrett	Book	Brinkman
Brown	Carano	Chandler	Cirelli
DeBose	DeGeeter	Distel	Domenick
Driehaus	Fessler	Hartnett	Harwood

Jerse	Kearns	Key	Koziura
Mason	Miller	Otterman	Patton S.
Perry	Price	Redfern	Schneider
Seaver	Sferra	Skindell	Smith S.
Stewart D.	Strahorn	Sykes	Ujvagi
Wilson			Yates-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Chandler moved to amend as follows:

In line 1164, delete "when the" and insert "if both of the following apply:"

(1) The"

Between lines 1168 and 1169, insert:

"(2) The physical or mental illness or defect of the mentally retarded person or developmentally disabled person that is treated as deccribed in division (B)(1) of this section does not have the potential to cause or result in serious physical harm to, or the death of, the mentally retarded person or developmentally disabled person so treated."

In line 1178, after the underlined comman insert "for a physical or mental illness or defect that does not have the potential to cause or result in serious physical harm to, or the death of, the person"

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

Representative Gilb moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 57, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Combs	Core	Daniels
DeWine	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Grendell	Hagan	Hollister	Hoops
Hughes	Husted	Kearns	Latta
Martin	McGregor	Niehaus	Oelslager
Patton T.	Peterson	Raga	Raussen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seitz	Setzer
Smith G.	Stewart J.	Taylor	Trakas
Wagner	Walcher	White	Widener
Widowfield	Willamowski	Williams	Wolpert
			Householder-57.

Those who voted in the negative were: Representatives

Allen	Barrett	Book	Brinkman
Brown	Carano	Chandler	Cirelli
DeBose	DeGeeter	Distel	Domenick
Driehaus	Hartnett	Harwood	Jerse
Key	Kilbane	Koziura	Mason
Miller	Olman	Otterman	Patton S.
Perry	Price	Redfern	Seaver
Sferra	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Wilson
Woodard	Yates		Young-39.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Widener moved to amend as follows:

After line 3100, insert:

"Section 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that persons who are mentally retarded or developmentally disabled crucially need the protections this act affords against their victimization by criminal conduct, and the procedures this act provides regarding the investigation and prosecution of criminal conduct committed against them. Therefore, this act shall go into immediate effect."

In line 10 of the title, delete "and"

In line 14 of the title, after "hearings" insert ", and to declare an emergency"

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

The yeas and nays were taken and resulted - yeas 83, nays 14, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brown	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Kearns	Key
Kilbane	Latta	Martin	Mason
McGregor	Miller	Niehaus	Oelslager
Olman	Otterman	Patton T.	Perry
Peterson	Price	Raga	Rausen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seaver	Seitz
Setzer	Sferra	Smith G.	Smith S.
Stewart J.	Taylor	Ujvagi	Wagner
Walcher	Webster	White	Widener

Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard		Householder-83.

Those who voted in the negative were: Representatives

Brinkman	Buehrer	Callender	Faber
Koziura	Patton S.	Redfern	Skindell
Stewart D.	Strahorn	Sykes	Trakas
Yates			Young-14.

The motion was agreed to and the bill so amended.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 84, nays 13, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brown	Calvert	Carano
Carmichael	Cates	Chandler	Cirelli
Clancy	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Domenick	Driehaus	Evans C.
Evans D.	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
McGregor	Miller	Niehaus	Oelslager
Olman	Otterman	Patton T.	Perry
Peterson	Price	Raga	Raussen
Redfern	Reidelbach	Reinhard	Schaffer
Schlichter	Schmidt	Schneider	Seaver
Seitz	Setzer	Sferra	Skindell
Smith G.	Smith S.	Stewart J.	Taylor
Ujvagi	Wagner	Walcher	Webster
White	Widener	Widowfield	Willamowski
Williams	Wilson	Wolpert	Householder-84.

Those who voted in the negative were: Representatives

Brinkman	Buehrer	Callender	Faber
Mason	Patton S.	Stewart D.	Strahorn
Sykes	Trakas	Woodard	Yates
			Young-13.

Having received a constitutional majority, the emergency clause stood as part of the bill.

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

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brinkman	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Chandler	Cirelli	Clancy
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Raussen	Redfern	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Taylor	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Willamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

Representative Trakas voted in the negative-1.

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

Representative Gilb moved to amend the title as follows:

Add the names: "Allen, Aslanides, Brown, Calvert, Carmichael, Cates, Clancy, Collier, Core, Daniels, DeBose, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fessler, Flowers, Gibbs, Gilb, Grendell, Hagan, Hollister, Hughes, Kearns, Key, Kilbane, Martin, McGregor, Niehaus, Oelslager, Olman, S. Patton, T. Patton, Peterson, Price, Raga, Raussen, Redfern, Reidelbach, Reinhard, Schaffer, Schlichter, Schmidt, Schneider, Seitz, Setzer, J. Stewart, Strahorn, Taylor, Wagner, Walcher, Webster, Widener, Willamowski, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 262-Representatives Carmichael, Peterson, Seitz, Niehaus, Boccieri, Aslanides, Reinhard, Koziura, Buehrer.

To amend sections 3501.10, 3501.28, 3509.07, 3513.30, 3519.16, 4117.03, 4301.323, 4301.355, and 4301.365 of the Revised Code to revise the Election Law, the Liquor Control Law, or the Collective Bargaining Law by increasing the maximum poll worker pay, permitting employees of the state and of political subdivisions to work as judges of elections and receive poll worker pay in addition to their regular employment compensation under certain

circumstances, eliminating the required ballot language describing certain past local option elections when a local option election is held on sales of alcoholic beverages at a specific location, changing the ballot language for certain of those local option elections to specify that the election applies to spirituous liquor instead of intoxicating liquor, establishing requirements for protests against initiative or referendum petitions, prohibiting collective bargaining between county boards of elections and their employees, and making other changes, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Redfern moved to amend as follows:

In lines 23 and 504, delete "4117.03,"

Delete lines 322 through 354

In line 2 of the title, delete "4117.03,"

In line 3 of the title, delete the comma and insert "and"

In line 4 of the title, delete ", or the Collective"

In line 5 of the title, delete "Bargaining Law"

In line 19 of the title, delete "prohibiting collective bargaining"

Delete line 20 of the title

In line 21 of the title, delete "employees,"

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

Representative Trakas moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 53, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Combs	Core	Daniels
DeWine	Evans D.	Faber	Flowers
Gibbs	Gilb	Grendell	Hagan
Hollister	Hoops	Husted	Kilbane
Latta	Martin	McGregor	Niehaus
Olman	Peterson	Raga	Raussen
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seitz	Setzer
Smith G.	Taylor	Trakas	Wagner
Walcher	Webster	White	Widowfield
Willamowski	Williams	Wolpert	Young
			Householder-53.

Those who voted in the negative were: Representatives

Allen	Barrett	Book	Brinkman
Brown	Carano	Chandler	Cirelli
DeBose	DeGeeter	Distel	Domenick
Driehaus	Evans C.	Fessler	Hartnett
Harwood	Hughes	Jerse	Kearns
Key	Koziura	Mason	Miller
Oelslager	Otterman	Patton S.	Patton T.
Perry	Price	Redfern	Seaver
Sferra	Skindell	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Ujvagi
Widener	Wilson	Woodard	Yates-44.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Redfern moved to amend as follows:

In lines 22 and 503, after "sections" insert "3501.06,"

Between lines 24 and 25, insert:

"Sec. 3501.06. There shall be in each county of the state a board of elections consisting of four qualified electors of the county, who shall be appointed by the secretary of state, as the secretary's representatives, to serve for the term of four years. On the first day of March in even-numbered years, the secretary of state shall appoint two of ~~such~~those board members, one of whom shall be from the political party ~~which~~that cast the highest number of votes for the office of governor at the most recent regular state election, and the other shall be from the political party ~~which~~that cast the next highest number of votes for the office of governor at ~~such~~that election. All vacancies filled for unexpired terms and all appointments to new terms shall be made from the political party to which the vacating or outgoing member belonged, unless there is a third political party which cast a greater number of votes in the state at the most recent regular state election for the office of governor than did the party to which the retiring member belonged, in which event the vacancy shall be filled from ~~such~~that third party. No person who holds any elective office shall be appointed to or be a member of a board of elections."

In line 1 of the title, after "sections" insert "3501.06,"

In line 21 of the title, after the comma insert "to prohibit a person who holds an elective office from being appointed to or being a member of a board of elections,"

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

Representative Widowfield moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 55, nays 42, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Combs	Core	Daniels
DeWine	Evans C.	Evans D.	Faber
Fessler	Flowers	Gibbs	Gilb
Hagan	Hollister	Hoops	Husted
Kilbane	Latta	Martin	McGregor
Niehaus	Oelslager	Olman	Patton T.
Peterson	Raga	Rausen	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seitz	Setzer	Smith G.	Taylor
Trakas	Wagner	Walcher	Webster
White	Widowfield	Willamowski	Williams
Wolpert	Young		Householder-55.

Those who voted in the negative were: Representatives

Allen	Barrett	Book	Brinkman
Brown	Carano	Chandler	Cirelli
DeBose	DeGeeter	Distel	Domenick
Driehaus	Grendell	Hartnett	Harwood
Hughes	Jerse	Kearns	Key
Koziura	Mason	Miller	Otterman
Patton S.	Perry	Price	Redfern
Reidelbach	Seaver	Sferra	Skindell
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Ujvagi	Widener	Wilson
Woodard			Yates-42.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Redfern moved to amend as follows:

In lines 22 and 504, after "3513.30," insert "3517.10, 3517.102,"

Between lines 268 and 269, insert:

"Sec. 3517.10. (A) Except as otherwise provided in this division, every campaign committee, political action committee, legislative campaign fund, political party, and political contributing entity that made or received a contribution or made an expenditure in connection with the nomination or election of any candidate or in connection with any ballot issue or question at any election held or to be held in this state shall file, on a form prescribed under this section, by electronic means of transmission as provided in this section and section 3517.106 of the Revised Code, or, until March 1, 2004, on computer disk as provided in section 3517.106 of the Revised Code, a full, true, and itemized statement, made under penalty of election falsification, setting forth in detail the contributions and expenditures, no later than four

p.m. of the following dates:

(1) The twelfth day before the election to reflect contributions received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the twentieth day before the election;

(2) The thirty-eighth day after the election to reflect the contributions received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the seventh day before the filing of the statement;

(3) The last business day of January of every year to reflect the contributions received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the last day of December of the previous year.

A campaign committee shall only be required to file the statements prescribed under divisions (A)(1) and (2) of this section in connection with the nomination or election of the committee's candidate.

The statement required under division (A)(1) of this section shall not be required of any campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity that has received contributions of less than one thousand dollars and has made expenditures of less than one thousand dollars at the close of business on the twentieth day before the election. Those contributions and expenditures shall be reported in the statement required under division (A)(2) of this section.

If an election to select candidates to appear on the general election ballot is held within sixty days before a general election, the campaign committee of a successful candidate in the earlier election may file the statement required by division (A)(1) of this section for the general election instead of the statement required by division (A)(2) of this section for the earlier election if the pregeneral election statement reflects the status of contributions and expenditures for the period twenty days before the earlier election to twenty days before the general election.

If a person becomes a candidate less than twenty days before an election, the candidate's campaign committee is not required to file the statement required by division (A)(1) of this section.

No statement under division (A)(3) of this section shall be required for any year in which a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity is required to file a postgeneral election statement under division (A)(2) of this section. However, such a statement may be filed, at the option of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity.

No statement under division (A)(3) of this section shall be required if

the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity has no contributions that it has received and no expenditures that it has made since the last date reflected in its last previously filed statement. However, the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A)(3) of this section.

The campaign committee of a statewide candidate shall file a monthly statement of contributions received during each of the months of July, August, and September in the year of the general election in which the candidate seeks office. The campaign committee of a statewide candidate shall file the monthly statement not later than three business days after the last day of the month covered by the statement. During the period beginning on the nineteenth day before the general election in which a statewide candidate seeks election to office and extending through the day of that general election, each time the campaign committee of the joint candidates for the offices of governor and lieutenant governor or of a candidate for the office of secretary of state, auditor of state, treasurer of state, or attorney general receives a contribution from a contributor that causes the aggregate amount of contributions received from that contributor during that period to equal or exceed two thousand five hundred dollars and each time the campaign committee of a candidate for the office of chief justice or justice of the supreme court receives a contribution from a contributor that causes the aggregate amount of contributions received from that contributor during that period to exceed five hundred dollars, the campaign committee shall file a two-business-day statement reflecting that contribution. During the period beginning on the nineteenth day before a primary election in which a candidate for statewide office seeks nomination to office and extending through the day of that primary election, each time either the campaign committee of a statewide candidate in that primary election that files a notice under division (C)(1) of section 3517.103 of the Revised Code or the campaign committee of a statewide candidate in that primary election to which, in accordance with division (D) of section 3517.103 of the Revised Code, the contribution limitations prescribed in section 3517.102 of the Revised Code no longer apply receives a contribution from a contributor that causes the aggregate amount of contributions received from that contributor during that period to exceed two thousand five hundred dollars, the campaign committee shall file a two-business-day statement reflecting that contribution. Contributions reported on a two-business-day statement required to be filed by a campaign committee of a statewide candidate in a primary election shall also be included in the postprimary election statement required to be filed by that campaign committee under division (A)(2) of this section. A two-business-day statement required by this paragraph shall be filed not later than two business days after receipt of the contribution. The statements required by this paragraph shall be filed in addition to any other statements

required by this section.

Subject to the secretary of state having implemented, tested, and verified the successful operation of any system the secretary of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of this section and division (H)(1) of section 3517.106 of the Revised Code for the filing of campaign finance statements by electronic means of transmission, a campaign committee of a statewide candidate shall file a two-business-day statement under the preceding paragraph by electronic means of transmission if the campaign committee is required to file a preelection, postelection, or monthly statement of contributions and expenditures by electronic means of transmission under this section or section 3517.106 of the Revised Code.

If a campaign committee or political action committee has no balance on hand and no outstanding obligations and desires to terminate itself, it shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, with the official with whom it files a statement under division (A) of this section after filing a final statement of contributions and a final statement of expenditures, if contributions have been received or expenditures made since the period reflected in its last previously filed statement.

(B) Except as otherwise provided in division (C)(7) of this section, each statement required by division (A) of this section shall contain the following information:

(1) The full name and address of each campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity, including any treasurer of the committee, fund, party, or entity, filing a contribution and expenditure statement;

(2)(a) In the case of a campaign committee, the candidate's full name and address;

(b) In the case of a political action committee, the registration number assigned to the committee under division (D)(1) of this section.

(3) The date of the election and whether it was or will be a general, primary, or special election;

(4) A statement of contributions received, which shall include the following information:

(a) The month, day, and year of the contribution;

(b)(i) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity from whom contributions are received and the registration number assigned to the political action committee under division (D)(1) of this section. The requirement of filing the full address does not apply to any statement filed by a state or local committee of a political party, to a finance committee of such committee, or to a committee recognized by a

state or local committee as its fund-raising auxiliary. Notwithstanding division (F)(1) of this section, the requirement of filing the full address shall be considered as being met if the address filed is the same address the contributor provided under division (E)(1) of this section.

(ii) If a campaign committee of a statewide candidate or candidate for the office of member of the general assembly receives a contribution from an individual that exceeds one hundred dollars, the name of the individual's current employer, if any, or, if the individual is self-employed, the individual's occupation;

(iii) If a campaign committee of a statewide candidate or candidate for the office of member of the general assembly receives a contribution transmitted pursuant to section 3599.031 of the Revised Code from amounts deducted from the wages and salaries of two or more employees that exceeds in the aggregate one hundred dollars during any one filing period under division (A)(1), (2), or (3) of this section, the full name of the employees' employer and the full name of the labor organization of which the employees are members, if any.

(c) A description of the contribution received, if other than money;

(d) The value in dollars and cents of the contribution;

(e) A separately itemized account of all contributions and expenditures regardless of the amount, except a receipt of a contribution from a person in the sum of twenty-five dollars or less at one social or fund-raising activity and a receipt of a contribution transmitted pursuant to section 3599.031 of the Revised Code from amounts deducted from the wages and salaries of employees if the contribution from the amount deducted from the wages and salary of any one employee is twenty-five dollars or less aggregated in a calendar year. An account of the total contributions from each social or fund-raising activity shall include a description of and the value of each in-kind contribution received at that activity from any person who made one or more such contributions whose aggregate value exceeded two hundred fifty dollars and shall be listed separately, together with the expenses incurred and paid in connection with that activity. A campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall keep records of contributions from each person in the amount of twenty-five dollars or less at one social or fund-raising activity and contributions from amounts deducted under section 3599.031 of the Revised Code from the wages and salary of each employee in the amount of twenty-five dollars or less aggregated in a calendar year. No continuing association that is recognized by a state or local committee of a political party as an auxiliary of the party and that makes a contribution from funds derived solely from regular dues paid by members of the auxiliary shall be required to list the name or address of any members who paid those dues.

Contributions that are other income shall be itemized separately from all other contributions. The information required under division (B)(4) of this

section shall be provided for all other income itemized. As used in this paragraph, "other income" means a loan, investment income, or interest income.

(f) In the case of a campaign committee of a state elected officer, if a person doing business with the state elected officer in the officer's official capacity makes a contribution to the campaign committee of that officer, the information required under division (B)(4) of this section in regard to that contribution, which shall be filed together with and considered a part of the committee's statement of contributions as required under division (A) of this section but shall be filed on a separate form provided by the secretary of state. As used in division (B)(4)(f) of this section:

(i) "State elected officer" has the same meaning as in section 3517.092 of the Revised Code.

(ii) "Person doing business" means a person or an officer of an entity who enters into one or more contracts with a state elected officer or anyone authorized to enter into contracts on behalf of that officer to receive payments for goods or services, if the payments total, in the aggregate, more than five thousand dollars during a calendar year.

(g) In the case of a contributor who is an individual, the age of the contributor.

(5) A statement of expenditures which shall include the following information:

(a) The month, day, and year of the expenditure;

(b) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity to whom the expenditure was made and the registration number assigned to the political action committee under division (D)(1) of this section;

(c) The object or purpose for which the expenditure was made;

(d) The amount of each expenditure.

(C)(1) The statement of contributions and expenditures shall be signed by the person completing the form. If a statement of contributions and expenditures is filed by electronic means of transmission pursuant to this section or section 3517.106 of the Revised Code, the electronic signature of the person who executes the statement and transmits the statement by electronic means of transmission, as provided in division (H) of section 3517.106 of the Revised Code, shall be attached to or associated with the statement and shall be binding on all persons and for all purposes under the campaign finance reporting law as if the signature had been handwritten in ink on a printed form.

(2) The person filing the statement, under penalty of election

falsification, shall include with it a list of each anonymous contribution, the circumstances under which it was received, and the reason it cannot be attributed to a specific donor.

(3) Each statement of a campaign committee of a candidate who holds public office shall contain a designation of each contributor who is an employee in any unit or department under the candidate's direct supervision and control. In a space provided in the statement, the person filing the statement shall affirm that each such contribution was voluntarily made.

(4) A campaign committee that did not receive contributions or make expenditures in connection with the nomination or election of its candidate shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A)(2) of this section.

(5) The campaign committee of any person who attempts to become a candidate and who, for any reason, does not become certified in accordance with Title XXXV of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, and who, at any time prior to or after an election, receives contributions or makes expenditures, or has given consent for another to receive contributions or make expenditures, for the purpose of bringing about the person's nomination or election to public office, shall file the statement or statements prescribed by this section and a termination statement, if applicable. This paragraph does not apply to any person with respect to an election to the offices of member of a county or state central committee, presidential elector, or delegate to a national convention or conference of a political party.

(6)(a) The statements required to be filed under this section shall specify the balance in the hands of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity and the disposition intended to be made of that balance.

(b) The secretary of state shall prescribe the form for all statements required to be filed under this section and shall furnish the forms to the boards of elections in the several counties. The boards of elections shall supply printed copies of those forms without charge. The secretary of state shall prescribe the appropriate methodology, protocol, and data file structure for statements required or permitted to be filed by electronic means of transmission under division (A) of this section and divisions (E), (F), and (G) of section 3517.106 of the Revised Code and for statements permitted to be filed on computer disk under division (F) of section 3517.106 of the Revised Code. Subject to division (A) of this section and divisions (E), (F), and (G) of section 3517.106 of the Revised Code, the statements required to be stored on computer by the secretary of state under division (B) of section 3517.106 of the Revised Code shall be filed in whatever format the secretary of state considers necessary to enable the secretary of state to store the information contained in the statements on computer. Any such format shall be of a type

and nature that is readily available to whoever is required to file the statements in that format.

(c) The secretary of state shall assess the need for training regarding the filing of campaign finance statements by electronic means of transmission and regarding associated technologies for candidates, campaign committees, political action committees, legislative campaign funds, political parties, political contributing entities, or individuals, partnerships, or other entities required or permitted to file statements by electronic means of transmission under this section or section 3517.105 or 3517.106 of the Revised Code. If, in the opinion of the secretary of state, training in these areas is necessary, the secretary of state shall arrange for the provision of voluntary training programs for candidates, campaign committees, political action committees, legislative campaign funds, political parties, political contributing entities, and individuals, partnerships, and other entities.

(7) Each monthly statement and each two-business-day statement required by division (A) of this section shall contain the information required by divisions (B)(1) to (4), (C)(2), and, if appropriate, (C)(3) of this section. Each statement shall be signed as required by division (C)(1) of this section.

(D)(1) Prior to receiving a contribution or making an expenditure, every campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity shall appoint a treasurer and shall file, on a form prescribed by the secretary of state, a designation of that appointment, including the full name and address of the treasurer and of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity. That designation shall be filed with the official with whom the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity is required to file statements under section 3517.11 of the Revised Code. The name of a campaign committee shall include at least the last name of the campaign committee's candidate. The secretary of state shall assign a registration number to each political action committee that files a designation of the appointment of a treasurer under division (D)(1) of this section if the political action committee is required by division (A)(1) of section 3517.11 of the Revised Code to file the statements prescribed by this section with the secretary of state.

(2) The treasurer appointed under division (D)(1) of this section shall keep a strict account of all contributions, from whom received and the purpose for which they were disbursed.

(3)(a) Except as otherwise provided in section 3517.108 of the Revised Code, a campaign committee shall deposit all monetary contributions received by the committee into an account separate from a personal or business account of the candidate or campaign committee.

(b) A political action committee shall deposit all monetary contributions received by the committee into an account separate from all

other funds.

(c) A state or county political party may establish a state candidate fund that is separate from an account that contains the public moneys received from the Ohio political party fund under section 3517.17 of the Revised Code and from all other funds. A state or county political party may deposit into its state candidate fund any amounts of monetary contributions that are made to or accepted by the political party subject to the applicable limitations, if any, prescribed in section 3517.102 of the Revised Code. A state or county political party shall deposit all other monetary contributions received by the party into one or more accounts that are separate from its state candidate fund and from its account that contains the public moneys received from the Ohio political party fund under section 3517.17 of the Revised Code.

(d) Each state political party shall have only one legislative campaign fund for each house of the general assembly. Each such fund shall be separate from any other funds or accounts of that state party. A legislative campaign fund is authorized to receive contributions and make expenditures for the primary purpose of furthering the election of candidates who are members of that political party to the house of the general assembly with which that legislative campaign fund is associated. Each legislative campaign fund shall be administered and controlled in a manner designated by the caucus. As used in division (D)(3)(d) of this section, "caucus" has the same meaning as in section 3517.01 of the Revised Code and includes, as an ex officio member, the chairperson of the state political party with which the caucus is associated or that chairperson's designee.

(4) Every expenditure in excess of twenty-five dollars shall be vouched for by a receipted bill, stating the purpose of the expenditures, that shall be filed with the statement of expenditures. A canceled check with a notation of the purpose of the expenditure is a receipted bill for purposes of division (D)(4) of this section.

(5) The secretary of state or the board of elections, as the case may be, shall issue a receipt for each statement filed under this section and shall preserve a copy of the receipt for a period of at least six years. All statements filed under this section shall be open to public inspection in the office where they are filed and shall be carefully preserved for a period of at least six years after the year in which they are filed.

(6) The secretary of state, by rule adopted pursuant to section 3517.23 of the Revised Code, shall prescribe the manner of immediately acknowledging, with date and time received, and preserving the receipt of statements that are transmitted by electronic means of transmission to the secretary of state pursuant to this section or section 3517.106 of the Revised Code and the manner of preserving the contribution and expenditure information in those statements. The secretary of state shall preserve the contribution and expenditure information in those statements for at least ten years after the year in which they are filed by electronic means of

transmission.

(7) The secretary of state, pursuant to division (I) of section 3517.106 of the Revised Code, shall make available online to the public through the internet the contribution and expenditure information in all statements, all addenda, amendments, or other corrections to statements, and all amended statements filed with the secretary of state by electronic or other means of transmission under this section, division (B)(2)(b) or (C)(2)(b) of section 3517.105, or section 3517.106 or 3517.11 of the Revised Code. The secretary of state may remove the information from the internet after a reasonable period of time.

(E)(1) Any person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity that makes a contribution in connection with the nomination or election of any candidate or in connection with any ballot issue or question at any election held or to be held in this state shall provide its full name and address to the recipient of the contribution at the time the contribution is made. The political action committee also shall provide the registration number assigned to the committee under division (D)(1) of this section to the recipient of the contribution at the time the contribution is made.

(2) Any individual who makes a contribution that exceeds one hundred dollars to a campaign committee of a statewide candidate or candidate for the office of member of the general assembly shall provide the name of the individual's current employer, if any, or, if the individual is self-employed, the individual's occupation to the recipient of the contribution at the time the contribution is made. Sections 3599.39 and 3599.40 of the Revised Code do not apply to division (E)(2) of this section.

(3) If a campaign committee shows that it has exercised its best efforts to obtain, maintain, and submit the information required under divisions (B)(4)(b)(ii) and (iii) of this section, that committee is considered to have met the requirements of those divisions. A campaign committee shall not be considered to have exercised its best efforts unless, in connection with written solicitations, it regularly includes a written request for the information required under division (B)(4)(b)(ii) of this section from the contributor or the information required under division (B)(4)(b)(iii) of this section from whoever transmits the contribution.

(4) Any check that a political action committee uses to make a contribution or an expenditure shall contain the full name and address of the committee and the registration number assigned to the committee under division (D)(1) of this section.

(F) As used in this section:

(1) "Address" means all of the following if they exist: apartment number, street, road, or highway name and number, rural delivery route number, city or village, state, and zip code as used in a person's post-office

address, but not post-office box. If an address is required in this section, a post-office box and office, room, or suite number may be included in addition to but not in lieu of an apartment, street, road, or highway name and number. If an address is required in this section, a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may use the business or residence address of its treasurer or deputy treasurer. The post-office box number of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may be used in addition to that address.

(2) "Statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, chief justice of the supreme court, or justice of the supreme court.

(3) "Internet" has the same meaning as in section 3517.106 of the Revised Code.

(G) An independent expenditure shall be reported whenever and in the same manner that an expenditure is required to be reported under this section and shall be reported pursuant to division (B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code.

(H)(1) Except as otherwise provided in division (H)(2) of this section, if, during the combined preelection and postelection reporting periods for an election, a campaign committee has received contributions of five hundred dollars or less and has made expenditures in the total amount of five hundred dollars or less, it may file a statement to that effect, under penalty of election falsification, in lieu of the statement required by division (A)(2) of this section. The statement shall indicate the total amount of contributions received and the total amount of expenditures made during those combined reporting periods.

(2) In the case of a successful candidate at a primary election, if either the total contributions received by or the total expenditures made by the candidate's campaign committee during the preprimary, postprimary, pregeneral, and postgeneral election periods combined equal more than five hundred dollars, the campaign committee may file the statement under division (H)(1) of this section only for the primary election. The first statement that the campaign committee files in regard to the general election shall reflect all contributions received and all expenditures made during the preprimary and postprimary election periods.

(3) Divisions (H)(1) and (2) of this section do not apply if a campaign committee receives contributions or makes expenditures prior to the first day of January of the year of the election at which the candidate seeks nomination or election to office or if the campaign committee does not file a termination statement with its postprimary election statement in the case of an unsuccessful primary election candidate or with its postgeneral election

statement in the case of other candidates.

(I) In the case of a contribution made by a partnership or unincorporated business, all of the following apply:

(1) The recipient of the contribution shall report the contribution by listing both the partnership or unincorporated business and the name of the partner or owner making the contribution.

(2) For purposes of section 3517.102 of the Revised Code, the contribution shall be considered to have been made by the partner or owner reported under division (I)(1) of this section.

(3) No contribution from a partnership or unincorporated business shall be accepted unless the recipient reports the contribution under division (I)(1) of this section.

(J) A candidate shall have only one campaign committee at any given time for all of the offices for which the person is a candidate or holds office.

(K)(1) In addition to filing a designation of appointment of a treasurer under division (D)(1) of this section, the campaign committee of any candidate for an elected municipal office that pays an annual amount of compensation of five thousand dollars or less, the campaign committee of any candidate for member of a board of education except member of the state board of education, or the campaign committee of any candidate for township trustee or township clerk may sign, under penalty of election falsification, a certificate attesting that the committee will not accept contributions during an election period that exceed in the aggregate two thousand dollars from all contributors and one hundred dollars from any one individual, and that the campaign committee will not make expenditures during an election period that exceed in the aggregate two thousand dollars.

The certificate shall be on a form prescribed by the secretary of state and shall be filed not later than ten days after the candidate files a declaration of candidacy and petition, a nominating petition, or a declaration of intent to be a write-in candidate.

(2) Except as otherwise provided in division (K)(3) of this section, a campaign committee that files a certificate under division (K)(1) of this section is not required to file the statements required by division (A) of this section ~~3517.10 of the Revised Code~~.

(3) If, after filing a certificate under division (K)(1) of this section, a campaign committee exceeds any of the limitations described in that division during an election period, the certificate is void, and thereafter the campaign committee shall file the statements required by division (A) of this section ~~3517.10 of the Revised Code~~. If the campaign committee has not previously filed a statement, then, on the first statement the campaign committee is required to file under division (A) of this section ~~3517.10 of the Revised Code~~ after the committee's certificate is void, the committee shall report all

contributions received and expenditures made from the time the candidate filed the candidate's declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate.

(4) As used in division (K) of this section, "election period" means the period of time beginning on the day a person files a declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate through the day of the election at which the person seeks nomination to office if the person is not elected to office, or, if the candidate was nominated in a primary election, the day of the election at which the candidate seeks office.

(L) Notwithstanding division (B)(4) of this section, a political contributing entity that receives contributions from the dues, membership fees, or other assessments of its members or from its officers, shareholders, and employees may report the aggregate amount of contributions received from those contributors and the number of individuals making those contributions, for each filing period identified under divisions (A)(1), (2), and (3) of this section. Division (B)(4) of this section applies to a political contributing entity with regard to contributions it receives from all other contributors.

Sec. 3517.102. (A) Except as otherwise provided in section 3517.103 of the Revised Code, as used in this section and sections 3517.103 and 3517.104 of the Revised Code:

(1) "Candidate" has the same meaning as in section 3517.01 of the Revised Code but includes only candidates for the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, member of the general assembly, chief justice of the supreme court, and justice of the supreme court.

(2) "Statewide candidate" or "any one statewide candidate" means the joint candidates for the offices of governor and lieutenant governor or a candidate for the office of secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, chief justice of the supreme court, or justice of the supreme court.

(3) "Senate candidate" means a candidate for the office of state senator.

(4) "House candidate" means a candidate for the office of state representative.

(5)(a) "Primary election period" for a candidate begins on the beginning date of the candidate's pre-filing period specified in division (A)(9) of section 3517.109 of the Revised Code and ends on the day of the primary election.

(b) In regard to any candidate, the "general election period" begins on the day after the primary election immediately preceding the general election

at which the candidate seeks an office specified in division (A)(1) of this section and ends on the thirty-first day of December following that general election.

(6) "State candidate fund" means the state candidate fund established by a state or county political party under division (D)(3)(c) of section 3517.10 of the Revised Code.

(7) "Postgeneral election statement" means the statement filed under division (A)(2) of section 3517.10 of the Revised Code by the campaign committee of a candidate after the general election in which the candidate ran for office or filed by legislative campaign fund after the general election in an even-numbered year.

(8) "Contribution" means any contribution that is required to be reported in the statement of contributions under section 3517.10 of the Revised Code.

(9) Except as otherwise provided in division (F) of section 3517.103 and division (B)(3)(b) of section 3517.1010 of the Revised Code, "designated state campaign committee" means:

(a) In the case of contributions to or from a state political party, a campaign committee of a statewide candidate, statewide officeholder, senate candidate, house candidate, or member of the general assembly.

(b) In the case of contributions to or from a county political party, a campaign committee of a statewide candidate, statewide officeholder, senate candidate or house candidate whose candidacy is to be submitted to some or all of the electors in that county, or member of the general assembly whose district contains all or part of that county.

(c) In the case of contributions to or from a legislative campaign fund, a campaign committee of any of the following:

(i) A senate or house candidate who, if elected, will be a member of the same party that established the legislative campaign fund and the same house with which the legislative campaign fund is associated;

(ii) A state senator or state representative who is a member of the same party that established the legislative campaign fund and the same house with which the legislative campaign fund is associated.

(B)(1)(a) No individual who is six years of age or over shall make a contribution or contributions aggregating more than:

~~(a)~~(i) Two thousand five hundred dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;

~~(b)~~(ii) Two thousand five hundred dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;

~~(e)~~(iii) Two thousand five hundred dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;

~~(d)~~(iv) Five thousand dollars to any one county political party for the ~~party's~~ party's state candidate fund or to any one legislative campaign fund in a calendar year;

~~(e)~~(v) Fifteen thousand dollars to any one state political party for the party's state candidate fund in a calendar year;

~~(f)~~(vi) Five thousand dollars to any one political action committee in a calendar year;

~~(g)~~(vii) Five thousand dollars to any one political contributing entity in a calendar year.

(b) No individual who is under six years of age shall make any contribution.

(2) Subject to division (D)(1) of this section, no political action committee shall make a contribution or contributions aggregating more than:

(a) Two thousand five hundred dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;

(b) Two thousand five hundred dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;

(c) Two thousand five hundred dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;

(d) Five thousand dollars to any one county political party for the party's state candidate fund or to any one legislative campaign fund in a calendar year;

(e) Fifteen thousand dollars to any one state political party for the party's state candidate fund in a calendar year;

(f) Two thousand five hundred dollars to another political action committee or to a political contributing entity in a calendar year. This division does not apply to a political action committee that makes a contribution to a political action committee or to a political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing

association, or other person.

(3) No campaign committee shall make a contribution or contributions aggregating more than:

(a) Two thousand five hundred dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;

(b) Two thousand five hundred dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;

(c) Two thousand five hundred dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;

(d) Two thousand five hundred dollars to any one political action committee in a calendar year;

(e) Two thousand five hundred dollars to any one political contributing entity in a calendar year.

(4) Subject to division (D)(3) of this section, no political party shall make a contribution or contributions aggregating more than two thousand five hundred dollars to any one political action committee or to any one political contributing entity in a calendar year.

(5) No campaign committee, other than a designated state campaign committee, shall make a contribution or contributions aggregating in a calendar year more than:

(a) Fifteen thousand dollars to any one state political party for the party's state candidate fund;

(b) Five thousand dollars to any one legislative campaign fund;

(c) Five thousand dollars to any one county political party for the party's state candidate fund.

(6)(a) No state candidate fund of a county political party shall make a contribution or contributions, except a contribution or contributions to a designated state campaign committee, in a primary election period or a general election period, aggregating more than:

(i) Two thousand five hundred dollars to the campaign committee of any one senate candidate;

(ii) Two thousand five hundred dollars to the campaign committee of any one house candidate.

(b)(i) No state candidate fund of a state or county political party shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee in a primary election

period or in a general election period aggregating more than:

(I) Five hundred thousand dollars to the campaign committee of any one statewide candidate;

(II) One hundred thousand dollars to the campaign committee of any one senate candidate;

(III) Fifty thousand dollars to the campaign committee of any one house candidate.

(ii) No legislative campaign fund shall make a transfer or a contribution or transfers or contributions of cash or cash equivalents to a designated state campaign committee aggregating more than:

(I) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period to the campaign committee or any one senate candidate;

(II) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period to the campaign committee of any one house candidate.

(iii) As used in divisions (B)(6)(b) and (C)(6)(a) and (b) of this section, "transfer or contribution of cash or cash equivalents" does not include any in-kind contributions.

(c) A county political party that has no state candidate fund and that is located in a county having a population of less than one hundred fifty thousand may make one or more contributions from other accounts to any one designated state campaign committee that do not exceed, in the aggregate, two thousand five hundred dollars in any primary election period or general election period. As used in this division, "other accounts" does not include either an account that contains the public moneys received from the Ohio political party fund under section 3517.17 of the Revised Code or the county political party's operating account.

(d) No legislative campaign fund shall make a contribution, other than to a designated state campaign committee or to the state candidate fund of a political party.

(7) Subject to division (D)(1) of this section, no political contributing entity shall make a contribution or contributions aggregating more than:

(a) Two thousand five hundred dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;

(b) Two thousand five hundred dollars to the campaign committee of any one senate candidate in a primary election period or in a general election period;

(c) Two thousand five hundred dollars to the campaign committee of

any one house candidate in a primary election period or in a general election period;

(d) Five thousand dollars to any one county political party for the party's state candidate fund or to any one legislative campaign fund in a calendar year;

(e) Fifteen thousand dollars to any one state political party for the party's state candidate fund in a calendar year;

(f) Two thousand five hundred dollars to another political contributing entity or to a political action committee in a calendar year. This division does not apply to a political contributing entity that makes a contribution to a political contributing entity or to a political action committee affiliated with it. For purposes of this division, a political contributing entity is affiliated with another political contributing entity or with a political action committee if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person.

(C)(1) Subject to division (D)(1) of this section, no campaign committee of a statewide candidate shall accept æither of the following:

(a) A contribution or contributions from any individual who is under six years of age;

(b) A contribution or contributions aggregating more than two thousand five hundred dollars from any one individual who is six years of age or over, from any one political action committee, from any one political contributing entity, or from any one other campaign committee in a primary election period or in a general election period.

(2) Subject to division (D)(1) of this section and except for a designated state campaign committee, no campaign committee of a senate candidate shall accept æither of the following:

(a) A contribution or contributions from any individual who is under six years of age;

(b) A contribution or contributions aggregating more than two thousand five hundred dollars from any one individual who is six years of age or over, from any one political action committee, from any one political contributing entity, from any one state candidate fund of a county political party, or from any one other campaign committee in a primary election period or in a general election period.

(3) Subject to division (D)(1) of this section and except for a designated state campaign committee, no campaign committee of a house candidate shall accept æither of the following:

(a) A contribution or contributions from any individual who is under six years of age;

(b) A contribution or contributions aggregating more than two thousand five hundred dollars from any one individual who is six years of age or over, from any one political action committee, from any one political contributing entity, from any one state candidate fund of a county political party, or from any one other campaign committee in a primary election period or in a general election period.

(4)(a) Subject to division (D)(1) of this section, no county political party shall accept ~~æither of the following~~:

(i) A contribution or contributions for the party's state candidate fund from any individual who is under six years of age;

(ii) A contribution or contributions for the party's state candidate fund aggregating more than five thousand dollars from any one individual who is six years of age or over, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.

(b) Subject to division (D)(1) of this section, no state political party shall accept ~~æither of the following~~:

(i) A contribution or contributions for the party's state candidate fund from any individual who is under six years of age;

(ii) A contribution or contributions for the party's state candidate fund aggregating more than fifteen thousand dollars from any one individual who is six years of age or over, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.

(5) Subject to division (D)(1) of this section, no legislative campaign fund shall accept ~~æither of the following~~:

(a) A contribution or contributions from any individual who is under six years of age;

(b) A contribution or contributions aggregating more than five thousand dollars from any one individual who is six years of age or over, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.

(6)(a) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a state candidate fund of a state or county political party aggregating in a primary election period or a general election period more than:

(i) Five hundred thousand dollars, in the case of a campaign committee

of a statewide candidate;

(ii) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;

(iii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.

(b) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a legislative ~~candidate~~ campaign fund aggregating more than:

(i) Fifty thousand dollars in a primary election period or one hundred thousand dollars in a general election period, in the case of a campaign committee of a senate candidate;

(ii) Twenty-five thousand dollars in a primary election period or fifty thousand dollars in a general election period, in the case of a campaign committee of a house candidate.

(7)(a) Subject to division (D)(3) of this section, no political action committee and no political contributing entity shall accept either of the following:

(i) A contribution or contributions from any individual who is under six years of age;

(ii) A contribution or contributions aggregating more than five thousand dollars from any one individual who is six years of age or over, or more than two thousand five hundred dollars from any one campaign committee or from any one political party.

(b) Subject to division (D)(1) of this section, no political action committee shall accept a contribution or contributions aggregating more than two thousand five hundred dollars from another political action committee or from a political contributing entity in a calendar year. Subject to division (D)(1) of this section, no political contributing entity shall accept a contribution or contributions aggregating more than two thousand five hundred dollars from another political contributing entity or from a political action committee in a calendar year. This division does not apply to a political action committee or political contributing entity that accepts a contribution from a political action committee or political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are established, financed, maintained, or controlled by the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person.

(D)(1)(a) For purposes of the limitations prescribed in division (B)(2) of this section and the limitations prescribed in divisions (C)(1), (2), (3), (4),

(5), and (7)(b) of this section, whichever is applicable, all contributions made by and all contributions accepted from political action committees that are established, financed, maintained, or controlled by the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person, are considered to have been made by or accepted from a single political action committee.

(b) For purposes of the limitations prescribed in division (B)(7) of this section and the limitations prescribed in divisions (C)(1), (2), (3), (4), (5), and (7)(b) of this section, whichever is applicable, all contributions made by and all contributions accepted from political contributing entities that are established, financed, maintained, or controlled by, or that are, the same corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person, are considered to have been made by or accepted from a single political contributing entity.

(2) As used in divisions (B)(1)~~(f)(a)(vi)~~, (B)(3)(d), (B)(4), and (C)(7) of this section, "political action committee" does not include a political action committee that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity. As used in divisions (B)(1)~~(g)(a)(vii)~~, (B)(3)(e), (B)(4), and (C)(7) of this section, "political contributing entity" does not include a political contributing entity that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity.

(3) For purposes of the limitations prescribed in divisions (B)(4) and (C)(7)(a) of this section, all contributions made by and all contributions accepted from a national political party, a state political party, and a county political party are considered to have been made by or accepted from a single political party and shall be combined with each other to determine whether the limitations have been exceeded.

(E)(1) If a legislative campaign fund has kept a total amount of contributions exceeding one hundred fifty thousand dollars at the close of business on the seventh day before the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code, the legislative campaign fund shall comply with division (E)(2) of this section.

(2)(a) Any legislative campaign fund that has kept a total amount of contributions in excess of the amount specified in division (E)(1) of this section at the close of business on the seventh day before the postgeneral election statement is required to be filed under section 3517.10 of the Revised

Code shall dispose of the excess amount in the manner prescribed in division (E)(2)(c)(i), (ii), or (iii) of this section not later than ninety days after the day the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code. Any legislative campaign fund that is required to dispose of an excess amount of contributions under this division shall file a statement on the ninetieth day after the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code indicating the total amount of contributions the fund has at the close of business on the seventh day before the postgeneral election statement is required to be filed under section 3517.10 of the Revised Code and that the excess contributions were disposed of pursuant to this division and divisions (E)(2)(b) and (c) of this section. The statement shall be on a form prescribed by the secretary of state and shall contain any additional information the secretary of state considers necessary.

(b) There is hereby created in the state treasury the Ohio elections commission fund. All moneys credited to the fund shall be used solely for the purpose of paying expenses related to the operation of the Ohio elections commission.

(c) Any legislative campaign fund that is required to dispose of an excess amount of contributions under division (E)(2) of this section shall dispose of that excess amount by doing any of the following:

(i) Giving the amount to the treasurer of state for deposit into the state treasury to the credit of the Ohio elections commission fund;

(ii) Giving the amount to individuals who made contributions to that legislative campaign fund as a refund of all or part of their contributions;

(iii) Giving the amount to a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

(F)(1) No legislative campaign fund shall fail to file a statement required by division (E) of this section.

(2) No legislative campaign fund shall fail to dispose of excess contributions as required by division (E) of this section.

(G) Nothing in this section shall affect, be used in determining, or supersede a limitation on campaign contributions as provided for in the Federal Election Campaign Act."

In line 1 of the title, after "3513.30," insert "3517.10, 3517.102,"

In line 21 of the title, after the comma insert "prohibiting campaign contributions from persons under six years of age,"

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

Representative Trakas moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 55, nays 42, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Buehrer	Callender
Calvert	Carmichael	Cates	Clancy
Collier	Combs	Core	Daniels
DeWine	Evans D.	Faber	Fessler
Flowers	Gibbs	Gilb	Grendell
Hagan	Hollister	Hoops	Hughes
Husted	Kearns	Latta	Martin
McGregor	Patton T.	Peterson	Raga
Reidelbach	Reinhard	Schaffer	Schlichter
Schmidt	Schneider	Seitz	Setzer
Smith G.	Taylor	Trakas	Wagner
Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Young		Householder-55.

Those who voted in the negative were: Representatives

Allen	Barrett	Book	Brinkman
Brown	Carano	Chandler	Cirelli
DeBose	DeGeeter	Distel	Domenick
Driehaus	Evans C.	Hartnett	Harwood
Jerse	Key	Kilbane	Koziura
Mason	Miller	Niehaus	Oelslager
Olman	Otterman	Patton S.	Perry
Price	Rausen	Redfern	Seaver
Sferra	Skindell	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Ujvagi
Woodard			Yates-42.

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 59, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Blasdel	Book
Buehrer	Callender	Calvert	Carmichael
Cates	Cirelli	Clancy	Collier
Combs	Core	Daniels	DeWine
Evans C.	Evans D.	Faber	Flowers
Gibbs	Gilb	Grendell	Hagan
Hollister	Hoops	Hughes	Husted
Kilbane	Latta	Martin	McGregor
Niehaus	Olman	Patton T.	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seitz	Setzer	Smith G.	Taylor
Trakas	Wagner	Walcher	Webster
White	Widowfield	Willamowski	Williams
Wolpert	Young		Householder-59.

Those who voted in the negative were: Representatives

Barrett	Brinkman	Brown	Carano
Chandler	DeBose	DeGeeter	Distel
Domenick	Driehaus	Fessler	Hartnett
Harwood	Jerse	Kearns	Key
Koziura	Mason	Miller	Oelslager
Otterman	Patton S.	Perry	Price
Redfern	Seaver	Sferra	Skindell
Smith S.	Stewart D.	Stewart J.	Strahorn
Sykes	Ujvagi	Widener	Wilson
Woodard			Yates-38.

The bill passed.

Representative Carmichael moved to amend the title as follows:

Add the names: "Calvert, D. Evans, Flowers, Gilb, Grendell, Kilbane, Schmidt, Taylor."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 181-Representatives Schaffer, McGregor, Willamowski, Allen, Flowers, Brinkman, C. Evans, Setzer, Wolpert, Aslanides, G. Smith, Buehrer.

To enact sections 3.16 and 2961.02 of the Revised Code to permit the Governor to suspend from office in accordance with a specified procedure any elected local government official, other than a judge, charged with a felony related to the official's administration of, or conduct in the performance of the duties of, the office and to prohibit a person who is convicted of certain felony theft offenses, or any other felony involving fraud, deceit, or theft, from holding a public office or position of public employment, or serving in certain unpaid volunteer positions, that involve substantial management or control of certain public or private property, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Seitz moved to amend as follows:

In lines 54 and 83, delete "charged"

In line 87, after "office" insert "by an appeal"

In line 105, delete everything after "may" and insert "appeal the governor's decision to the supreme court. The supreme court shall consider the appeal on an expedited basis."

Delete lines 106 through 115

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

The yeas and nays were taken and resulted - yeas 96, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brinkman	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Chandler	Cirelli	Clancy
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Domenick	Driehaus	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Grendell	Hagan	Hartnett
Harwood	Hollister	Hoops	Hughes
Husted	Jerse	Kearns	Key
Kilbane	Koziura	Latta	Martin
Mason	McGregor	Miller	Niehaus
Oelslager	Olman	Otterman	Patton S.
Patton T.	Perry	Peterson	Price
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schmidt	Schneider
Seaver	Seitz	Setzer	Sferra
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Ujvagi	Wagner	Walcher
Webster	White	Widener	Widowfield
Williamowski	Williams	Wilson	Wolpert
Woodard	Yates	Young	Householder-96.

Representative Redfern voted in the negative-1.

The motion was agreed to and the bill so amended.

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

The yeas and nays were taken and resulted - yeas 89, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Allen	Aslanides	Barrett	Blasdel
Book	Brinkman	Brown	Buehrer
Callender	Calvert	Carano	Carmichael
Cates	Chandler	Cirelli	Clancy
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Domenick
Driehaus	Evans C.	Evans D.	Faber
Flowers	Gibbs	Gilb	Grendell
Hagan	Hartnett	Harwood	Hollister
Hoops	Hughes	Husted	Jerse
Kearns	Key	Kilbane	Koziura
Latta	Martin	Mason	McGregor
Miller	Niehaus	Oelslager	Olman
Otterman	Patton S.	Patton T.	Peterson
Price	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schmidt
Schneider	Seaver	Seitz	Setzer
Sferra	Smith G.	Stewart D.	Stewart J.
Taylor	Trakas	Ujvagi	Wagner

Walcher	Webster	White	Widener
Widowfield	Willamowski	Williams	Wilson
Wolpert	Woodard	Yates	Young
			Householder-89.

Representatives Distel, Fessler, Perry, Redfern, Skindell, Strahorn, and Sykes voted in the negative-7.

The bill passed.

Representative Schaffer moved to amend the title as follows:

Add the names: "Carmichael, Collier, Daniels, Domenick, D. Evans, Faber, Gibbs, Gilb, Hartnett, Harwood, Key, Niehaus, Olman, Otterman, Seaver, Sferra."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on January 20, 2004, signed the following:

Sub. S.B. No. 35 - Senator Nein - et al.,

Sub H.B. No. 64 - Representative Faber - et al.,

H.B. No. 120 - Representative Grendell - et al.,

H.C.R. No. 38 - Speaker Householder - et al.,

H.C.R. No. 39 - Speaker Householder - et al.

On motion of Representative Cates, the House adjourned until Thursday, January 22, 2004 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.