

OHIO

House

of

Representatives

JOURNAL

WEDNESDAY, MARCH 8, 2006

ONE HUNDRED FIFTY-FIRST DAY
Hall of the House of Representatives, Columbus, Ohio
Wednesday, March 8, 2006 at 1:30 o'clock p.m.

The House met pursuant to adjournment.

Prayer was offered by John Graham of the Good Samaritan Home in Greenville, 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 Husted prior to the commencement of business:

Tim Derrickson, a guest of Representative Webster-53rd district.

Ricky Lightner and Christian homeschoolers from Troy, guests of Representative Fessler-79th district.

Josh Lapp, a guest of Representative Widener-84th district.

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

Representative Healy reported for the Rules and Reference Committee recommending that the following House Bills, House Joint Resolution and Senate Bills be considered for the second time and referred to the following committees for consideration:

H.B. No. 522 - Representative Peterson, et al

TO REQUIRE AMBULATORY SURGICAL FACILITIES, HOSPITALS, AND PHYSICIANS WHO PERFORM SURGICAL PROCEDURES IN PRIVATE OFFICES WHERE GENERAL ANESTHESIA IS ADMINISTERED TO ASSIGN A CIRCULATING NURSE TO EACH SURGICAL PROCEDURE PERFORMED.

To the committee on Health

H.B. No. 524 - Representative Martin, et al

TO MODIFY THE AUTHORITY OF PHARMACISTS TO ADMINISTER IMMUNIZATIONS.

To the committee on Health

H.B. No. 525 - Representative R. McGregor, et al

TO CREATE THE STATE MEDICAL COMMUNICATOR BOARD TO LICENSE ASSISTANCE OPERATORS OF MEDICAL ALERT SERVICES.

To the committee on State Government

H. J. R. No. 12 - Representatives Wolpert, Hood

TO ENACT SECTION 14 OF ARTICLE XII OF THE OHIO CONSTITUTION TO ESTABLISH LIMITATIONS ON THE STATE

REGARDING TAXES AND EXPENDITURES AND TO REQUIRE FULL STATE FUNDING OF LOCAL GOVERNMENT MANDATES.

To the committee on Finance and Appropriations

Sub. S. B. No. 185 - Senator Padgett, et al

TO MODIFY THE APPLICATION OF, AND DAMAGES AVAILABLE UNDER, THE CONSUMER SALES PRACTICES ACT; TO GENERALLY PROHIBIT THE APPRAISAL OF REAL ESTATE FOR A MORTGAGE LOAN WITHOUT STATE CERTIFICATION OR LICENSURE; TO REQUIRE THAT A NATIONAL CRIMINAL BACKGROUND CHECK BE CONDUCTED ON ALL APPLICANTS FOR A MORTGAGE BROKER CERTIFICATE OF REGISTRATION, LOAN OFFICER LICENSE, OR REAL ESTATE APPRAISER CERTIFICATE OR LICENSE; TO MODIFY THE MORTGAGE BROKER/LOAN OFFICER LAW WITH RESPECT TO DISCLOSURE OF INFORMATION, FIDUCIARY DUTIES, PROHIBITED ACTS, RECORD KEEPING, AND PRE-LICENSURE EXAMINATION; AND TO MAKE OTHER CHANGES RELATIVE TO MORTGAGE LENDING.

To the committee on Financial Institutions, Real Estate and Securities

S.B. No. 242 - Senator Armbruster, et al

REGARDING THE CERTIFICATION OF CHILDREN'S CRISIS CARE FACILITIES.

To the committee on Health

Am. S.B. No. 266 - Senator Kearney, et al

TO DESIGNATE FEBRUARY AS "BLACK HISTORY MONTH."

To the committee on State Government

JON A. HUSTED
CHARLES E. CALVERT
ANTHONY CORE
LARRY L. FLOWERS
ARLENE J. SETZER
JOYCE BEATTY
JOSEPH KOZIURA
CHRIS REDFERN

CHARLES R. BLASDEL
JIM CARMICHAEL
KEVIN DEWINE
JOHN SCHLICHTER
LARRY L. WOLPERT
TIMOTHY J. DEGEETER
ROBERT J. OTTERMAN

Representative Blasdel 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, House Joint Resolution and Senate 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, House Joint Resolution, and Senate Bills were considered a second time and referred as recommended.

MOTIONS AND RESOLUTIONS

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

H.R. No. 163 - Representative Flowers, Speaker Husted, Representatives Beatty, Allen, Aslanides, Barrett, Blasdel, Blessing, Boccieri, Book, Brinkman, Brown, Bubp, Buehrer, Calvert, Carano, Carmichael, Cassell, Chandler, Coley, Collier, Combs, Core, Daniels, DeBose, DeGeeter, DeWine, Distel, Dolan, Domenick, Driehaus, C. Evans, D. Evans, Faber, Fende, Fessler, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Healy, Hood, Hoops, Hughes, Key, Kilbane, Koziura, Latta, Law, Martin, Mason, J. McGregor, R. McGregor, Miller, Mitchell, Oelslager, Otterman, S. Patton, T. Patton, Perry, Peterson, Raga, Raussen, Redfern, Reidelbach, Reinhard, Sayre, Schaffer, Schlichter, Schneider, Seaver, Seitz, Setzer, Skindell, G. Smith, S. Smith, D. Stewart, J. Stewart, Strahorn, Sykes, Taylor, Trakas, Uecker, Ujvagi, Wagner, Wagoner, Walcher, Webster, White, Widener, Widowfield, Willamowski, Williams, Wolpert, Woodard, Yates, Yuko
 IN MEMORY OF JACOB D. SPANN.

/s/ JON A. HUSTED
 Jon A. Husted, Chair

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

Representative Carmichael moved that majority party members asking leave to be absent or absent the week of Tuesday, March 7, 2006, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Driehaus moved that minority party members asking leave to be absent or absent the week of Tuesday, March 7, 2006, 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. S. B. No. 7-Senators Cates, Spada, Austria, Mumper, Wachtmann, Schuler, Padgett, Clancy, Niehaus, Coughlin, Hottinger, Armbruster, Jacobson, Harris. -Representatives Buehrer, Uecker.

To amend sections 2913.48, 3121.034, 3121.037, 4111.02, 4121.10, 4121.12, 4121.44, 4121.441, 4123.01, 4123.29, 4123.32, 4123.35, 4123.512, 4123.52, 4123.54, 4123.56, 4123.57, 4123.58, 4123.61, 4123.65, 4123.88, 5703.21, and 5747.18, to enact sections 3121.0311, 4121.131, 4121.444,

4123.271, and 4123.311 of the Revised Code to make various changes to the Workers' Compensation Law and to increase the basic state minimum wage, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Sykes moved to amend as follows:

In line 11, after "4121.12," insert "4121.32,"

Between lines 711 and 712, insert:

"Sec. 4121.32. (A) The rules covering operating procedure and criteria for decision-making that the administrator of workers' compensation and the industrial commission are required to adopt pursuant to section 4121.31 of the Revised Code shall be supplemented with operating manuals setting forth the procedural steps in detail for performing each of the assigned tasks of each section of the bureau of workers' compensation and commission. The administrator and commission jointly shall adopt such manuals. No employee may deviate from manual procedures without authorization of the section chief.

(B) Manuals shall set forth the procedure for the assignment and transfer of claims within sections and be designed to provide performance objectives and may require employees to record sufficient data to reasonably measure the efficiency of functions in all sections. The bureau's division of research and statistics shall perform periodic cost-effectiveness analyses which shall be made available to the general assembly, the governor, and to the public during normal working hours.

(C) The bureau and commission jointly shall develop, adopt, and use a policy manual setting forth the guidelines and bases for decision-making for any decision which is the responsibility of the bureau, district hearing officers, staff hearing officers, or the commission. Guidelines shall be set forth in the policy manual by the bureau and commission to the extent of their respective jurisdictions for deciding at least the following specific matters:

- (1) Reasonable ambulance services;
- (2) Relationship of drugs to injury;
- (3) Awarding lump-sum advances for creditors;
- (4) Awarding lump-sum advances for attorney's fees;
- (5) Placing a claimant into rehabilitation;
- (6) Transferring costs of a claim from employer costs to the statutory surplus fund pursuant to section 4123.343 of the Revised Code;
- (7) Utilization of physician specialist reports;
- (8) Determining the percentage of permanent partial disability, temporary partial disability, temporary total disability, violations of specific safety

requirements, an award under division (B) of section 4123.57 of the Revised Code, and permanent total disability.

(D) The bureau shall establish, adopt, and implement policy guidelines and bases for decisions involving reimbursement issues including, but not limited to, the adjustment of invoices, the reduction of payments for future services when an internal audit concludes that a health care provider was overpaid or improperly paid for past services, reimbursement fees for a health care provider that is not a hospital, or other adjustments to payments. These policy guidelines and bases shall specify that a hospital that provides medical services for a claimant shall be reimbursed at a rate equaling the cost of providing the medical service plus an additional ten per cent of that cost. These policy guidelines and bases for decisions, and any changes to the guidelines and bases, shall be set forth in a reimbursement manual and provider bulletins.

Neither the policy guidelines nor the bases set forth in the reimbursement manual or provider bulletins referred to in this division is a rule as defined in section 119.01 of the Revised Code.

(E) With respect to any determination of disability under Chapter 4123. of the Revised Code, when the physician makes a determination based upon statements or information furnished by the claimant or upon subjective evidence, ~~he~~the physician shall clearly indicate this fact in ~~his~~the physician's report.

(F) The administrator shall publish the manuals and make copies of all manuals available to interested parties at cost."

In line 915, strike through "all in-patient and out-patient"

In line 916, strike through "medical services,"; strike through the second comma

In line 917, after "services" insert "provided that any discounted pricing established for hospitals does not conflict with division (B) of this section"

In line 928, after "(B)" insert "The administrator shall reimburse any hospital that provides medical services for a claimant through the health partnership program at a rate equaling the cost of the medical services the hospital provides plus ten per cent of that cost.

(C)"

In line 929, after "program" insert "in accordance with this section and"

In line 3499, after "4121.12," insert "4121.32,"

In line 2 of the title, after "4121.12," insert "4121.32,"

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

Representative Flowers 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 38, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|-------------|-------------|------------|
| Aslanides | Blasdel | Blessing | Bubp |
| Buehrer | Calvert | Carmichael | Coley |
| Collier | Combs | Core | DeWine |
| Dolan | Evans C. | Evans D. | Faber |
| Fessler | Flowers | Gibbs | Gilb |
| Hagan | Hood | Hoops | Hughes |
| Kilbane | Latta | Law | Martin |
| McGregor J. | McGregor R. | Oelslager | Patton T. |
| Peterson | Raga | Rausen | Reidelbach |
| Reinhard | Schaffer | Schlichter | Schneider |
| Seaver | Seitz | Setzer | Smith G. |
| Taylor | Trakas | Uecker | Wagner |
| Wagoner | Walcher | Webster | White |
| Widener | Widowfield | Willamowski | Wolpert |
| | | | Husted-57. |

Those who voted in the negative were: Representatives

| | | | |
|----------|------------|------------|-----------|
| Barrett | Beatty | Bocchieri | Book |
| Brinkman | Brown | Cassell | Chandler |
| DeBose | DeGeeter | Distel | Domenick |
| Driehaus | Fende | Garrison | Hartnett |
| Harwood | Healy | Key | Koziura |
| Mason | Mitchell | Otterman | Patton S. |
| Perry | Redfern | Sayre | Skindell |
| Smith S. | Stewart D. | Stewart J. | Strahorn |
| Sykes | Ujvagi | Williams | Woodard |
| Yates | | | Yuko-38. |

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

In line 311, after "employer" insert "and employers with less than one hundred fifty thousand dollars gross annual sales"

In line 319, strike through everything after "(B)"

Strike through lines 320 through 324

In line 325, strike through "(C)"

In line 326, strike through everything after "than"

Strike through line 327

In line 328, strike through everything before the period and insert "the wage rate described in division (A) of this section"

In line 345, strike through everything after "than"

In line 346, strike through "section" and insert "two dollars and eighty cents per hour"

In line 347, strike through "(D)" and insert "(C)"

Strike through lines 367 through 375

In line 376, strike through "specified in division"; delete "(F)" and strike through the balance of the line

In line 377, strike through "(F)"

In line 395, strike through everything after "(G)"

Strike through lines 396 and 397

In line 398, strike through everything before "as"

In line 399, strike through everything after the second stricken comma

Strike through lines 400 through 406

In line 407, strike through everything before the underlined comma; delete ", 29" and strike through the balance of the line

In line 1539, delete "At" and insert "Notwithstanding the interest rates specified in division (E)(2) of this section, at"

In line 9 of the title, delete "to increase"; delete "basic"

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

The yeas and nays were taken and resulted - yeas 91, nays 4, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|-------------|-----------|------------|
| Aslanides | Barrett | Beatty | Blasdel |
| Blessing | Bocchieri | Book | Brinkman |
| Brown | Bubp | Buehrer | Calvert |
| Carmichael | Cassell | Chandler | Coley |
| Collier | Combs | Core | DeBose |
| DeGeeter | DeWine | Distel | Dolan |
| Domenick | Driehaus | Evans C. | Evans D. |
| Faber | Fende | Fessler | Flowers |
| Garrison | Gibbs | Gilb | Hagan |
| Hartnett | Harwood | Hood | Hoops |
| Hughes | Key | Kilbane | Koziura |
| Latta | Law | Martin | Mason |
| McGregor J. | McGregor R. | Mitchell | Oelslager |
| Otterman | Patton S. | Patton T. | Perry |
| Peterson | Raga | Raussen | Redfern |
| Reidelbach | Reinhard | Sayre | Schaffer |
| Schlichter | Schneider | Seaver | Seitz |
| Setzer | Smith G. | Smith S. | Stewart D. |
| Stewart J. | Strahorn | Taylor | Trakas |
| Uecker | Ujvagi | Wagner | Wagoner |
| Walcher | Webster | White | Widener |
| Widowfield | Willamowski | Williams | Wolpert |
| Yates | Yuko | | Husted-91. |

Representatives Healy, Skindell, Sykes, and Woodard voted in the

negative-4.

The motion was agreed to and the bill so amended.

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

Representative Beatty moved to amend as follows:

In line 10, after "3121.037," insert "3517.13,"

Between lines 310 and 311, insert:

"Sec. 3517.13. (A)(1) No campaign committee of a statewide candidate shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.

(2) No campaign committee of a statewide candidate shall fail to file a complete and accurate monthly statement, and no campaign committee of a statewide candidate or a candidate for the office of chief justice or justice of the supreme court shall fail to file a complete and accurate two-business-day statement, as required under section 3517.10 of the Revised Code.

As used in this division, "statewide candidate" has the same meaning as in division (F)(2) of section 3517.10 of the Revised Code.

(B) No campaign committee shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.

(C) No campaign committee shall fail to file a complete and accurate statement required under division (A)(2) of section 3517.10 of the Revised Code.

(D) No campaign committee shall fail to file a complete and accurate statement required under division (A)(3) or (4) of section 3517.10 of the Revised Code.

(E) No person other than a campaign committee shall knowingly fail to file a statement required under section 3517.10 or 3517.107 of the Revised Code.

(F) No person shall make cash contributions to any person totaling more than one hundred dollars in each primary, special, or general election.

(G)(1) No person shall knowingly conceal or misrepresent contributions given or received, expenditures made, or any other information required to be reported by a provision in sections 3517.08 to 3517.13 and 3517.17 of the Revised Code.

(2)(a) No person shall make a contribution to a campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or person making disbursements to pay the direct costs of producing or airing electioneering communications in the name of another person.

(b) A person does not make a contribution in the name of another when either of the following applies:

(i) An individual makes a contribution from a partnership or other unincorporated business account, if the contribution is reported by listing both the name of the partnership or other unincorporated business and the name of the partner or owner making the contribution as required under division (I) of section 3517.10 of the Revised Code.

(ii) A person makes a contribution in that person's spouse's name or in both of their names.

(H) No person within this state, publishing a newspaper or other periodical, shall charge a campaign committee for political advertising a rate in excess of the rate such person would charge if the campaign committee were a general rate advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office that the candidate of the campaign committee is seeking. The rate shall take into account the amount of space used, as well as the type of advertising copy submitted by or on behalf of the campaign committee. All discount privileges otherwise offered by a newspaper or periodical to general rate advertisers shall be available upon equal terms to all campaign committees.

No person within this state, operating a radio or television station or network of stations in this state, shall charge a campaign committee for political broadcasts a rate that exceeds:

(1) During the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which the candidate of the campaign committee is seeking office, the lowest unit charge of the station for the same class and amount of time for the same period;

(2) At any other time, the charges made for comparable use of that station by its other users.

(I) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state or any political subdivision shall award any contract, other than one let by competitive bidding or a contract incidental to such contract or which is by force account, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust if the individual has made or the individual's spouse has made, or any partner, shareholder, administrator, executor, or trustee or the spouse of any of them has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of one thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee.

(J) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state or any political subdivision shall award any contract, other than one let by competitive bidding or a contract incidental to such contract or which is by force account, for the purchase of goods costing more than five

hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if an owner of more than twenty per cent of the corporation or business trust or the spouse of that person has made, as an individual, within the two previous calendar years, taking into consideration only owners for all of that period, one or more contributions totaling in excess of one thousand dollars to the holder of a public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee.

(K) For purposes of divisions (I) and (J) of this section, if a public officer who is responsible for the award of a contract is appointed by the governor, whether or not the appointment is subject to the advice and consent of the senate, excluding members of boards, commissions, committees, authorities, councils, boards of trustees, task forces, and other such entities appointed by the governor, the office of the governor is considered to have ultimate responsibility for the award of the contract.

(L) For purposes of divisions (I) and (J) of this section, if a public officer who is responsible for the award of a contract is appointed by the elected chief executive officer of a municipal corporation, or appointed by the elected chief executive officer of a county operating under an alternative form of county government or county charter, excluding members of boards, commissions, committees, authorities, councils, boards of trustees, task forces, and other such entities appointed by the chief executive officer, the office of the chief executive officer is considered to have ultimate responsibility for the award of the contract.

(M)(1) Divisions (I) and (J) of this section do not apply to contracts awarded by the board of commissioners of the sinking fund, municipal legislative authorities, boards of education, boards of county commissioners, boards of township trustees, or other boards, commissions, committees, authorities, councils, boards of trustees, task forces, and other such entities created by law, by the supreme court or courts of appeals, by county courts consisting of more than one judge, courts of common pleas consisting of more than one judge, or municipal courts consisting of more than one judge, or by a division of any court if the division consists of more than one judge. This division shall apply to the specified entity only if the members of the entity act collectively in the award of a contract for goods or services.

(2) Divisions (I) and (J) of this section do not apply to actions of the controlling board.

(N)(1) Divisions (I) and (J) of this section apply to contributions made to the holder of a public office having ultimate responsibility for the award of a contract, or to the public officer's campaign committee, during the time the person holds the office and during any time such person was a candidate for the office. Those divisions do not apply to contributions made to, or to the campaign committee of, a candidate for or holder of the office other than the holder of the office at the time of the award of the contract.

(2) Divisions (I) and (J) of this section do not apply to contributions of a partner, shareholder, administrator, executor, trustee, or owner of more than twenty per cent of a corporation or business trust made before the person held any of those positions or after the person ceased to hold any of those positions in the partnership, association, estate, trust, corporation, or business trust whose eligibility to be awarded a contract is being determined, nor to contributions of the person's spouse made before the person held any of those positions, after the person ceased to hold any of those positions, before the two were married, after the granting of a decree of divorce, dissolution of marriage, or annulment, or after the granting of an order in an action brought solely for legal separation. Those divisions do not apply to contributions of the spouse of an individual whose eligibility to be awarded a contract is being determined made before the two were married, after the granting of a decree of divorce, dissolution of marriage, or annulment, or after the granting of an order in an action brought solely for legal separation.

(O) No beneficiary of a campaign fund or other person shall convert for personal use, and no person shall knowingly give to a beneficiary of a campaign fund or any other person, for the beneficiary's or any other person's personal use, anything of value from the beneficiary's campaign fund, including, without limitation, payments to a beneficiary for services the beneficiary personally performs, except as reimbursement for any of the following:

(1) Legitimate and verifiable prior campaign expenses incurred by the beneficiary;

(2) Legitimate and verifiable ordinary and necessary prior expenses incurred by the beneficiary in connection with duties as the holder of a public office, including, without limitation, expenses incurred through participation in nonpartisan or bipartisan events if the participation of the holder of a public office would normally be expected;

(3) Legitimate and verifiable ordinary and necessary prior expenses incurred by the beneficiary while doing any of the following:

(a) Engaging in activities in support of or opposition to a candidate other than the beneficiary, political party, or ballot issue;

(b) Raising funds for a political party, political action committee, political contributing entity, legislative campaign fund, campaign committee, or other candidate;

(c) Participating in the activities of a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee;

(d) Attending a political party convention or other political meeting.

For purposes of this division, an expense is incurred whenever a beneficiary has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure or by the use of goods or services

received on account.

(P) No beneficiary of a campaign fund shall knowingly accept, and no person shall knowingly give to the beneficiary of a campaign fund, reimbursement for an expense under division (O) of this section to the extent that the expense previously was reimbursed or paid from another source of funds. If an expense is reimbursed under division (O) of this section and is later paid or reimbursed, wholly or in part, from another source of funds, the beneficiary shall repay the reimbursement received under division (O) of this section to the extent of the payment made or reimbursement received from the other source.

(Q) No candidate or public official or employee shall accept for personal or business use anything of value from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or employee's own campaign committee, and no person shall knowingly give to a candidate or public official or employee anything of value from a political party, political action committee, political contributing entity, legislative campaign fund, or such a campaign committee, except for the following:

(1) Reimbursement for legitimate and verifiable ordinary and necessary prior expenses not otherwise prohibited by law incurred by the candidate or public official or employee while engaged in any legitimate activity of the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee. Without limitation, reimbursable expenses under this division include those incurred while doing any of the following:

(a) Engaging in activities in support of or opposition to another candidate, political party, or ballot issue;

(b) Raising funds for a political party, legislative campaign fund, campaign committee, or another candidate;

(c) Attending a political party convention or other political meeting.

(2) Compensation not otherwise prohibited by law for actual and valuable personal services rendered under a written contract to the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee for any legitimate activity of the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee.

Reimbursable expenses under this division do not include, and it is a violation of this division for a candidate or public official or employee to accept, or for any person to knowingly give to a candidate or public official or employee from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or employee's own campaign committee, anything of value for activities primarily related to the candidate's or public official's or employee's

own campaign for election, except for contributions to the candidate's or public official's or employee's campaign committee.

For purposes of this division, an expense is incurred whenever a candidate or public official or employee has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure, or by the use of goods or services on account.

(R)(1) Division (O) or (P) of this section does not prohibit a campaign committee from making direct advance or post payment from contributions to vendors for goods and services for which reimbursement is permitted under division (O) of this section, except that no campaign committee shall pay its candidate or other beneficiary for services personally performed by the candidate or other beneficiary.

(2) If any expense that may be reimbursed under division (O), (P), or (Q) of this section is part of other expenses that may not be paid or reimbursed, the separation of the two types of expenses for the purpose of allocating for payment or reimbursement those expenses that may be paid or reimbursed may be by any reasonable accounting method, considering all of the surrounding circumstances.

(3) For purposes of divisions (O), (P), and (Q) of this section, mileage allowance at a rate not greater than that allowed by the internal revenue service at the time the travel occurs may be paid instead of reimbursement for actual travel expenses allowable.

(S)(1) As used in division (S) of this section:

(a) "State elective office" has the same meaning as in section 3517.092 of the Revised Code.

(b) "Federal office" means a federal office as defined in the Federal Election Campaign Act.

(c) "Federal campaign committee" means a principal campaign committee or authorized committee as defined in the Federal Election Campaign Act.

(2) No person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall transfer any funds or assets from that person's federal campaign committee for nomination or election to the federal office to that person's campaign committee as a candidate for state elective office.

(3) No campaign committee of a person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall accept any funds or assets from that person's federal campaign committee for that person's nomination or election to the federal office.

(T)(1) Except as otherwise provided in division (B)(6)(c) of section 3517.102 of the Revised Code, a state or county political party shall not disburse moneys from any account other than a state candidate fund to make

contributions to any of the following:

(a) A state candidate fund;

(b) A legislative campaign fund;

(c) A campaign committee of a candidate for the office of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, or member of the general assembly.

(2) No state candidate fund, legislative campaign fund, or campaign committee of a candidate for any office described in division (T)(1)(c) of this section shall knowingly accept a contribution in violation of division (T)(1) of this section.

(U) No person shall fail to file the statement required under section 3517.12 of the Revised Code.

(V) No campaign committee shall fail to file a statement required under division (K)(3) of section 3517.10 of the Revised Code.

(W)(1) No foreign national shall, directly or indirectly through any other person or entity, make a contribution, expenditure, or independent expenditure or promise, either expressly or implicitly, to make a contribution, expenditure, or independent expenditure in support of or opposition to a candidate for any elective office in this state, including an office of a political party.

(2) No candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, or separate segregated fund shall solicit or accept a contribution, expenditure, or independent expenditure from a foreign national. The secretary of state may direct any candidate, committee, entity, fund, or party that accepts a contribution, expenditure, or independent expenditure in violation of this division to return the contribution, expenditure, or independent expenditure or, if it is not possible to return the contribution, expenditure, or independent expenditure, then to return instead the value of it, to the contributor.

(3) As used in division (W) of this section, "foreign national" has the same meaning as in section 441e(b) of the Federal Election Campaign Act.

(X)(1) No state or county political party shall transfer any moneys from its restricted fund to any account of the political party into which contributions may be made or from which contributions or expenditures may be made.

(2)(a) No state or county political party shall deposit a contribution or contributions that it receives into its restricted fund.

(b) No state or county political party shall make a contribution or an expenditure from its restricted fund.

(3)(a) No corporation or labor organization shall make a gift or gifts from the corporation's or labor organization's money or property aggregating more

than ten thousand dollars to any one state or county political party for the party's restricted fund in a calendar year.

(b) No state or county political party shall accept a gift or gifts for the party's restricted fund aggregating more than ten thousand dollars from any one corporation or labor organization in a calendar year.

(4) No state or county political party shall transfer any moneys in the party's restricted fund to any other state or county political party.

(5) No state or county political party shall knowingly fail to file a statement required under section 3517.1012 of the Revised Code.

(Y) The administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct any business with or award any contract, other than one awarded by competitive bidding, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, if the individual has made, or the individual's spouse has made, or any partner, shareholder, administrator, executor, or trustee, or the spouses of any of those individuals has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of ~~one thousand~~ two hundred fifty dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor.

(Z) The administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct business with or award any contract, other than one awarded by competitive bidding, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if an owner of more than twenty per cent of the corporation or business trust, or the spouse of the owner, has made, as an individual, within the two previous calendar years, taking into consideration only owners for all of such period, one or more contributions totaling in excess of ~~one thousand~~ two hundred fifty dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor."

In line 3499, after "3121.037," insert "3517.13,"

In line 1 of the title, after "3121.037," insert "3517.13,"

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

Representative Flowers 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 42, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|------------|-------------|-------------|
| Aslanides | Blasdel | Blessing | Bubp |
| Buehrer | Calvert | Carmichael | Coley |
| Collier | Combs | Core | DeWine |
| Dolan | Evans C. | Evans D. | Faber |
| Fessler | Flowers | Gibbs | Gilb |
| Hagan | Hood | Hoops | Kilbane |
| Latta | Law | Martin | McGregor J. |
| McGregor R. | Patton T. | Peterson | Raga |
| Reinhard | Schaffer | Schlichter | Schneider |
| Seaver | Seitz | Setzer | Smith G. |
| Taylor | Trakas | Uecker | Wagner |
| Wagoner | Walcher | Webster | White |
| Widener | Widowfield | Willamowski | Wolpert |
| | | | Husted-53. |

Those who voted in the negative were: Representatives

| | | | |
|----------|------------|------------|-----------|
| Barrett | Beatty | Bocieri | Book |
| Brinkman | Brown | Cassell | Chandler |
| DeBose | DeGeeter | Distel | Domenick |
| Driehaus | Fende | Garrison | Hartnett |
| Harwood | Healy | Hughes | Key |
| Koziura | Mason | Mitchell | Oelslager |
| Otterman | Patton S. | Perry | Rausen |
| Redfern | Reidelbach | Sayre | Skindell |
| Smith S. | Stewart D. | Stewart J. | Strahorn |
| Sykes | Ujvagi | Williams | Woodard |
| Yates | | | Yuko-42. |

The motion to amend was laid on the table.

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

The yeas and nays were taken and resulted - yeas 58, nays 37, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|----------|------------|-------------|
| Aslanides | Blasdel | Blessing | Brinkman |
| Brown | Bubp | Buehrer | Calvert |
| Carmichael | Cassell | Coley | Collier |
| Combs | Core | DeWine | Dolan |
| Evans C. | Evans D. | Faber | Fessler |
| Flowers | Gibbs | Gilb | Hagan |
| Hartnett | Hood | Hoops | Kilbane |
| Latta | Law | Martin | McGregor J. |
| McGregor R. | Peterson | Raga | Rausen |
| Reidelbach | Reinhard | Schaffer | Schlichter |
| Schneider | Seaver | Seitz | Setzer |
| Smith G. | Taylor | Trakas | Uecker |
| Wagner | Wagoner | Walcher | Webster |
| White | Widener | Widowfield | Willamowski |
| Wolpert | | | Husted-58. |

Those who voted in the negative were: Representatives

| | | | |
|------------|------------|-----------|-----------|
| Barrett | Beatty | Boccieri | Book |
| Chandler | DeBose | DeGeeter | Distel |
| Domenick | Driehaus | Fende | Garrison |
| Harwood | Healy | Hughes | Key |
| Koziura | Mason | Mitchell | Oelslager |
| Otterman | Patton S. | Patton T. | Perry |
| Redfern | Sayre | Skindell | Smith S. |
| Stewart D. | Stewart J. | Strahorn | Sykes |
| Ujvagi | Williams | Woodard | Yates |
| | | | Yuko-37. |

The bill passed.

Representative Buehrer moved to amend the title as follows:

Add the names: "Aslanides, Blessing, Calvert, Coley, Combs, Dolan, Evans, D., Faber, Gibbs, Gilb, Hagan, Hoops, Martin, Reinhard, Schaffer, Schneider, Setzer, Taylor, Webster, White, Widowfield."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 347-Representatives Aslanides, Buehrer, Latta, Webster, Garrison, Hagan, Reidelbach, Widener, Schneider, Raga, Faber, Schlichter, Stewart, J., Seaver, Evans, D., Setzer, Carano, Gibbs, Willamowski, Patton, T., Reinhard, Allen, Raussen, Fessler, Bulp, Daniels, Uecker, Hoops, McGregor, J., Seitz, Law, Peterson, Hood, Cassell, Collier, Schaffer, Domenick, Combs, Taylor, Blasdel, Oelslager, White, Carmichael, Flowers, Gilb, Distel, Wagoner.

To amend sections 109.731, 109.801, 311.41, 1547.69, 2923.12, 2923.121, 2923.122, 2923.123, 2923.125, 2923.126, 2923.127, 2923.128, 2923.1210, 2923.1213, and 2923.16 and to enact section 9.68 of the Revised Code to revise the laws regarding licenses to carry a concealed handgun and the authority to carry a concealed handgun under such a license; to provide exemptions from certain carrying of firearms-related offenses for persons in compliance with the Ohio Peace Officer Training Commission's firearms requalification program; and to identify the right of any person, except as provided in the U.S. or Ohio Constitution, federal law, or Revised Code, to own, possess, purchase, sell, transfer, transport, store, or keep a firearm, part of a firearm, firearm component, or ammunition, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 76, nays 19, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-----------|---------|------------|----------|
| Aslanides | Barrett | Blasdel | Blessing |
| Boccieri | Book | Brinkman | Bulp |
| Buehrer | Calvert | Carmichael | Cassell |

| | | | |
|-------------|------------|-------------|-------------|
| Chandler | Coley | Collier | Combs |
| Core | DeWine | Distel | Dolan |
| Domenick | Driehaus | Evans C. | Evans D. |
| Faber | Fende | Fessler | Flowers |
| Garrison | Gibbs | Gilb | Hagan |
| Hartnett | Harwood | Healy | Hood |
| Hoops | Hughes | Kilbane | Latta |
| Law | Martin | McGregor J. | McGregor R. |
| Oelslager | Patton T. | Peterson | Raga |
| Rausen | Redfern | Reidelbach | Reinhard |
| Sayre | Schaffer | Schlichter | Schneider |
| Seaver | Seitz | Setzer | Smith G. |
| Smith S. | Stewart J. | Taylor | Trakas |
| Uecker | Wagner | Wagoner | Walcher |
| Webster | White | Widener | Widowfield |
| Willamowski | Wolpert | Yuko | Husted-76. |

Those who voted in the negative were: Representatives

| | | | |
|------------|-----------|--------|-----------|
| Beatty | Brown | DeBose | DeGeeter |
| Key | Koziura | Mason | Mitchell |
| Otterman | Patton S. | Perry | Skindell |
| Stewart D. | Strahorn | Sykes | Ujvagi |
| Williams | Woodard | | Yates-19. |

The bill passed.

Representative Aslanides moved to amend the title as follows:

Add the names: "Blessing, Book, Brinkman, Calvert, Coley, Core, DeWine, Evans, C., Hartnett, Martin, McGregor, R., Redfern, Sayre, Wolpert, Yuko."

Remove the name: "Widener."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 442-Representatives Dolan, McGregor, J., Martin, Combs, Law, Patton, S., Miller, Chandler, Wagoner, Oelslager, Coley, Willamowski.

To amend sections 3905.29, 3905.421, 3917.01, 3917.06, 3939.01, 3939.06, 3939.07, 3939.09, and 3941.27 and to enact sections 3905.423 and 3939.11 of the Revised Code to require warranty reimbursement insurance policies for vehicle protection product warranties and reimbursement insurance policies for certain consumer goods service contracts, to require given statements to be included in warranty reimbursement insurance policies and in reimbursement insurance policies for certain consumer goods service contracts, to add conditions related to the issuance of vehicle protection product warranties, to apply the Ohio Consumer Sales Practices Act to the issuance of vehicle protection product warranties and consumer goods service contracts, to make changes regarding the organization and determination of financial capacity of mutual protective associations dealing with property, and to require the filing

of group life insurance policy forms with the Superintendent of Insurance, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

03/08/06

The Honorable Jon A. Husted, Speaker
The Ohio House of Representatives
Columbus, Ohio
Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. H. B. No. 442**-Representative Dolan, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ KEITH L. FABER
KEITH L. FABER
State Representative
77th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

| | | | |
|-------------|-------------|-----------|-----------|
| Aslanides | Barrett | Beatty | Blasdel |
| Blessing | Boccieri | Book | Brinkman |
| Brown | Bubp | Buehrer | Calvert |
| Carmichael | Cassell | Chandler | Coley |
| Collier | Combs | Core | DeBose |
| DeGeeter | DeWine | Distel | Dolan |
| Domenick | Driehaus | Evans C. | Evans D. |
| Fende | Fessler | Flowers | Garrison |
| Gibbs | Gilb | Hagan | Hartnett |
| Harwood | Healy | Hood | Hoops |
| Hughes | Key | Kilbane | Koziura |
| Latta | Law | Martin | Mason |
| McGregor J. | McGregor R. | Mitchell | Oelslager |
| Otterman | Patton S. | Patton T. | Perry |
| Peterson | Raga | Raussen | Redfern |
| Reidelbach | Reinhard | Sayre | Schaffer |
| Schlichter | Schneider | Seaver | Seitz |
| Setzer | Skindell | Smith G. | Smith S. |
| Stewart D. | Stewart J. | Strahorn | Sykes |
| Taylor | Trakas | Uecker | Ujvagi |

| | | | |
|---------|------------|-------------|------------|
| Wagner | Wagoner | Walcher | Webster |
| Widener | Widowfield | Willamowski | Williams |
| Wolpert | Woodard | Yates | Yuko |
| | | | Husted-93. |

The bill passed.

Representative Dolan moved to amend the title as follows:

Add the names: "Barrett, Beatty, Blessing, Cassell, Collier, Core, DeBose, DeGeeter, Distel, Domenick, Evans, C., Evans, D., Flowers, Garrison, Gibbs, Hagan, Hartnett, Hughes, Key, Mason, McGregor, R., Mitchell, Otterman, Patton, T., Redfern, Reidelbach, Sayre, Schaffer, Schlichter, Schneider, Setzer, Smith, G., Stewart, D., Stewart, J., Strahorn, Taylor, Walcher, Webster, Wolpert, Woodard, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

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

Sub. S. B. No. 223 - Senators Niehaus, Schuring, Spada, Mumper, Jacobson, Clancy, Armbruster, Coughlin, Hagan, Kearney, Miller, D., Roberts, Fedor, Zurz, Miller, R.

To amend sections 121.04, 121.08, 169.01, 169.13, and 169.99 and to enact sections 169.14, 169.16, and 169.17 of the Revised Code to statutorily recognize the Division of Unclaimed Funds and the Office of Superintendent of Unclaimed Funds in the Department of Commerce and to require the registration of persons who, for compensation, agree to locate or recover the unclaimed funds of another.

Sub. S. B. No. 262 - Senators Goodman, Stivers, Clancy, Jacobson, Gardner, Padgett, Schuler, Fedor, Fingerhut, Miller, Dann, Kearney, Zurz, Armbruster, Carey, Coughlin, Hagan, Harris, Hottinger, Miller, D., Niehaus, Spada

To amend sections 2901.07, 2953.21, 2953.71, 2953.72, 2953.73, 2953.74, and 2953.82 of the Revised Code to eliminate the former two-year window for applications under a program for post-conviction DNA testing and instead allow an eligible inmate to request post-conviction DNA testing at any time if specified criteria are met, to provide for a court's consideration of all available admissible evidence in determining whether the program's applicable

"outcome determinative" criterion is satisfied, to specify that the DNA specimen collection procedures for felons and specified misdemeanors apply regardless of when the offender's conviction occurred or guilty plea was entered, and to declare an emergency.

Attest:

David A. Battocletti,
Clerk.

Said bills were considered the first time.

MESSAGE FROM THE SPEAKER

The Speaker of the House of Representatives, on March 7, 2006, signed the following:

H. R. No. 162 - Speaker Husted - et al.

Am. H. B. No. 214 - Representative Hughes - et al.

Sub. H. B. No. 288 - Representative Wagoner - et al.

Sub. H. B. No. 313 - Representative Stewart, J. - et al.

On motion of Representative Blasdel, the House adjourned until Thursday, March 9, 2006 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.