

**OHIO**

**SENATE**

**JOURNAL**

TUESDAY, MAY 17, 2011

FIFTY-SECOND DAY  
Senate Chamber, Columbus, Ohio  
**Tuesday, May 17, 2011, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Chris Adams, North Community Evangelical Lutheran Church, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

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

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

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

**H. B. No. 45**-Representatives Bubp, Johnson, et al.

To amend sections 2923.121, 2923.128, and 2923.16 of the Revised Code to permit a concealed carry licensee to possess a firearm in any liquor permit premises, or any open air arena, for which a D permit has been issued if the licensee is not consuming liquor or under the influence of alcohol or a drug of abuse and to modify the offense of improperly handling firearms in a motor vehicle as it applies to concealed carry licensees.

To the Committee on Judiciary - Criminal Justice.

**H. B. No. 54**-Representatives Maag, Martin, et al.

To amend sections 2923.13 and 2923.14 of the Revised Code to conform the restoration of civil firearm rights with federal law and U.S. Supreme Court case law; to eliminate the prohibition against persons with certain misdemeanor drug offense convictions acquiring or possessing firearms or dangerous ordnance; and to allow restoration of civil firearm rights for firearms that are dangerous ordnance.

To the Committee on Judiciary - Criminal Justice.

**Sub. H. B. No. 121**-Representative Rosenberger, et al.

To amend sections 3109.04 and 3109.051 of the Revised Code regarding child custody and visitation rights of parents called to active military service.

To the Committee on State and Local Government and Veterans Affairs.

**Am. Sub. H. B. No. 153**-Representative Amstutz, et al.

To amend sections 7.10, 7.11, 7.12, 9.03, 9.06, 9.231, 9.24, 9.33, 9.331, 9.332, 9.333, 9.90, 101.15, 102.02, 105.41, 107.09, 109.02, 109.36, 109.42, 109.57, 109.572, 111.12, 111.16, 111.18, 117.101, 117.13, 118.023, 118.04, 118.05, 118.06, 118.12, 118.17, 118.99, 121.03, 121.04, 121.22, 121.37, 121.40, 121.401, 121.402, 121.403, 121.404, 122.085, 122.088, 122.0810, 122.0816, 122.0819, 122.121, 122.171, 122.65, 122.652, 122.653, 122.657, 122.76, 123.011, 124.09, 124.23, 124.231, 124.24, 124.25, 124.26, 124.27, 124.31, 124.34, 124.393, 125.021, 125.15, 125.18, 125.28, 125.89, 126.12, 126.21, 126.24, 126.50, 127.16, 131.23, 131.44, 131.51, 133.06, 133.18, 133.20, 133.55, 135.05, 135.61, 135.65, 135.66, 145.27, 149.01, 149.091, 149.11, 149.311, 153.01, 153.02, 153.03, 153.07, 153.08, 153.50, 153.51, 153.52, 153.54, 153.56, 153.57, 153.581, 153.65, 153.66, 153.67, 153.69, 153.70, 153.71, 153.80, 154.02, 154.07, 164.02, 164.04, 164.05, 164.051, 164.06, 164.08, 164.14, 164.21, 166.02, 173.14, 173.21, 173.26, 173.35, 173.351, 173.36, 173.391, 173.40, 173.401, 173.403, 173.404, 173.42, 173.45, 173.46, 173.47, 173.48, 173.501, 183.30, 183.51, 185.01, 185.03, 185.06, 185.10, 301.02, 301.15, 301.28, 306.35, 306.43, 306.70, 307.022, 307.041, 307.10, 307.12, 307.676, 307.70, 307.79, 307.791, 307.81, 307.82, 307.83, 307.86, 308.13, 317.20, 319.11, 319.301, 319.54, 321.18, 322.02, 322.021, 323.08, 323.73, 323.78, 324.02, 324.021, 340.02, 340.03, 340.05, 340.091, 340.11, 341.192, 343.08, 345.03, 349.01, 349.03, 349.04, 349.06, 349.07, 349.09, 349.14, 501.07, 503.05, 503.162, 503.41, 504.02, 504.03, 504.12, 504.21, 505.101, 505.108, 505.17, 505.264, 505.28, 505.373, 505.55, 505.73, 507.09, 511.23, 511.25, 511.28, 511.34, 513.14, 515.04, 517.12, 517.22, 521.03, 705.16, 711.35, 715.011, 715.47, 718.01, 718.09, 718.10, 719.012, 719.05, 721.03, 721.15, 721.20, 723.07, 727.011, 727.012, 727.08, 727.14, 727.46, 729.08, 729.11, 731.141, 731.20, 731.21, 731.211, 731.22, 731.23, 731.24, 731.25, 735.05, 735.20, 737.32, 742.41, 745.07, 747.05, 747.11, 747.12, 755.16, 755.29, 755.41, 755.42, 755.43, 759.47, 901.09, 924.52, 927.69, 951.11, 1309.528, 1327.46, 1327.50, 1327.51, 1327.511, 1327.54, 1327.57, 1327.62, 1327.99, 1329.04, 1329.42, 1332.24, 1501.022, 1501.40, 1503.05, 1505.01, 1505.04, 1505.06, 1505.09, 1505.11, 1505.99, 1509.01, 1509.02, 1509.021, 1509.03, 1509.04, 1509.041, 1509.05, 1509.06, 1509.061, 1509.062, 1509.07, 1509.071, 1509.072, 1509.073, 1509.08, 1509.09, 1509.10, 1509.11, 1509.12, 1509.13, 1509.14, 1509.15, 1509.17, 1509.181, 1509.19, 1509.21, 1509.22, 1509.221, 1509.222, 1509.223, 1509.224, 1509.225, 1509.226, 1509.23, 1509.24, 1509.25, 1509.26, 1509.27, 1509.28, 1509.29, 1509.31, 1509.32, 1509.33, 1509.34, 1509.36, 1509.38, 1509.40, 1509.50, 1510.01, 1510.08, 1515.08, 1515.14, 1515.24, 1517.02, 1531.04, 1541.03, 1541.05, 1545.09, 1545.12, 1547.302, 1551.311, 1551.32, 1551.33, 1551.35, 1555.02, 1555.03, 1555.04, 1555.05, 1555.06, 1555.08, 1555.17,

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5591.15, 5593.08, 5701.13, 5703.05, 5703.37, 5705.14, 5705.16, 5705.191, 5705.194, 5705.196, 5705.21, 5705.211, 5705.218, 5705.25, 5705.251, 5705.261, 5705.314, 5705.392, 5705.412, 5705.71, 5707.031, 5709.07, 5709.62, 5709.63, 5709.632, 5713.01, 5715.17, 5715.23, 5715.26, 5719.04, 5721.01, 5721.03, 5721.04, 5721.18, 5721.30, 5721.31, 5721.32, 5721.37, 5721.38, 5721.42, 5722.13, 5723.05, 5725.151, 5725.24, 5725.98, 5727.57, 5727.84, 5727.85, 5727.86, 5729.98, 5731.02, 5731.19, 5731.21, 5731.39, 5733.0610, 5733.23, 5739.02, 5739.021, 5739.022, 5739.026, 5739.101, 5747.01, 5747.058, 5747.113, 5747.451, 5747.46, 5747.51, 5748.02, 5748.021, 5748.04, 5748.08, 5751.01, 5751.011, 5751.20, 5751.21, 5751.22, 5751.23, 5751.50, 5753.01, 6101.16, 6103.04, 6103.05, 6103.06, 6103.081, 6103.31, 6105.131, 6109.21, 6111.038, 6111.044, 6111.46, 6115.01, 6115.20, 6117.05, 6117.06, 6117.07, 6117.251, 6117.49, 6119.10, 6119.18, 6119.22, 6119.25, and 6119.58; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 173.35 (5119.69), 173.351 (5119.691), 173.36 (5119.692), 3306.12 (3317.0212), 3314.20 (3313.473), 3721.561 (3721.56), 3722.01 (5119.70), 3722.011 (5119.701), 3722.02 (5119.71), 3722.021 (5119.711), 3722.022 (5119.712), 3722.03 (5119.72), 3722.04 (5119.73), 3722.041 (5119.731), 3722.05 (5119.74), 3722.06 (5119.75), 3722.07 (5119.76), 3722.08 (5119.77), 3722.09 (5119.78), 3722.10 (5119.79), 3722.11 (5119.80), 3722.12 (5119.81), 3722.13 (5119.82), 3722.14 (5119.83), 3722.15 (5119.84), 3722.151 (5119.85), 3722.16 (5119.86), 3722.17 (5119.87), 3722.18 (5119.88), 3733.02 (4781.26), 3733.021 (4781.31), 3733.022 (4781.32), 3733.024 (4781.33), 3733.025 (4781.34), 3733.03 (4781.27), 3733.04 (4781.28), 3733.05 (4781.29), 3733.06 (4781.30), 3733.08 (4781.35), 3733.09 (4781.36), 3733.091 (4781.37), 3733.10 (4781.38), 3733.101 (4781.39), 3733.11 (4781.40), 3733.12 (4781.41), 3733.121 (4781.42), 3733.122 (4781.43), 3733.123 (4781.44), 3733.13 (4781.45), 3733.14 (4781.46), 3733.15 (4781.47), 3733.16 (4781.48), 3733.17 (4781.49), 3733.18 (4781.50), 3733.19 (4781.51), 3733.20 (4781.52), 5101.271 (5101.272), 5101.272 (5101.273), 5111.14 (5111.141), 5111.261 (5111.263), 5111.892 (5111.893), 5119.612 (5119.613), 5119.613 (5119.614), and 5123.60 (5123.601); to enact new sections 2151.56, 2151.57, 2151.58, 2151.59, 3314.016, 3319.112, 5101.271, 5111.14, 5111.261, 5111.861, 5111.892, 5119.612, 5123.60, and 5126.18, and sections 7.16, 9.031, 9.05, 9.334, 9.335, 9.482, 111.181, 111.28, 111.29, 118.025, 118.31, 124.394, 125.024, 125.182, 125.213, 126.141, 126.60, 126.601, 126.602, 126.603, 126.604, 126.605, 149.308, 153.501, 153.502, 153.53, 153.55, 153.692, 153.693, 153.694, 153.72, 153.73, 154.24, 154.25, 164.30, 173.41, 183.151, 305.23, 306.322, 306.55, 306.551, 349.17, 523.01, 523.02, 523.03, 523.04, 523.05, 523.06, 523.07, 523.08, 717.08, 1327.501, 1505.011, 1505.05, 1509.022, 1541.25, 1541.26, 1571.012, 1571.013, 1571.014, 2151.429, 2335.061, 3123.591, 3302.042, 3302.06, 3302.061, 3302.062, 3302.063, 3302.064, 3302.065, 3302.066, 3302.067, 3302.068, 3302.12, 3302.20, 3302.21, 3302.22, 3302.23, 3302.24, 3302.25, 3302.30, 3311.0510, 3313.411, 3313.617, 3313.846, 3313.88, 3314.029, 3314.38, 3314.50, 3316.21,

3317.141, 3318.054, 3318.371, 3318.48, 3318.60, 3319.113, 3319.227, 3319.58, 3323.25, 3324.08, 3328.01 to 3328.04, 3328.11 to 3328.15, 3328.17 to 3328.19, 3328.191, 3328.192, 3328.193, 3328.20 to 3328.26, 3328.41, 3328.45, 3328.50, 3328.99, 3333.43, 3345.023, 3345.81, 3353.15, 3521.04, 3701.0211, 3701.032, 3701.94, 3701.941, 3709.341, 3745.016, 3770.031, 3793.061, 3903.301, 4303.209, 4313.01, 4313.02, 4729.021, 4781.121, 4781.54, 4905.98, 4911.021, 5111.0122, 5111.0123, 5111.0124, 5111.0125, 5111.0212, 5111.0213, 5111.0214, 5111.0215, 5111.035, 5111.051, 5111.052, 5111.063, 5111.085, 5111.161, 5111.179, 5111.224, 5111.225, 5111.259, 5111.83, 5111.862, 5111.863, 5111.944, 5111.945, 5111.981, 5112.991, 5119.012, 5119.013, 5119.222, 5119.622, 5119.623, 5120.092, 5122.341, 5123.0418, 5123.0419, 5123.0420, 5501.84, 5703.059, 5725.34, and 5729.17; and to repeal sections 7.14, 9.901, 122.0818, 122.121, 122.452, 126.04, 126.501, 126.502, 126.507, 165.031, 340.08, 701.04, 1501.031, 1551.13, 2151.56, 2151.57, 2151.58, 2151.59, 2151.60, 2151.61, 2301.19, 3123.52, 3123.61, 3123.612, 3123.613, 3123.614, 3306.01, 3306.011, 3306.012, 3306.02, 3306.03, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.13, 3306.19, 3306.191, 3306.192, 3306.21, 3306.22, 3306.29, 3306.291, 3306.292, 3306.51, 3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 3306.58, 3306.59, 3311.059, 3313.202, 3314.014, 3314.016, 3314.017, 3314.025, 3314.082, 3314.085, 3314.402, 3317.011, 3317.016, 3317.017, 3317.0216, 3317.04, 3317.17, 3319.112, 3319.161, 3329.16, 3349.242, 3706.042, 3721.56, 3722.99, 3733.01, 3733.031, 3733.07, 3923.90, 3923.91, 4115.032, 4582.37, 4981.23, 5101.5211, 5101.5212, 5101.5213, 5101.5214, 5101.5215, 5101.5216, 5111.243, 5111.34, 5111.861, 5111.893, 5111.971, 5122.36, 5123.172, 5123.181, 5123.193, 5123.211, 5123.601, 5123.602, 5123.603, 5123.604, 5123.605, 5126.18, and 5126.19 of the Revised Code; to amend Section 205.10 of Am. Sub. H.B. 114 of the 129th General Assembly, Section 125.10 of Am. Sub. H.B. 1 of the 128th General Assembly, Section 5 of Sub. H.B. 125 of the 127th General Assembly, as subsequently amended, and Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as subsequently amended; to repeal Section 5 of Sub. H.B. 2 of the 127th General Assembly; and to amend the version of section 5111.913 of the Revised Code that results from Section 101.01 of this act on July 1, 2012; and to terminate certain provisions of this act on June 30, 2013, by repealing sections 126.60, 126.601, 126.602, 126.603, 126.604, and 126.605 on that date; to make operating appropriations for the biennium beginning July 1, 2011, and ending June 30, 2013; and to provide authorization and conditions for the operation of programs, including reforms for the efficient and effective operation of state and local government.

To the Committee on Finance.

**S. R. No. 69**-Senator Wagoner.

To urge Congress to support the continued and increased importation of oil derived from Canadian oil sands and urge Congress to ask the U.S. Secretary of State to approve the TransCanada Keystone Coast Expansion pipeline project.

To the Committee on Energy and Public Utilities.

**S. B. No. 167**-Senator Cates, et al.

To amend sections 109.57, 3313.61, 3317.03, 3319.31, 3319.311, and 4117.01 and to enact sections 3318.60, 3328.01 to 3328.04, 3328.11 to 3328.15, 3328.17 to 3328.19, 3328.191, 3328.192, 3328.193, 3328.20 to 3328.26, 3328.31 to 3328.36, 3328.41, 3328.45, 3328.50, and 3328.99 of the Revised Code to permit the establishment of public college-preparatory boarding schools for at-risk students to be operated by private nonprofit entities and to establish the College-Preparatory Boarding School Facilities Program.

To the Committee on Education.

**S. B. No. 168**-Senator Wilson, et al.

To enact section 5.2267 of the Revised Code to designate the third week of July as "Ohio Aggregates and Industrial Minerals Awareness Week."

To the Committee on Agriculture, Environment and Natural Resources.

**S. B. No. 169**-Senator Grendell.

To amend sections 2915.01, 2915.08, 2915.081, 2915.09, 2915.095, 2915.101, and 2915.12 and to enact sections 2915.083 and 2915.096 of the Revised Code to permit veterans, fraternal, and sporting organizations to conduct charitable electronic instant bingo.

To the Committee on Finance.

**S. B. No. 170**-Senator Grendell, et al.

To amend sections 1501.33, 1521.04, 1522.03, and 1522.05, to enact



sections 1522.10, 1522.101, and 1522.11 to 1522.20, and to repeal section 1522.07 of the Revised Code to establish a program for the issuance of permits for the withdrawal and consumptive use of waters from the Lake Erie basin.

To the Committee on Agriculture, Environment and Natural Resources.

YES - 10: THOMAS E. NIEHAUS, KEITH L. FABER, JIMMY STEWART, SHANNON JONES, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH, CAPRI S. CAFARO.

NO - 0.

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

The report of the committee was accepted.

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

#### REPORTS OF STANDING AND SELECT COMMITTEES

Senator Niehaus submitted the following report:

The standing committee on Rules and Reference, to which was referred **H. C. R. No. 14**-Representative Blessing, et al., having had the same under consideration, reports it back and recommends its adoption.

YES - 10: THOMAS E. NIEHAUS, KEITH L. FABER, JIMMY STEWART, SHANNON JONES, MARK D. WAGONER, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH, CAPRI S. CAFARO.

NO - 0.

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

The report of the committee was accepted.

Senator Niehaus submitted the following report:

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

**Thomas H. Bainbridge**, from Columbus, Franklin County, Ohio, as a

Member of the Unemployment Compensation Review Commission for a term beginning April 4, 2011 and ending at the close of business February 26, 2017, replacing Kenny Delaney, whose term expired.

**James A. Leftwich**, from Greene County, Ohio, as Director of the Department of Development for a term beginning March 28, 2011 and continuing at the pleasure of the Governor.

**Bryan C. Williams**, from Fairlawn, Summit County, Ohio, as a Member of the State Board of Education for a term beginning April 4, 2011 and ending when a successor is qualified and elected, replacing Tamara A. O'Brien, who resigned.

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

YES - 10: THOMAS E. NIEHAUS, KEITH L. FABER, SHANNON JONES, SCOTT OELSLAGER, JASON H. WILSON, EDNA BROWN, SHIRLEY A. SMITH, CAPRI S. CAFARO, JIMMY STEWART, MARK D. WAGONER.

NO - 0.

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

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Stewart	Tavares	Wagoner	Widener
Wilson			Niehaus-30.

So the Senate advised and consented to said appointments.

### **RESOLUTIONS REPORTED BY COMMITTEE**

#### **H. C. R. No. 14-Representative Blessing.**

Cosponsors: Representatives Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Balderson, Barnes, Beck, Blair, Boose, Brenner, Bulp, Buchy, Budish, Burke, Butler, Carey, Carney, Celeste, Clyde, Coley, Combs, Damschroder, DeGeeter, Derickson, Dovilla, Driehaus, Duffey, Fedor, Fende, Foley, Gardner, Garland, Gentile, Gerberry, Gonzales, Goodwin, Goyal,

Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hollington, Hottinger, Huffman, Johnson, Kozlowski, Landis, Letson, Luckie, Lundy, Maag, Martin, McClain, McGregor, McKenney, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Okey, Patmon, Phillips, Pillich, Ramos, Reece, Roegner, Rosenberger, Ruhl, Schuring, Sears, Slaby, Sprague, Stautberg, Stebelton, Stinziano, Sykes, Szollosi, Thompson, Uecker, Wachtmann, Weddington, Winburn, Yuko, Speaker Batchelder.

To adopt the Legislative Code of Ethics for the members and employees of both chambers of the 129th General Assembly, employees of any legislative agency, and candidates for the 130th General Assembly.

WHEREAS, The Joint Legislative Ethics Committee, appointed by the Speaker of the House of Representatives and the President of the Senate pursuant to section 101.34 of the Revised Code, is required to recommend a Code of Ethics that is consistent with the law to govern all members and employees of each chamber of the General Assembly and all candidates for the office of member of each chamber; and

WHEREAS, The Joint Legislative Ethics Committee is the appropriate ethics committee for matters relating to members and employees of the General Assembly, employees of any legislative agency, including the Correctional Institution Inspection Committee, Joint Committee on Agency Rule Review, Legislative Information Systems, Legislative Inspector General, and Legislative Service Commission, and candidates for the office of member of the General Assembly; now therefore be it

RESOLVED, That the House of Representatives and the Senate of the 129th General Assembly adopt the following Legislative Code of Ethics:

LEGISLATIVE CODE OF ETHICS  
FOR MEMBERS AND EMPLOYEES OF THE  
129th OHIO GENERAL ASSEMBLY,  
EMPLOYEES OF ANY LEGISLATIVE AGENCY,  
AND CANDIDATES FOR THE 130th GENERAL ASSEMBLY

SECTION 1. CONDUCT

All members of the Senate or the House of Representatives shall conduct themselves at all times so as to reflect credit upon the member's respective chamber of the General Assembly, shall obey all rules of the member's respective chamber of the General Assembly, and shall conform the member's conduct to this Code of Ethics. All employees of the Senate or House of Representatives and all employees of any legislative agency shall conduct themselves at all times so as to reflect credit upon the employee's respective chamber of the General Assembly or institution of employment, shall obey all rules of the employee's respective chamber of the General Assembly or institution of employment, and shall conform the employee's conduct to this Code of Ethics.

## SECTION 2. DISCLOSURE STATEMENT

(A) The Office of the Legislative Inspector General shall accept disclosure statements filed by members and employees of the General Assembly and employees of any legislative agency pursuant to section 102.02 of the Revised Code and shall maintain a file of all disclosure statements that are filed pursuant to that section. Every member of the General Assembly and every employee of the General Assembly and any legislative agency who is required to file a financial disclosure statement, within the period prescribed by law, shall file with the Office of the Legislative Inspector General, a disclosure statement as provided for by section 102.02 of the Revised Code. Each member and each employee of the General Assembly and employee of any legislative agency required to file a financial disclosure statement, within the period and in the manner prescribed by section 102.02 of the Revised Code, shall receive from the Office of the Legislative Inspector General the form on which the statement shall be prepared.

(B) Division (A)(2)(c) of section 102.02 of the Revised Code applies to members of the General Assembly who are attorneys or physicians or who otherwise engage in the practice of a profession and to the clients, patients, and other recipients of professional services of members of the General Assembly who are attorneys or physicians or who otherwise engage in the practice of a profession, even if those clients, patients, and other recipients of professional services are legislative agents.

(C) Division (A)(8) of section 102.02 of the Revised Code requires a member of the General Assembly and an employee of the General Assembly or any legislative agency required to file a disclosure statement under section 102.02 of the Revised Code to identify on a disclosure statement the source and amount of any payment of expenses incurred for travel to destinations inside or outside this state that the member or employee receives in the member's or employee's own name or that another person receives for the member's or employee's use or benefit in connection with the member's or employee's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues.

(D) Division (A)(9) of section 102.02 of the Revised Code requires a member of the General Assembly and an employee of the General Assembly or any legislative agency required to file a disclosure statement under section 102.02 of the Revised Code to identify on a disclosure statement the source of payment of expenses for meals and other food and beverages that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year, except for expenses for meals and other food and beverages provided at a meeting at which the member or employee participated

in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which a state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues.

(E)(1) Except as otherwise provided in division (E)(2) of this section, in accordance with section 102.02 of the Revised Code, every member of the General Assembly and every employee of the General Assembly or any legislative agency required to file an annual statement under section 102.02 of the Revised Code shall disclose the source of a gift or gifts, where the value of the gift or gifts aggregated per calendar year exceeds seventy-five dollars, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, cousins, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, step-relations, or any person to whom the member or employee of the General Assembly or employee of any legislative agency stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

(2) In accordance with section 102.02 of the Revised Code, every member of the General Assembly and every employee of the General Assembly or any legislative agency required to file an annual statement under section 102.02 of the Revised Code shall disclose the source of a gift or gifts from a legislative agent, where the value of the gift or gifts aggregated per calendar year exceeds twenty-five dollars.

### SECTION 3. LICENSE DISCLOSURE

Any member of the General Assembly who engages in the conduct or practice of a particular business, profession, trade, or occupation that is subject to licensing or regulation by any branch, department, division, institution, instrumentality, board, commission, or bureau of the state shall file a notice that the member is the holder of a particular license, or is engaged in such activity, as part of the financial disclosure statement required by section 102.02 of the Revised Code.

### SECTION 4. VOTING ABSTENTION

(A) A member who has reason to believe that the member has a substantial personal interest in legislation may request permission of the chair to abstain from voting on the legislation and may state the member's reason for the request. The request shall be granted by the chair or the member's respective chamber of the General Assembly pursuant to the rules of that chamber. The request and permission to abstain shall be entered in the House or Senate Journal, as is appropriate.

(B) No member of the General Assembly shall vote on any legislation

that the member knows is then being actively advocated if the member is one of the following with respect to a legislative agent or employer that is then actively advocating on that legislation:

- (1) An employee, as defined in section 102.031 of the Revised Code;
- (2) A business associate, as defined in section 102.031 of the Revised Code;
- (3) A person, other than an employee, who is hired under contract to perform certain services, and such position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

(C) The Joint Legislative Ethics Committee may impose a fine of not more than one thousand dollars upon a member of the General Assembly who violates division (B) of this section.

#### SECTION 5. COMPENSATION

(A) Except as provided in division (D) of section 102.04 of the Revised Code, no person elected to or employed by the General Assembly or employed by any legislative agency shall receive or agree to receive, directly or indirectly, compensation other than from the house with which the person serves or from any legislative agency, if the person is a legislative agency employee, for any service rendered or to be rendered by the person personally in any case, proceeding, application, or other matter that is before the General Assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, security registrations, and other documents.

Except as provided in division (D) of section 102.04 of the Revised Code, no person elected to or employed by the General Assembly or employed by any legislative agency shall sell or agree to sell, except through competitive bidding, any goods or services to the General Assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(B) No member or employee of the General Assembly or employee of any legislative agency shall knowingly accept any of the following from a legislative agent:

- (1) The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;
- (2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member or employee at a meeting at which the member or employee participates in a panel, seminar, or speaking

engagement, at a meeting or convention of a national organization to which either house of the General Assembly or any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or at a dinner, party, or function to which all members of the General Assembly or all members of either house of the General Assembly are invited.

(C) No member or employee of the General Assembly or employee of any legislative agency shall knowingly accept from a legislative agent a gift of any amount in the form of cash or the equivalent of cash, or a gift or gifts of any other thing of value where the value of the gift or gifts aggregated per calendar year exceeds seventy-five dollars. As used in this division, "gift" does not include any contribution as defined in section 3517.01 of the Revised Code or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by a member of the General Assembly and that is incurred in connection with the member's official duties.

(D) It is not a violation of division (B)(2) of this section if, within sixty days after receiving notice pursuant to division (F)(2) of section 101.73 of the Revised Code from a legislative agent that the legislative agent has provided a member of the General Assembly or an employee of the General Assembly or any legislative agency with more than seventy-five dollars aggregated in a calendar year as payment for meals and other food and beverages that were purchased for consumption on the premises in which the food and beverages were sold, the member or employee of the General Assembly or employee of any legislative agency returns to that legislative agent the amount received that exceeds seventy-five dollars.

#### SECTION 6. CONFIDENTIAL INFORMATION

No present or former member or employee of the General Assembly or present or former employee of any legislative agency shall disclose or use for the member's or employee's personal profit, without appropriate authorization, any information acquired by the member or employee in the course of the member's or employee's official duties that has been clearly designated to the member or employee as confidential when such confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business. No present or former member or employee of the General Assembly or present or former employee of any legislative agency shall disclose or use, without appropriate authorization, any information acquired by the member or employee in the course of the member's or employee's official duties that is confidential because of statutory provisions, except as provided in section 101.30 of the Revised Code or Section 12 or 13 of Article II, Ohio Constitution.

#### SECTION 7. IMPROPER INFLUENCE

(A) No member or employee of the General Assembly or employee of any legislative agency shall use or attempt to use or authorize the use of the authority or influence of the member's or employee's office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the member or employee with respect to the member's or employee's duties.

(B) No member or employee of the General Assembly or employee of any legislative agency shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the member or employee with respect to the member's or employee's duties.

(C) No member of the General Assembly shall solicit or receive funds from any legislative agent who is registered pursuant to section 101.72 of the Revised Code, for use other than by a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, as defined in section 3517.01 of the Revised Code, except that a member may solicit or receive funds from any legislative agent on behalf of religious and benevolent organizations regulated by Chapter 1716. of the Revised Code or charitable organizations that have registered with the Attorney General pursuant to section 109.26 or 1716.02 of the Revised Code.

(D) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, the receipt of contributions, as defined in section 3517.01 of the Revised Code, made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of a member of or candidate for the General Assembly does not violate divisions (A) and (B) of this section.

(E) A member or employee of the General Assembly and an employee of any legislative agency may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to the member's or employee's official duties if the travel, meals, lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the member or employee with respect to those duties and if, in relation to expenses or reimbursement for travel or lodging provided to a member by a legislative agent, the expenses or reimbursement are not made in violation of division (C)(1) of section 102.031 of the Revised Code. A member or employee who acts in compliance with this division does not violate division (A), (B), or (C) of this section.

#### SECTION 8. STAFF USE

(A) A member of the General Assembly shall utilize General Assembly employees only for the official purposes for which they are employed.

(B)(1) In accordance with section 3517.092 of the Revised Code, no member of or candidate for the General Assembly, no campaign committee of a member of or candidate for the General Assembly, no legislative caucus



campaign committee, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that member or candidate, that member's or candidate's campaign committee, or a legislative caucus campaign committee from any of the following:

(a) A state employee whose appointing authority is the member of the General Assembly;

(b) A state employee whose appointing authority is authorized or required by law to be appointed by the member of the General Assembly;

(c) A state employee who functions in or is employed by the Ohio Senate, the Ohio House of Representatives, or any legislative agency;

(d) A state employee at the time of the solicitation, whose appointing authority will be the candidate for the General Assembly, if elected;

(e) A state employee at the time of the solicitation, whose appointing authority will be appointed by the candidate for the General Assembly, if elected, as authorized or required by law;

(f) A state employee at the time of the solicitation, who will function in or be employed in or by the same public agency, department, division, or office as the candidate for the General Assembly, if elected.

(2) As used in this section, "contribution" does not include services provided by individuals volunteering a portion of their time on behalf of a campaign.

(C) In addition to any complaint brought or penalty that may be imposed under sections 3517.152 to 3517.157 of the Revised Code, the Joint Legislative Ethics Committee may receive and initiate complaints against members and employees of, and candidates for, the General Assembly and employees of any legislative agency concerning conduct alleged to be in violation of this section. Upon a finding of a violation of this section, the Joint Legislative Ethics Committee may recommend whatever sanction is appropriate with respect to a particular member, employee, or candidate as will best maintain in the minds of the public a good opinion of the conduct and character of members and employees of the General Assembly.

#### SECTION 9. SEPARATION OF FUNDS

(A) No member of or candidate for the General Assembly shall convert, receive, or accept for personal or business use anything of value from the member's or candidate's campaign fund, as defined in section 3517.01 of the Revised Code, including, without limitation, payments to the member or candidate for services personally performed by the member or candidate, except as reimbursement for any of the following:

(1) Legitimate and verifiable prior campaign expenses incurred by the member or candidate;

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

(3) Legitimate and verifiable, ordinary, and necessary prior expenses incurred by a member or candidate 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, political action committee, campaign committee, legislative campaign fund, political contributing entity, or other candidate;

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

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

(B) For purposes of division (A) of this section, an expense is incurred whenever a member or candidate 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.

(C) No member or candidate for the General Assembly shall knowingly receive or accept reimbursement for an expense under division (A) 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 (A) of this section and is later paid or reimbursed, wholly or in part, from another source of funds, a member or candidate shall immediately repay the reimbursement received under division (A) of this section to the extent of the payment made or reimbursement received from the other source.

(D) A member of the General Assembly may be reimbursed under division (A)(1) or (3) of this section for expenses incurred for the member's meals and lodging in Franklin County if the expenses otherwise meet the requirements for reimbursement under division (A)(1) or (3) of this section and were not incurred while the member was in Franklin County to attend floor sessions of the General Assembly or meetings of its committees, except that a member may be reimbursed under division (A)(1), (2), or (3) of this section for expenses incurred for the member's meals in Franklin County at any time if the expenses otherwise meet the requirements for reimbursement under division (A)(1), (2), or (3) of this section and were incurred for meals at which the member hosted other persons.

(E) No member or candidate for the General Assembly shall accept for personal or business use anything of value from a political party, political action committee, legislative campaign fund, political contributing entity, or campaign

committee other than the member's or candidate's own 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 member or candidate while engaged in any legitimate activity of the political party, political action committee, legislative campaign fund, political contributing entity, 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, campaign committee, legislative campaign fund, 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, legislative campaign fund, political contributing entity, or the member's or candidate's own campaign committee for any legitimate activity of the political party, political action committee, legislative campaign fund, political contributing entity, or such campaign committee.

Reimbursable expenses under this division do not include, and it is a violation of this division for a member or candidate to accept from a political party, political action committee, legislative campaign fund, political contributing entity, or campaign committee other than the member's or candidate's own campaign committee, anything of value for activities primarily related to the member's or candidate's own campaign for election, except for contributions to the member's or candidate's campaign committee.

For purposes of this division, an expense is incurred whenever a member or candidate 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.

(F)(1) Divisions (A) and (C) of this section do not prohibit a member's or candidate's campaign committee from making a direct advance or post payment from the member's or candidate's campaign fund to vendors for goods and services for which reimbursement is permitted under division (A) of this section, except that no campaign committee shall pay a member or candidate for services personally performed by the member or the candidate.

(2) When any expense that may be reimbursed under division (A), (C), or (E) 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 (A), (C), and (E) 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.

(G) The Joint Legislative Ethics Committee shall report violations of this section to the Elections Commission pursuant to division (E)(1) of Section 13 of this Code of Ethics.

#### SECTION 10. HONORARIA AND TESTIMONIALS

(A) No member of the General Assembly, employee of the General Assembly who is required to file a financial disclosure statement under section 102.02 of the Revised Code, or employee of any legislative agency who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept an honorarium. This division and divisions (A), (B), and (C) of Section 7 of this Code of Ethics do not prohibit a member or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the member or employee at a meeting at which the member or employee participates in a panel, seminar, or speaking engagement or provided to the member or employee at a meeting or convention of a national organization to which either house of the General Assembly, or any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. This division and divisions (A), (B), and (C) of Section 7 of this Code of Ethics do not prohibit an employee of the General Assembly or employee of any legislative agency who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the employee that exist apart from the employee's public employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of such person or entities, that is regulated by, doing business with, or seeking to do business with the General Assembly or any legislative agency.

(B) No member of the General Assembly shall conduct a public or private fund raising event that seeks to provide money for the member's personal use.

(C) As used in this section, "honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a

legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the member or employee conducting that business was elected or appointed to the member's or employee's office or position of employment.

#### SECTION 11. IMPROPER INDUCEMENT

If any person attempts to induce a member or employee of or candidate for the General Assembly or employee of any legislative agency to violate any provision of this Code of Ethics, the member, employee, or candidate shall report the matter to the Joint Legislative Ethics Committee.

#### SECTION 12. ADVISORY BODY

(A) The Joint Legislative Ethics Committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and, upon a vote of a majority of its members, may render advisory opinions with regard to questions concerning these matters for members and employees of and candidates for the General Assembly and for employees of any legislative agency.

(B) When the Joint Legislative Ethics Committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from the person's office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The committee shall include in every advisory opinion it renders a statement as to whether the set of circumstances described in the advisory opinion constitutes a violation of section 2921.42 or 2921.43 of the Revised Code. When the Joint Legislative Ethics Committee renders an opinion that has been publicly sought, the advisory opinion is a public record available under section 149.43 of the Revised Code.

(C) When the Joint Legislative Ethics Committee renders a written opinion that has been privately sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the written opinion does not have the legal effect of an advisory opinion issued under division (B) of this section. When the Joint Legislative Ethics Committee renders a written opinion that has been privately sought, the written opinion is not a public record available under section 149.43 of the Revised Code.

The person to whom a written opinion is issued under this division may request the committee to issue the written opinion as an advisory opinion. The person may make the request at any time within thirty days after the written

opinion is issued and prior to committing any proposed action discussed in the written opinion. Upon receiving a timely request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (B) of this section and is a public record available under section 149.43 of the Revised Code. If the person commits any proposed action discussed in the written opinion before the committee issues the written opinion as an advisory opinion, the advisory opinion grants no immunity to the person regarding any action that is discussed in the written opinion and that the person commits before the committee issues the written opinion as an advisory opinion.

(D) The Joint Legislative Ethics Committee shall issue an advisory opinion under division (B) of this section or a written opinion under division (C) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(E) All requests for an opinion shall be submitted in writing by the member or employee of or candidate for the General Assembly or employee of any legislative agency who desires the opinion and shall state in the request whether the opinion is being publicly or privately sought. If the request fails to state whether the opinion is being publicly or privately sought, the committee shall consider the opinion to be privately sought. The committee shall issue in writing all advisory opinions that have been publicly sought, appropriately number them, and make them available for public inspection. The Joint Legislative Ethics Committee shall conduct all of its proceedings surrounding the rendering of an opinion so as to protect the confidentiality of those named in the request for the opinion.

### SECTION 13. CONSIDERATION AND HEARING OF COMPLAINTS

(A)(1) The Joint Legislative Ethics Committee shall receive, and may initiate, complaints concerning breach of privilege and complaints against members and employees of and candidates for the General Assembly and employees of any legislative agency concerning conduct alleged to be misconduct, a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, this Code of Ethics, or the House or Senate rules. All complaints except those by the committee shall be by affidavit made on personal knowledge, subject to the penalties of perjury. A complaint by the committee shall be by affidavit, based upon facts that constitute reasonable cause to believe that a breach of privilege, misconduct, or a violation of the House or Senate rules, this Code of Ethics, or Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, has occurred. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

At the first meeting of the committee in each calendar year, the chairperson of the committee for that year shall appoint an investigation

subcommittee. The subcommittee shall consist of the chairperson of the committee for that year and a member of the committee who is a member of the chamber and political party of which the chairperson is not a member. This subcommittee shall have the authority to issue subpoenas regarding complaints referred to it and approve depositions by the Office of the Legislative Inspector General.

(2) A complaint other than a complaint by the committee shall be filed with the executive director of the Office of the Legislative Inspector General of the Joint Legislative Ethics Committee. Upon receiving the complaint, the executive director or the executive director's designee shall gather, if necessary, preliminary facts surrounding the complaint for presentation to the chairperson or committee. Thereafter, the executive director shall seal the complaint and deliver it to the chairperson of the Joint Legislative Ethics Committee. A complaint by the committee shall be drafted by the legal counsel of the Office of the Legislative Inspector General, and, if at least eight members of the committee approve the draft complaint, the draft complaint shall be a complaint by the committee and shall be filed with the Office of the Legislative Inspector General and delivered to the chairperson of the committee.

Within fourteen days after the filing of a complaint by a complainant, the chairperson shall notify the complainant that the complaint has been filed with the committee, that all further proceedings of the committee are confidential, that the committee is required to dismiss the complaint if it is not disposed of within six months after the complaint is filed, and that, if a report dealing with the complaint has not been published in the House or Senate Journal, as appropriate, within that time, the complaint has been dismissed because no violation was found to have been committed by the accused person. Within fourteen days after the filing of any complaint, the chairperson shall deliver a copy of the complaint to the accused person and shall notify the accused person that the accused person may file, within twenty days after receiving the copy, a written response to the complaint with the executive director of the Office of the Legislative Inspector General and, if desired, may file in addition to the written response a request to appear personally before the committee to answer to the complaint. The executive director immediately shall seal the written response to the complaint, the request, or both and deliver the written response, the request, or both to the chairperson.

Within forty-five days after the filing of any complaint and at least twenty days after the chairperson has delivered a copy of the complaint to the accused person, the chairperson shall convene a meeting of the committee regarding the complaint. If at least eight members of the committee find that the complaint before the committee is not frivolous and that the facts alleged constitute on their face a breach of privilege, misconduct, a violation of this Code of Ethics or the House or Senate Rules, or a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the committee shall refer the complaint to the Office of the Legislative Inspector General for further investigation and may delegate to the investigation subcommittee appointed

pursuant to division (A)(1) of this section the authority to issue subpoenas regarding a given complaint or other matter. The chairperson of the committee shall notify the accused of the referral. Unless eight members of the committee find that the complaint before the committee alleges facts that, on their face, constitute a breach of privilege, misconduct, a violation of this Code of Ethics or the House or Senate Rules, or a violation of Chapter 102. or sections 2921.42 or 2921.43 of the Revised Code, the committee shall dismiss the complaint.

(B) The Office of the Legislative Inspector General shall investigate each complaint referred to it by the committee and shall investigate any other matters as directed by the committee. The Office of the Legislative Inspector General may request further information from the complainant, any person presenting charges to the committee, the accused person if the information sought is directly relevant to a complaint or charges received by the committee pursuant to this section, and any other person it believes may have information pertaining to the complaint or other matter referred for investigation to the Office of the Legislative Inspector General. It may request the committee to issue a subpoena to obtain any necessary information. Upon the approval of the investigation subcommittee appointed pursuant to division (A)(1) of this section, the Office of the Legislative Inspector General may depose any person. Any person interviewed or deposed by the Office of the Legislative Inspector General may be represented by an attorney. The substance of any request for further information and the information provided pursuant to any request are confidential. Except as otherwise provided in this section, the person from whom information is requested shall not divulge the substance of the committee's request to any person other than the person's attorney and shall not divulge the information provided in response to the request to any person other than the person's attorney and any person necessary to prepare the information for delivery to the committee. Except as otherwise provided in this section, no attorney or person who prepares information for delivery to the committee shall divulge the substance of the committee's request or the information provided in response to the request.

Upon the completion of an investigation based on a complaint referred to the Office of the Legislative Inspector General, the executive director, or the executive director's designee, shall present to the committee the executive director's or designee's preliminary findings with respect to the facts and evidence gathered regarding the complaint. Upon receiving the preliminary findings, the committee, upon a vote of at least eight members of the committee, may refer the complaint back to the Office of the Legislative Inspector General for further investigation, hold a hearing pursuant to divisions (D) and (G) of this section, order remedial action pursuant to division (D) of this section, or dismiss the complaint.

Upon the completion of an investigation of any other matter referred to the Office of the Legislative Inspector General, the executive director or the executive director's designee shall present to the committee the executive director's or designee's preliminary findings with respect to the facts and



evidence gathered regarding the matter referred. Upon receiving the preliminary findings, the committee, upon a vote of at least eight members of the committee, may refer the matter back to the Office of the Legislative Inspector General for further investigation, request that a complaint be drafted by the legal counsel of the Office of the Legislative Inspector General, terminate the investigation, or hold a hearing pursuant to division (E) of this section.

Before the fifth day of each month, the executive director of the Office of the Legislative Inspector General shall make a report, in writing, to the committee regarding the status of any ongoing investigation that the committee referred to the Office of the Legislative Inspector General.

(C) Before the committee takes any formal action against a person who is the subject of an investigation based upon a complaint filed with the committee, the committee shall consider the complaint.

(D) The committee may defer action on a complaint against members and employees of and candidates for the General Assembly and employees of any legislative agency when the complaint alleges conduct that at least eight members of the committee find reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when at least eight members of the committee determine that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(E)(1) If, in any case in which a complaint is filed with the committee, at least eight members of the committee find that the complaint is not frivolous and there is reasonable cause to believe that the facts alleged in the complaint constitute a breach of privilege, misconduct, or a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, this Code of Ethics, or the House or Senate Rules, the committee shall hold a hearing. At the hearing, the legal counsel of the Office of the Legislative Inspector General shall present to the committee the case against the accused person, introduce evidence, call witnesses, and cross-examine witnesses. The chairperson of the committee shall make all rulings regarding procedure and the admissibility of evidence. The hearing and all related proceedings of the committee are absolutely confidential as provided under this Code of Ethics and section 102.06 of the Revised Code. No member or employee of the committee, person who staffs or otherwise serves the committee, witness, or other person shall divulge any information about the hearing or related proceedings, except that a witness and the complainant may consult with an attorney before and after the hearing and any related proceeding, any witness may be represented by an attorney while the witness is being examined or cross-examined, the accused person may be represented by an attorney at all stages of the proceedings, and the attorney of the accused person may attend all hearings and related proceedings of the committee.

(2) If, in any case in which a complaint is filed with the committee, at least eight members of the committee find that the complaint is frivolous or that there is no reasonable cause to believe that the charge or complaint constitutes a

breach of privilege, misconduct, or a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, this Code of Ethics, or the House or Senate Rules, the committee shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. If the committee so dismisses the complaint, the committee shall not issue a report of its findings unless the accused person requests a report. If the accused person requests a report, the committee shall issue a report in accordance with division (F)(2) of this section.

(3) If, in any case in which a complaint is filed with the committee, the committee finds by unanimous concurrence of its membership that there is reasonable cause to believe that the charges presented constitute a breach of privilege, misconduct, or a violation of this Code of Ethics or the House or Senate Rules but do not constitute a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code and also finds by unanimous concurrence of its membership that the breach of privilege, misconduct, or violation was in good faith and without wrongful intent and the person has taken or will take suitable remedial action, it may order the person to take any further remedial action it considers necessary and, upon satisfaction that any order it makes is complied with, terminate the investigation, with the concurrence of the accused person. If an investigation is so terminated, the committee shall not issue a report of its findings unless the accused person requests a report. If the accused person requests a report, the committee shall issue a report in accordance with division (F)(2) of this section. If the accused person fails to comply with an order of the committee, the committee, upon concurrence of at least eight of its members, shall proceed with the original complaint filed against the person.

(F)(1) If, upon the basis of the hearing, at least eight members of the committee find, based upon a preponderance of the evidence, that the facts alleged in the complaint are true and constitute a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the committee, upon concurrence of at least eight of its members, shall order the Office of the Legislative Inspector General to prepare a report of the committee's findings to the appropriate prosecuting authority or other appropriate body for proceedings in prosecution of the violations and, in accordance with division (F)(1) of this section, issue a report to the General Assembly recommending reprimand, censure, expulsion, or other sanction the committee considers appropriate. Upon acceptance by at least eight members of the committee of the report to the appropriate prosecuting authority or other appropriate body, the committee shall report its findings to the appropriate prosecuting authority, the Elections Commission, or other appropriate body. This report is the investigative report described in division (E) of section 101.34 of the Revised Code and shall contain any findings of fact and conclusions of law made by the committee. This report shall not contain any papers, records, affidavits, or documents upon any complaint, inquiry, or investigation relating to the proceedings of the committee. If at least eight members of the committee find, based upon a preponderance of the evidence, that the facts alleged in the complaint are true and constitute a violation of division (B) of section 102.031 of the Revised Code, the committee

may impose a fine of not more than one thousand dollars upon the member.

(2) If, upon the basis of the hearing, at least eight members of the committee find, based upon a preponderance of the evidence, that a breach of privilege has been committed or that a member or employee of or candidate for the General Assembly or employee of any legislative agency has violated a provision of this Code of Ethics or the House or Senate Rules that is not a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, or has committed misconduct, the committee, upon concurrence of at least eight of its members and in accordance with division (F)(1) of this section, may issue a report recommending reprimand, censure, expulsion, or other sanction the committee considers appropriate or, upon a finding by unanimous concurrence of its membership that the breach of privilege, misconduct, or violation was in good faith and without wrongful intent and the person has taken or will take suitable remedial action, may order the person to take any further remedial action it considers necessary and, upon satisfaction that any order it makes is complied with, dismiss the complaint without issuing a report of its findings, unless the accused person requests a report. If the accused person requests a report, the committee shall issue a report in accordance with division (F)(2) of this section. If the person fails to comply with an order of the committee, the committee, upon concurrence of eight of its members, shall recommend some sanction.

(3) If, upon the basis of the hearing, at least eight members of the committee do not find, based upon a preponderance of the evidence, that the facts alleged in a complaint constitute a breach of privilege, misconduct, or a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, this Code of Ethics, or the House or Senate Rules, the committee shall dismiss the complaint. The complaint shall also be dismissed if the committee has not conducted a hearing within ninety days after the complaint is filed with the committee, or if the committee has not finally disposed of the complaint within six months after the complaint is filed with the committee. The committee shall notify the accused person in writing of the dismissal of the complaint. The committee shall not issue a report of its findings unless the accused person requests a report. If the accused person requests a report, the committee shall issue a report in accordance with division (F)(2) of this section. If the committee issues the report, all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the committee shall make the evidence and the record available for public inspection.

(G)(1) Any report of the committee that is issued pursuant to division (E)(1) of this section and contains a finding that the facts in the complaint are true and constitute a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, or that is issued pursuant to division (E)(2) of this section and contains a finding that a breach of privilege, misconduct, or violation of this Code of Ethics or the House or Senate Rules has occurred and recommends reprimand, censure, expulsion, or another appropriate sanction, shall be entered

in the House Journal and the Senate Journal. The House of Representatives and the Senate shall vote on approval of any report entered in the House or Senate Journal in accordance with this division. Concurrence of two-thirds of the members of both the House and the Senate shall be necessary for approval of the report, and, upon approval, any recommended sanction shall be imposed immediately.

(2) If the investigation of the committee results in a finding that a complaint that is filed is frivolous or that no misconduct, breach of privilege, or violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, this Code of Ethics, or the House or Senate Rules has been committed or if the committee terminates an investigation or dismisses a complaint pursuant to division (E)(2) or (3) of this section, the committee shall not issue a report of its findings unless the accused person requests a report. If the accused person requests a report, the committee shall issue a report and publish it in the House Journal, if the accused person is a member or employee of, or candidate for, the House of Representatives, or the Senate Journal, if the accused person is a member or employee of, or candidate for, the Senate or an employee of any legislative agency. A report published in the House or Senate Journal under division (F)(2) of this section does not require a vote by the House or Senate.

(H) A person against whom a complaint is filed shall be given by certified mail, return receipt requested, or by personal service reasonable notice of the date, time, and place of the hearing and a statement of the charges and the law or provision directly involved, and shall be granted the following rights: to be represented by counsel, to have counsel appointed for the person if the person is unable to afford counsel without undue hardship, to examine the evidence against the person, to have access to all information relative to the complaint that is in the possession or knowledge of the committee or the Office of the Legislative Inspector General, to produce evidence and to call and subpoena witnesses in the person's defense, to confront the person's accusers, to cross-examine witnesses, to have a stenographic record made of the hearing, to have the hearing follow the rules of evidence applicable to the courts of this state, and to have the hearing closed to the public. A person, with the approval of the committee, may waive any or all of such rights by executing a written waiver and filing it with the committee.

(I) The chairperson of the committee and the executive director and chief legal counsel of the Office of the Legislative Inspector General may administer oaths, and the committee or the investigation subcommittee appointed pursuant to division (A)(1) of this section may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The committee or the investigation subcommittee shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of such subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena, be sworn, or answer as a witness, the committee or the investigation subcommittee may apply to the Court

of Common Pleas of Franklin County under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The committee, the Office of the Legislative Inspector General, or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(J)(1) All complaints, papers, records, affidavits, and documents upon any complaint, inquiry, or investigation relating to the proceedings of the committee shall be sealed and are private and confidential, except as otherwise provided in this section. The substance of any charges received by the committee and of any request made by the committee for further information, any information received by the committee, all testimony and other evidence presented during a hearing, and all committee discussions are private and confidential, except as otherwise provided in this section. No person serving on or employed in the service of the committee, or employee of the Office of the Legislative Inspector General who staffs or otherwise assists the committee or the Office of the Legislative Inspector General employee who staffs the committee shall divulge any of the following:

(a) Any matter concerning a complaint after it is filed with the executive director of the Office of the Legislative Inspector General;

(b) In the case of complaints initiated by the committee, any matter concerning a complaint after the matter is under investigation by the committee, whether before or after a complaint is filed;

(c) Any other information that is made private and confidential by this section.

(2) The requirement of confidentiality set forth in division (I)(1) of this section includes without limitation divulging any matter to members or employees of the House or Senate or employees of any legislative agency who are not members of or assigned to the committee or to any employees of the Office of the Legislative Inspector General who are not assigned to staff the committee or do not assist any Office of the Legislative Inspector General employee assigned to staff the committee, but does not prevent any of the following:

(a) The issuance of a final report by the committee or any commentary upon the contents of the final report;

(b) Discussion of any complaint, request for an advisory opinion, charges presented to the committee, information related to a complaint, to an advisory opinion request, or to charges presented to the committee, proceedings of the committee, or other papers, records, affidavits, documents, or proceedings that are made private and confidential by this section between the members of the committee and any of the following:

(i) Any employees or staff of the committee;

(ii) Any employees of the General Assembly assigned to serve the committee, and any employee who serves as legal counsel for a caucus of the General Assembly;

(iii) Any employees of the Office of the Legislative Inspector General assigned to staff the committee;

(iv) Any other persons employed by or assigned to serve the committee.

(c) The preparation of any documents necessary for the operation of the committee by employees of the General Assembly assigned to the committee chairperson, employees of the General Assembly assigned to staff the committee, or employees of the Office of the Legislative Inspector General who assist the Office of the Legislative Inspector General employee assigned to staff the committee, except that any confidentiality requirements of this section applicable to the members of the committee shall apply to the employees of the General Assembly, committee, or Office of the Legislative Inspector General who prepare those documents.

(K) If a complaint filed with the committee alleges a violation by a member of the committee, the member against whom the allegation is made shall not vote on the matter. The committee shall conduct no business concerning complaints unless a majority of its members are present.

(L) The committee shall deliver all notices and other documents by certified mail, return receipt requested, or by personal service.

(M) Within fourteen days after the final disposition of a complaint, either by dismissal or by referral to the appropriate prosecuting authority, the committee shall notify the complainant of the dismissal or referral by certified mail, return receipt requested, or by personal service.

#### SECTION 14. AMENDMENTS TO THE ETHICS CODE

The Joint Legislative Ethics Committee may recommend amendments to this Code of Ethics at any time by proposing to the General Assembly a concurrent resolution containing the desired amendments.

#### SECTION 15. DISTRIBUTION OF ETHICS CODE

Each member and employee of the General Assembly and each employee of any legislative agency shall be given a copy of this Code of Ethics within ten days after its adoption.

#### SECTION 16. APPLICATION TO ~~129th~~ 130th GENERAL ASSEMBLY

The Code of Ethics for the ~~128th~~ 129th General Assembly shall be effective until the ~~129th~~ 130th General Assembly adopts the Code of Ethics for the ~~129th~~ 130th General Assembly.

The question being, "Shall the concurrent resolution, **H. C. R. No. 14**, be adopted?"

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Stewart	Tavares	Wagoner	Widener
Wilson			Niehaus-30.

So the concurrent resolution was adopted.

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

Senator Faber moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Cafaro, Cates, Daniels, Faber, Gillmor, Grendell, Hite, Hughes, Jones, Jordan, Kearney, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Smith, Stewart, Tavares, Wagoner, Widener, Wilson."

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

The motion was agreed to and the title so amended.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 93**-Representatives Burke, Johnson.

Cosponsors: Speaker Batchelder, Representatives Bubp, Adams, J., Boose, Grossman, Hackett, Hottinger, Huffman, Peterson, Pillich, Rosenberger, Ruhl, Uecker, Balderson, Gardner, McKenney, Gonzales, Goodwin, Hagan, R., Garland, Fende, Sears, Schuring, Wachtmann, Barnes, Duffey, Antonio, Adams, R., Amstutz, Anielski, Ashford, Baker, Beck, Blair, Blessing, Brenner, Buchy, Budish, Butler, Carey, Carney, Celeste, Clyde, Coley, Combs, Damschroder, DeGeeter, Derickson, Dovilla, Driehaus, Fedor, Foley, Gerberry, Goyal, Hagan, C., Hall, Hayes, Heard, Henne, Kozlowski, Landis, Letson, Luckie, Lundy, Mallory, Martin, McClain, McGregor, Mecklenborg, Milkovich, Murray, Newbold, O'Brien, Patmon, Phillips, Ramos, Reece, Roegner, Slaby, Slesnick, Sprague, Stautberg, Stebelton, Stinziano, Szollosi, Thompson, Weddington, Williams, Winburn, Young, Yuko.

To amend sections 109.57, 3719.08, 4715.30, 4723.28, 4729.01, 4729.071, 4729.29, 4729.51, 4729.54, 4729.541, 4729.55, 4729.75, 4729.77, 4729.78, 4729.79, 4729.80, 4729.81, 4729.82, 4729.83, 4729.99, 4731.052, 4731.22, 4731.283, 4776.02, 4776.04, and 5111.172; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4729.79 (4729.80), 4729.80 (4729.81), 4729.81 (4729.82), 4729.82 (4729.83), 4729.83

(4729.84), and 4729.84 (4729.85); and to enact new section 4729.79 and sections 109.90, 313.212, 3719.031, 3793.22, 4121.50, 4715.302, 4723.064, 4723.487, 4725.092, 4729.021, 4729.162, 4729.291, 4729.552, 4729.571, 4729.69, 4729.86, 4730.53, 4731.054, 4731.055, 4731.241, 4731.391, 5111.085, 5111.179, and 5111.1710 of the Revised Code to establish and modify laws regarding the prevention of prescription drug abuse, to permit the State Board of Pharmacy to contract with private entities, and to declare an emergency, was considered the third time.

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

Senator Oelslager moved to amend as follows:

In line 21, after "109.57," insert "325.19,"

In line 30, delete "4729.021,"

Between lines 429 and 430, insert:

**"Sec. 325.19.** (A)(1) The granting of vacation leave under division (A)(1) of this section is subject to divisions (A)(2) and (3) of this section. Each full-time employee in the several offices and departments of the county service, including full-time hourly rate employees, after service of one year with the county or any political subdivision of the state, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time county employee with eight or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time county employee with fifteen or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time county employee with twenty-five years of service with the county or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; and seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year.

The appointing authorities of the offices and departments of the county service may permit all or any part of a person's prior service with any regional council of government established in accordance with Chapter 167. of the Revised Code to be considered service with the county or a political subdivision



of the state for the purpose of determining years of service under this division.

(2) Full-time employees granted vacation leave under division (A)(1) of this section who render any standard of service other than forty hours per week as described in division ~~(J)~~ (K) of this section and who are in active pay status in a biweekly pay period, shall accrue a number of hours of vacation leave during each such pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours which are accepted as full-time in active pay status, excluding overtime hours, bears to eighty hours.

(3) Full-time employees granted vacation leave under division (A)(1) of this section who are in active pay status in a biweekly pay period for less than eighty hours or the number of hours of service otherwise accepted as full-time by their employing office or department shall accrue a number of hours of vacation leave during that pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours in active pay status, excluding overtime hours, bears to eighty or the number of hours of service accepted as full-time, whichever is applicable.

(B) A board of county commissioners, by resolution, may grant vacation leave with full pay to part-time county employees. A part-time county employee shall be eligible for vacation leave with full pay upon the attainment of the first year of employment, and annually thereafter. The ratio between the hours worked and the vacation hours awarded to a part-time employee shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time employee as provided for in this section.

(C) Days specified as holidays in section 124.19 of the Revised Code shall not be charged to an employee's vacation leave. Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of the employee's employment, provided that the appointing authority may, in special and meritorious cases, permit such employee to accumulate and carry over the employee's vacation leave to the following year. No vacation leave shall be carried over for more than three years. An employee is entitled to compensation, at the employee's current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to the employee's credit at time of separation, and in addition shall be compensated for any unused vacation leave accrued to the employee's credit, with the permission of the appointing authority, for the three years immediately preceding the last anniversary date of employment.

(D)(1) In addition to vacation leave, a full-time county employee is entitled to eight hours of holiday pay for New Year's day, Martin Luther King day, Washington-Lincoln day, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day, of each year. Except as provided in division (D)(2) of this section, holidays shall occur on the days specified in section 1.14 of the Revised Code. If any of those holidays fall on Saturday, the Friday immediately preceding shall be observed as the holiday. If any of those holidays fall on Sunday, the Monday immediately

succeeding shall be observed as the holiday. If an employee's work schedule is other than Monday through Friday, the employee is entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed.

(2)(a) When a classified employee of a county board of developmental disabilities works at a site maintained by a government entity other than the board, such as a public school, the board may adjust the employee's holiday schedule to conform to the schedule adopted by the government entity. Under an adjusted holiday schedule, an employee shall receive the number of hours of holiday pay granted under division (D)(1) of this section.

(b) Pursuant to division (J)(6) of section 339.06 of the Revised Code, a county hospital may observe Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.

(E) In the case of the death of a county employee, the unused vacation leave and unpaid overtime to the credit of the employee shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate.

(F) Notwithstanding this section or any other section of the Revised Code, any appointing authority of a county office, department, commission, board, or body may, upon notification to the board of county commissioners, establish alternative schedules of vacation leave and holidays for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, as long as the alternative schedules are not inconsistent with the provisions of at least one collective bargaining agreement covering other employees of that appointing authority, if such an agreement exists. If no such collective bargaining agreement exists, an appointing authority, upon notification to the board of county commissioners, may establish an alternative schedule of vacation leave and holidays for its employees that does not diminish the vacation leave and holiday benefits granted by this section.

(G) The employees of a county children services board that establishes vacation benefits under section 5153.12 of the Revised Code are exempt from division (A) of this section.

(H) The provisions of this section do not apply to superintendents and management employees of county boards of developmental disabilities.

(I) Division (A) of this section does not apply to an employee of a county board of developmental disabilities who works at, or provides transportation services to pupils of, a special education program provided by the county board pursuant to division (A)(4) of section 5126.05 of the Revised Code, if the employee's employment is based on a school year and the employee is not subject to a contract with the county board that provides for division (A) of this section to apply to the employee.

(J) Notwithstanding division (C) of this section or any other section of the Revised Code, if a separation from county service occurs in connection with the lease, sale, or other transfer of all or substantially all the business and assets of a county hospital organized under Chapter 339. of the Revised Code to a private corporation or other entity, the appointing authority shall have no obligation to pay any compensation with respect to unused vacation leave accrued to the credit of an employee who accepts employment with the acquiring corporation or other entity, if at the effective time of separation the acquiring corporation or other entity expressly assumes such unused vacation leave accrued to the employee's credit.

(K) As used in this section:

(1) "Full-time employee" means an employee whose regular hours of service for a county total forty hours per week, or who renders any other standard of service accepted as full-time by an office, department, or agency of county service.

(2) "Part-time employee" means an employee whose regular hours of service for a county total less than forty hours per week, or who renders any other standard of service accepted as part-time by an office, department, or agency of county service, and whose hours of county service total at least five hundred twenty hours annually.

(3) "Management employee" has the same meaning as in section 5126.20 of the Revised Code."

Delete lines 1278 through 1288

In line 3446, after "109.57," insert "325.19,"

In line 3457, after "citizens" insert ", and that immediate action is necessary to ensure that the sale of certain county hospitals is not impeded"

In line 1 of the title, after "109.57," insert "325.19,"

In line 13 of the title, delete "4729.021,"

In line 18 of the title, delete ", to permit"

Delete line 19 of the title

In line 20 of the title, delete "private entities"; after the comma insert "to provide that certain county employees when separating from county service as a result of a transfer of the assets of a county hospital are not entitled to unused vacation leave from the county when the employee accepts employment with the acquiring entity and the entity assumes the unused vacation leave accrued to the employee's credit,"

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

The motion was agreed to.

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

The yeas and nays were taken and resulted - yeas 29, nays 1, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Stewart
Tavares	Wagoner	Widener	Wilson
			Niehaus-29.

Senator Smith voted in the negative-1.

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

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

The yeas and nays were taken and resulted - yeas 30, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Stewart	Tavares	Wagoner	Widener
Wilson			Niehaus-30.

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

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

Senator Stewart moved to amend the title as follows:

Add the names: "Bacon, Beagle, Brown, Cafaro, Cates, Daniels, Faber, Gillmor, Hite, Hughes, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Smith, Stewart, Tavares, Widener, Wilson."

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

The motion was agreed to and the title so amended.

**S. B. No. 101**-Senator Patton.

Cosponsors: Senators Wagoner, Schaffer, Grendell, Turner, Cafaro, Gillmor, Tavares.

To enact section 5.2266 of the Revised Code to designate May as "Substance Abuse Awareness and Education Month", was considered the third time.

The question being, "Shall the bill, **S. B. No. 101**, pass?"

The yeas and nays were taken and resulted - yeas 29, nays 0, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Brown	Cafaro
Cates	Daniels	Faber	Gillmor
Grendell	Hite	Hughes	Jones
Jordan	Kearney	Lehner	Manning
Obhof	Oelslager	Patton	Sawyer
Schaffer	Schiavoni	Seitz	Smith
Tavares	Wagoner	Widener	Wilson
			Niehaus-29.

So the bill passed.

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

Senator Patton moved to amend the title as follows:

Add the names: "Bacon, Brown, Cates, Daniels, Faber, Hite, Hughes, Kearney, Lehner, Manning, Obhof, Oelslager, Sawyer, Schiavoni, Smith, Widener, Wilson."

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

The motion was agreed to and the title so amended.

**S. B. No. 118**-Senator Cates.

Cosponsors: Senators Schaffer, Gillmor, Brown.

To amend sections 3301.922, 3302.032, 3313.674, 3314.03, and 3326.11 and to enact sections 3314.15 and 3326.26 of the Revised Code to make schools' implementation of body mass index screenings optional, was considered the third time.

The question being, "Shall the bill, **S. B. No. 118**, pass?"

The yeas and nays were taken and resulted - yeas 20, nays 10, as follows:

Those who voted in the affirmative were: Senators

Bacon	Beagle	Cates	Daniels
Faber	Gillmor	Grendell	Hite
Hughes	Jordan	Manning	Obhof
Oelslager	Patton	Schaffer	Seitz
Stewart	Wagoner	Widener	Niehaus-20.

Those who voted in the negative were: Senators

Brown	Cafaro	Jones	Kearney
Lehner	Sawyer	Schiavoni	Smith
Tavares			Wilson-10.

So the bill passed.

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

Senator Brown moved to amend the title as follows:

Remove the name: "Brown."

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

The motion was agreed to and the title so amended.

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

Senator Cates moved to amend the title as follows:

Add the names: "Hite, Jordan, Patton."

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

The motion was agreed to and the title so amended.

### MOTIONS

Senator Jones moved that Senators absent the week of Sunday, May 15, 2011, be excused, so long as a written explanation is on file with the Clerk pursuant to Senate Rule No. 17.

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

The motion was agreed to.

### INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bills were introduced and considered the first time:

**S. B. No. 171**-Senator Gillmor.

Cosponsor: Senator Wagoner.

To amend sections 9.90, 101.532, 101.83, 101.84, 101.85, 101.86, 102.02, 109.91, 121.32, 127.14, 173.03, 173.04, 3302.021, 3311.71, 3312.01, 3312.09, 3313.202, 3701.025, 3701.63, 3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 3737.88, 3743.54, 3746.04, 4117.03, 4121.03, 4121.12, 4121.121, 4121.125, 4121.128, 4123.341, 4123.342, 4123.35, 5111.708, 5123.032, and 5123.093; and to repeal sections 9.901, 101.37, 121.374, 122.97, 122.971, 122.98, 122.981, 125.833, 184.23, 184.231, 1349.71, 1349.72, 1501.25, 2151.282, 3311.77, 3312.11, 3312.12, 3319.70, 3319.71, 3701.92, 3727.322, 3746.03, 4121.75, 4121.76, 4121.77, 4121.78, 4121.79, 4501.025, 5111.709, 5111.7010, and 5902.15 of the Revised Code; and to amend Section 5 of Sub. H.B. 125 of the 127th General Assembly as subsequently amended, Section 20

of Am. Sub. H.B. 554 of the 127th General Assembly, Section 3 of Sub. H.B. 187 of the 126th General Assembly, and Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly as subsequently amended; and to repeal Section 3 of Sub. H.B. 495 of the 128th General Assembly, Sections 209.40, 309.40.70, and 709.10 of Am. Sub. H.B. 1 of the 128th General Assembly, Sections 755.80 and 756.40 of Am. Sub. H.B. 2 of the 128th General Assembly, Section 3 of Sub. H.B. 7 of the 127th General Assembly, Section 555.17 of Am. Sub. H.B. 67 of the 127th General Assembly, Sections 263.30.30, 337.20.20, 377.20, and 737.11 of Am. Sub. H.B. 119 of the 127th General Assembly, Sections 6 and 7 of Sub. H.B. 125 of the 127th General Assembly, Section 2 of Sub. H.B. 233 of the 127th General Assembly, Sections 703.30 and 715.50 of Am. Sub. H.B. 562 of the 127th General Assembly, Section 4 of Am. Sub. S.B. 77 of the 127th General Assembly, Sections 206.10.12, 206.42.12, 206.66.24, 206.66.43, 209.63.58, 503.09, and 503.12 of Am. Sub. H.B. 66 of the 126th General Assembly, Section 4 of Sub. H.B. 187 of the 126th General Assembly, Section 1 of Sub. H.B. 371 of the 126th General Assembly, Section 235.60.70 of Am. Sub. H.B. 699 of the 126th General Assembly, Section 3 of Am. Sub. S.B. 167 of the 126th General Assembly, Section 5 of Am. Sub. S.B. 260 of the 126th General Assembly, Section 3 of Sub. S.B. 393 of the 126th General Assembly, Sections 12 and 25 of Am. Sub. H.B. 87 of the 125th General Assembly, Sections 41.35 and 153 of Am. Sub. H.B. 95 of the 125th General Assembly, Section 8 of Sub. H.B. 299 of the 125th General Assembly, Section 6 of Am. Sub. H.B. 516 of the 125th General Assembly, Section 3 of Am. Sub. S.B. 86 of the 125th General Assembly, Section 3 of Sub. H.B. 230 of the 124th General Assembly, Section 3 of Am. Sub. H.B. 474 of the 124th General Assembly, Section 4 of Am. Sub. S.B. 281 of the 124th General Assembly, Section 3 of Am. H.B. 416 of the 127th General Assembly as subsequently amended, Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly as subsequently amended, Section 206.66.53 of Am. Sub. H.B. 66 of the 126th General Assembly as subsequently amended, Section 6 of Sub. H.B. 336 of the 126th General Assembly as subsequently amended, Section 755.03 of Am. Sub. H.B. 530 of the 126th General Assembly as subsequently amended, Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly as subsequently amended, Section 152 of Am. Sub. H.B. 95 of the 125th General Assembly as subsequently amended, and Section 59.29 of Am. Sub. H.B. 95 of the 125th General Assembly as subsequently amended to implement the recommendations of the Sunset Review Committee by abolishing, terminating, transferring, or renewing various agencies and by reestablishing the Sunset Review Committee but postponing its operation until the 131st General Assembly, to terminate the operation of certain provisions of this act on December 31, 2016, by repealing sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code on that date, and to declare an emergency.

**S. B. No. 172**-Senator Schaffer.

Cosponsor: Senator Gillmor.

To amend section 2333.01 and to enact section 5747.124 of the Revised Code to enable a judgment creditor landlord to obtain a court order directing the Tax Commissioner to pay the judgment debtor tenant's income tax refund to the landlord.

**S. B. No. 173**-Senator Hughes.

Cosponsors: Senators Beagle, Brown, Jones, Jordan, Manning, Obhof, Patton, Seitz, Stewart.

To amend sections 135.18 and 135.37 and to enact sections 135.145 and 135.354 of the Revised Code to permit a political subdivision, upon the deposit of public moneys with an eligible public depository, to arrange for the public depository to redeposit those moneys with other federally insured banks and savings and loan associations in accordance with specified conditions.

**S. B. No. 174**-Senator Schiavoni.

Cosponsors: Senators Seitz, Kearney.

To amend sections 4511.76 and 4511.761 and to enact section 3327.20 of the Revised Code to authorize school districts to sell commercial advertising space on school buses.

#### OFFERING OF RESOLUTIONS

Senator Grendell offered the following resolution:

**S. R. No. 71**-Senator Grendell.

Cosponsors: Senators Patton, Hughes, Schiavoni, Wagoner, Gillmor, Hite, Manning, LaRose, Widener, Oelslager, Schaffer.

To commend and honor the United States Armed Forces, Navy Seal Team 6, the Central Intelligence Agency, the George W. Bush Presidential Administration, and the Barack H. Obama Presidential Administration for the successful operation against Osama bin Laden on Sunday, May 1, 2011.

The question being, "Shall the resolution, **S. R. No. 71**, be adopted?"

On the motion of Senator Faber, **S. R. No. 71**, was referred to the Committee on Rules and Reference.

Pursuant to Senate Rule No. 54, the following resolutions were offered:

**S. R. No. 72**-Senator Niehaus.

Honoring Orville Ray Timberlake as the 2011 ODRC Correction Officer of the Year.



**S. R. No. 73**-Senators Jordan, Schaffer.

In memory of Sergeant First Class Bradley S. Hughes.

**S. R. No. 74**-Senator Seitz.

Honoring the La Salle High School boys basketball team on winning the 2011 Division I State Championship.

**S. R. No. 75**-Senator Wagoner.

Honoring Phyllis Szymanek as the Best-in-Show at the 2011 American Pie Council Crisco National Pie Championship.

**S. R. No. 76**-Senator Faber.

Honoring the St. Marys Memorial High School girls bowling team as the 2011 OHSAA State Champion.

**S. R. No. 77**-Senator Niehaus.

Cosponsors: Senators Bacon, Beagle, Brown, Cafaro, Daniels, Faber, Gillmor, Grendell, Hite, Hughes, Jones, Jordan, Kearney, LaRose, Lehner, Manning, Obhof, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Skindell, Smith, Stewart, Tavares, Turner, Wagoner, Widener, Wilson.

Honoring Senator Gary Cates for outstanding service to the Ohio Senate.

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

So the resolutions were adopted.

On the motion of Senator Faber, the Senate adjourned until Thursday, May 19, 2011 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.