

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 304

Senator Kearney

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To amend sections 4301.022 and 4301.07 of the Revised Code to add two additional members to the Liquor Control Commission and to adjust the salaries of Commission members. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4301.022 and 4301.07 of the Revised Code be amended to read as follows: 5
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Sec. 4301.022. The liquor control commission consists of ~~three~~ five commissioners, not more than ~~two~~ three of whom shall be of the same political party, who shall be appointed by the governor, with the advice and consent of the senate. Terms of office shall be for six years, commencing on the ninth day of February and ending on the eighth day of February, ~~except that upon expiration of the term ending February 12, 1979, the new term which succeeds it shall commence on February 13, 1979 and end on February 8, 1985.~~ Each member shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he was~~ appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the 7
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expiration date of ~~his~~ the member's term until ~~his~~ the member's 21
successor takes office, or until a period of sixty days has 22
elapsed, whichever occurs first. 23

A vacancy in the office of a member of the commission shall 24
be filled pursuant to section 3.03 of the Revised Code. 25

The governor shall select a member of the commission to be 26
its ~~chairman~~ chairperson and a second member of the commission to 27
be its ~~vice-chairman~~ vice-chairperson. The governor may remove a 28
member of the commission at any time for misfeasance, nonfeasance, 29
or malfeasance in office. The commission shall appoint an 30
executive secretary and such other employees as it considers 31
necessary to carry out its powers and duties. 32

The governor shall designate the ~~chairman~~ chairperson and 33
~~vice-chairman~~ vice-chairperson at the time of making the original 34
appointment of members of the commission, at the time thereafter 35
of making an appointment of any member for a full term, and at the 36
time of any vacancy in the office of ~~chairman~~ chairperson or 37
~~vice-chairman~~ vice-chairperson. 38

Sec. 4301.07. Each member of the liquor control commission 39
shall devote the member's entire time to the duties of office and 40
shall hold no other public position of trust or profit. No member 41
of the commission, nor the superintendent of liquor control, nor 42
any of the employees of the commission or of the division of 43
liquor control, shall have any direct financial interest in, or 44
any interest otherwise prohibited by Chapter 102. or section 45
2921.42 or 2921.43 of the Revised Code in, the manufacture, 46
distribution, or sale of beer or intoxicating liquor. 47

Each member of the commission and the chairperson shall 48
receive a salary fixed pursuant to division (J) of section 124.15 49
of the Revised Code. The salaries of commission members shall be 50
equal in amount and shall not exceed in total the total amount of 51

salaries to which commission members were entitled on the day 52
before the effective date of this amendment. In addition to that 53
salary, each member shall receive actual and necessary travel 54
expenses in connection with commission hearings and business. The 55
chairperson shall be an attorney at law who has had five years of 56
active law practice. 57

Section 2. That existing sections 4301.022 and 4301.07 of the 58
Revised Code are hereby repealed. 59

Section 3. The initial term of one additional member required 60
to be appointed to the Liquor Control Commission under section 61
4301.022 of the Revised Code shall end on February 8, 2012, and 62
the initial term of the other additional member required to be 63
appointed to the Commission under that section shall end on 64
February 8, 2014. 65

Section 4. The salaries of Commission members shall be 66
adjusted so that once the Commission members holding office on the 67
effective date of this section have completed those terms of 68
office the total amount of the salaries of the five Commission 69
members will not exceed the total amount of the salaries of the 70
three Commission members who were holding office on the day before 71
that effective date. 72