

OHIO

SENATE

JOURNAL

FRIDAY, JANUARY 31, 2020

ONE HUNDRED FORTY-NINTH DAY
Senate Chamber, Columbus, Ohio
Friday, January 31, 2020, 1:00 o'clock p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Senator Hearcel F. Craig, followed by the Pledge of Allegiance to the Flag.

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

Senator Thomas requested a moment of silence in memory of the Sixth Circuit U.S. Court of Appeals Judge, Nathaniel Jones.

Senator Thomas requested a moment of silence in memory of longtime Hamilton County Commissioner, Todd Portune.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Burke submitted the following report:

The standing committee on Health, Human Services and Medicaid, to which was referred **S. B. No. 178**-Senator Schuring, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Hackett.

YES - 11: KIRK SCHURING, KRISTINA D. ROEGNER,
STEPHANIE KUNZE, BOB D. HACKETT, DAVE BURKE,
THERESA GAVARONE, NICKIE J. ANTONIO, TINA
MAHARATH, CECIL THOMAS, PEGGY LEHNER

NO - 0.

Senator Burke submitted the following report:

The standing committee on Health, Human Services and Medicaid, to which was referred **S. B. No. 220**-Senator Manning having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Schuring, Kunze, Hackett, Maharath.

YES - 11: KIRK SCHURING, KRISTINA D. ROEGNER, PEGGY
LEHNER, STEPHANIE KUNZE, BOB D. HACKETT,
DAVE BURKE, STEPHEN A. HUFFMAN, THERESA
GAVARONE, NICKIE J. ANTONIO, TINA MAHARATH,
CECIL THOMAS

NO - 0.

The question being, "Shall the reports of the committee be accepted?"
The reports of the committee were accepted.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. Sub. S. B. No. 120 -Senators McColley, Rulli

Cosponsors: Senators Brenner, Huffman, M., Huffman, S., Roegner, Kunze, Antonio, Burke, Coley, Craig, Eklund, Gavarone, Hackett, Hoagland, Maharath, Manning, Obhof, O'Brien, Peterson, Sykes, Terhar, Uecker, Wilson, Yuko Representatives Riedel, DeVitis, Fraizer, Ghanbari, Grendell, Jones, Perales, Seitz, Sheehy

To amend sections 117.46, 3345.55, and 3365.04 of the Revised Code and to amend Sections 265.10 and 265.210 of H.B. 166 of the 133rd General Assembly to authorize the Auditor of State to conduct performance audits of any and all state institutions of higher education, to modify the requirement regarding College Credit Plus informational sessions, to modify the law regarding campus housing facilities leases with nonpublic vendors, and to make an appropriation.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 2 of the title, after "Code" insert "and to amend Sections 265.10 and 265.210 of H.B. 166 of the 133rd General Assembly"

In line 6 of the title, delete "and"

In line 8 of the title, after "vendors" insert ", and to make an appropriation"

After line 165, insert:

"Section 3. That Sections 265.10 and 265.210 of H.B. 166 of the 133rd General Assembly be amended to read as follows:

Sec. 265.10.

A	EDU DEPARTMENT OF EDUCATION					
B	General Revenue Fund					
C	GRF	200321	Operating Expenses	\$	15,153,032	\$ 16,565,951
D	GRF	200408	Early Childhood Education	\$	68,116,789	\$ 68,116,789
E	GRF	200420	Information Technology Development and Support	\$	4,004,299	\$ 4,026,960
F	GRF	200422	School Management Assistance	\$	2,385,580	\$ 2,408,711
G	GRF	200424	Policy Analysis	\$	458,232	\$ 457,676
H	GRF	200426	Ohio Educational Computer Network	\$	15,457,000	\$ 15,457,000
I	GRF	200427	Academic Standards	\$	4,434,215	\$ 4,483,525
J	GRF	200437	Student Assessment	\$	56,906,893	\$ 56,948,365
K	GRF	200439	Accountability/ Report Cards	\$	7,517,406	\$ 7,565,320
L	GRF	200442	Child Care Licensing	\$	2,156,322	\$ 2,227,153
M	GRF	200446	Education	\$	8,112,987	\$ 8,174,415

			Management Information System				
N	GRF	200448	Educator Preparation	\$	11,785,384	\$	7,285,384
O	GRF	200455	Community Schools and Choice Programs	\$	4,867,763	\$	4,912,546
P	GRF	200465	Education Technology Resources	\$	5,179,664	\$	5,179,664
Q	GRF	200478	Industry- Recognized Credentials High School Students	\$	25,000,000	\$	25,000,000
R	GRF	200502	Pupil Transportation	\$	527,129,809	\$	527,129,809
S	GRF	200505	School Lunch Match	\$	8,963,500	\$	8,963,500
T	GRF	200511	Auxiliary Services	\$	154,939,134	\$	154,939,134
U	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$	69,997,735	\$	69,997,735
V	GRF	200540	Special Education Enhancements	\$	152,600,000	\$	152,850,000

W	GRF	200545	Career-Technical Education Enhancements	\$	9,750,892	\$	9,750,892
X	GRF	200550	Foundation Funding	\$	6,942,880,845	\$	6,774,618,845 <u>6,784,618,845</u>
Y	GRF	200566	Literacy Improvement	\$	1,452,876	\$	1,452,172
Z	GRF	200572	Adult Education Programs	\$	10,207,674	\$	10,207,674
AA	GRF	200573	EdChoice Expansion	\$	57,223,340	\$	121,017,418
AB	GRF	200574	Half-Mill Maintenance Equalization	\$	18,849,207	\$	18,128,526
AC	GRF	200576	Adaptive Sports Program	\$	250,000	\$	250,000
AD	GRF	200597	Program and Project Support	\$	1,125,000	\$	625,000
AE	GRF	657401	Medicaid in Schools	\$	297,978	\$	297,978
AF	TOTAL GRF	General Revenue Fund		\$	8,187,203,556	\$	8,079,038,142 <u>8,089,038,142</u>
AG	Dedicated Purpose Fund Group						
AH	4520	200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000

AI	4550	200608	Commodity Foods	\$	1,000,000	\$	1,000,000
AJ	4L20	200681	Teacher Certification and Licensure	\$	13,795,827	\$	14,000,000
AK	5980	200659	Auxiliary Services Reimbursement	\$	1,300,000	\$	1,300,000
AL	5H30	200687	School District Solvency Assistance	\$	2,000,000	\$	2,000,000
AM	5KX0	200691	Ohio School Sponsorship Program	\$	1,250,000	\$	1,250,000
AN	5MM0	200677	Child Nutrition Refunds	\$	550,000	\$	550,000
AO	5U20	200685	National Education Statistics	\$	170,675	\$	175,000
AP	5VS0	200604	Student Wellness and Success	\$	275,000,000	\$	400,000,000
AQ	5VU0	200663	School Bus Purchase	\$	0	\$	20,000,000
AR	6200	200615	Educational Improvement Grants	\$	594,443	\$	600,000
AS	TOTAL DPF Dedicated Purpose			\$	296,660,945	\$	441,875,000

Fund Group

AT Internal Service Activity Fund Group

AU	1380	200606	Information Technology Development and Support	\$	7,939,104	\$8,047,645.00
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AV	4R70	200695	Indirect Operational Support	\$	7,856,766	\$ 7,856,766
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AW	4V70	200633	Interagency Program Support	\$	5,497,938	\$ 5,500,000
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AX	TOTAL ISA Internal Service Activity Fund Group			\$	21,293,808	\$ 21,404,411
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AY State Lottery Fund Group

AZ	7017	200602	School Climate Grants	\$	2,000,000	\$ 2,000,000
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BA	7017	200612	Foundation Funding	\$	1,081,400,000	\$ 1,249,900,000
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BB	7017	200614	Accelerate Great Schools	\$	1,500,000	\$ 1,500,000
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BC	7017	200631	Quality Community Schools Support	\$	30,000,000	\$ 30,000,000
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BD	7017	200636	Enrollment Growth Supplement	\$	15,500,000	\$ 23,000,000
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BE	7017	200684	Community School Facilities	\$	20,600,000	\$	20,600,000
BF	TOTAL SLF State Lottery Fund Group			\$	1,151,000,000	\$	1,327,000,000
BG	Federal Fund Group						
BH	3670	200607	School Food Services	\$	11,469,730	\$	11,897,473
BI	3700	200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000
BJ	3AF0	657601	Schools Medicaid Administrative Claims	\$	295,500	\$	295,500
BK	3AN0	200671	School Improvement Grants	\$	17,000,000	\$	17,000,000
BL	3C50	200661	Early Childhood Education	\$	12,555,000	\$	12,555,000
BM	3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000
BN	3EJ0	200622	Homeless Children Education	\$	3,295,203	\$	3,300,000
BO	3FE0	200669	Striving Readers	\$	12,507,905	\$	12,511,000
BP	3GE0	200674	Summer Food Service Program	\$	15,599,467	\$	16,342,299

BQ	3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,911,207	\$	5,145,074
BR	3HF0	200649	Federal Education Grants	\$	7,049,677	\$	7,056,327
BS	3HI0	200634	Student Support and Academic Enrichment	\$	40,042,720	\$	40,042,720
BT	3L60	200617	Federal School Lunch	\$	418,643,500	\$	430,837,000
BU	3L70	200618	Federal School Breakfast	\$	158,726,966	\$	163,350,081
BV	3L80	200619	Child/Adult Food Programs	\$	110,121,168	\$	113,328,580
BW	3L90	200621	Career-Technical Education Basic Grant	\$	45,946,927	\$	46,000,000
BX	3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000
BY	3M20	200680	Individuals with Disabilities Education Act	\$	454,770,591	\$	455,000,000
BZ	3T40	200613	Public Charter Schools	\$	7,000,000	\$	7,000,000
CA	3Y20	200688	21st Century Community Learning Centers	\$	47,500,000	\$	47,500,000

CB	3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000
CC	3Y70	200689	English Language Acquisition	\$	10,500,000	\$	10,500,000
CD	3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000
CE	3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000
CF	3Z30	200645	Consolidated Federal Grant Administration	\$	10,701,635	\$	10,900,000
CG	TOTAL FED Federal Fund Group			\$	2,093,937,196	\$	2,115,861,054
CH	TOTAL ALL BUDGET FUND GROUPS			\$		\$	11,985,178,607 <u>11,995,178,607</u>

Sec. 265.210. FOUNDATION FUNDING

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C)(3) of section 3314.08, section 3317.0214 and division (B) of section 3317.16 in accordance with the section of ~~this act~~ H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of the Revised Code, except that the Controlling Board may increase these amounts if presented with such a request from the Department of Education at the final meeting of the fiscal year.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and

(C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be reserved to fund the state reimbursement of educational service centers under the section of ~~this act~~ H.B. 166 of the 133rd General Assembly entitled "EDUCATIONAL SERVICE CENTERS FUNDING."

Of the foregoing appropriation item 200550, Foundation Funding, up to \$3,500,000 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives and for the provision of technical assistance to schools and districts consistent with requirements of section 3312.01 of the Revised Code. The Department may distribute these funds through a competitive grant process.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$7,000,000 in each fiscal year shall be reserved for payments under section 3317.029 of the Revised Code, in accordance with the section of ~~this act~~ H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not sufficient, the Superintendent of Public Instruction may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding, is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$26,400,000 in each fiscal year shall be used to support school choice programs.

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to \$23,501,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to \$1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$2,000,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code. An amount equal to the unexpended,

unencumbered balance of this earmark at the end of fiscal year 2020 is hereby reappropriated for the same purpose for fiscal year 2021.

Of the foregoing appropriation item 200550, Foundation Funding, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with the section of ~~this act~~ H.B. 166 of the 133rd General Assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

Of the foregoing appropriation item 200550, Foundation Funding, up to \$700,000 in each fiscal year shall be used by the Department for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of ~~this act~~ H.B. 166 of the 133rd General Assembly entitled "PRIVATE TREATMENT FACILITY PROJECT."

Of the foregoing appropriation item 200550, Foundation Funding, a portion may be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding, a portion in each fiscal year shall be used to pay community schools and STEM schools the amounts calculated for the graduation and third-grade reading bonuses under sections 3314.085 and 3326.41 of the Revised Code, in accordance with the sections of ~~this act~~ H.B. 166 of the 133rd General Assembly entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING FOR STEM SCHOOLS."

Of the foregoing appropriation item 200550, Foundation Funding, up to \$1,172,000 in fiscal year 2020 and up to \$1,760,000 in fiscal year 2021 may be used by the Department for duties and activities related to the establishment of academic distress commissions under section 3302.10 of the Revised Code, to provide support and assistance to academic distress commissions to further their duties under Chapter 3302. of the Revised Code, and to provide technical assistance and tools to support districts subject to academic distress commissions.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$350,000 in fiscal year 2020 shall be used by the Department of Education to conduct return on investment studies for programming funded through student success and wellness funds and to provide technical assistance to school districts on implementing these strategies.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$100,000 in each fiscal year shall be used to make payments under section 3314.06 of the Revised Code to each community school that operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori Accreditation Council for Teacher

Education, or the Association Montessori Internationale as its primary method of instruction for students younger than four years of age who are enrolled in the school.

Of the foregoing appropriation item 200550, Foundation Funding, up to \$10,000,000 in fiscal year 2021 shall be used to pay scholarships awarded as follows. Notwithstanding anything in the Revised Code to the contrary, for applications for the 2020-2021 school year, the Department of Education shall accept, process, and award performance-based Educational Choice scholarships under section 3310.03 of the Revised Code as follows. An application period for students who are eligible for the first time for the 2020-2021 school year shall open April 1, 2020, and run not less than sixty days or to the extent funds appropriated by the General Assembly under Section 265.10 of H.B. 166 of the 133rd General Assembly and this section remain available. The Department shall award scholarships in the order that it receives applications and shall continue to award scholarships to the extent the funds appropriated by the General Assembly under Section 265.10 of H.B. 166 of the 133rd General Assembly and this section remain available. An application period for students who were eligible for scholarships for the 2019-2020 school year, regardless of whether the students received scholarships for that school year, and remain eligible for the 2020-2021 school year shall open April 1, 2020, and run not less than sixty days. These scholarships shall be funded and paid in accordance with section 3310.08 of the Revised Code.

The remainder of the foregoing appropriation item 200550, Foundation Funding, shall be used to fund the payments included in the state funding allocation under division (A)(1) of the section of ~~this act~~ H.B. 166 of the 133rd General Assembly entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, and joint vocational school districts under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget, including appropriation item 200903, Property Tax Reimbursement - Education, in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall

seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII by ~~this act~~ H.B. 166 of the 133rd General Assembly. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII in ~~this act~~ H.B. 166 of the 133rd General Assembly are effective. Upon the effective date of changes made to Title XXXIII in ~~this act~~ H.B. 166 of the 133rd General Assembly, funds shall be calculated as an annual amount.

Section 4. That existing Sections 265.10 and 265.210 of H.B. 166 of the 133rd General Assembly are hereby repealed."

Attest:

Bradley J. Young,
Clerk.

Senator Peterson moved that the amendments of the House of Representatives to **Am. Sub. S. B. No. 120**-Senators McColley, Rulli, be brought up for consideration.

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

The motion was agreed to.

The question being, "Shall the Senate concur in the amendments of the House of Representatives?"

The yeas and nays were taken and resulted – yeas 23, nays 7, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Craig
Dolan	Eklund	Fedor	Gavarone
Hackett	Hoagland	Hottinger	Johnson
Kunze	Maharath	Manning	O'Brien
Schaffer	Schuring	Sykes	Thomas
Wilson	Yuko		Obhof-23

Senators Burke, Huffman, M., Huffman, S., Lehner, McColley, Peterson, and Williams voted in the negative-7.

So the Senate concurred in the amendments of the House of Representatives.

Senator Huffman, S. moved to amend the title as follows:

Remove the name: "Huffman, S."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Senator Burke moved to amend the title as follows:

Remove the name: "Burke."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

HOUSE AMENDMENTS TO SENATE BILLS AND RESOLUTIONS

The amendments of the House of Representatives to:

Sub. S. B. No. 9-Senator Huffman, M.

Cosponsors: Senators Terhar, Roegner, Eklund, Brenner, Hottinger, Antonio, Burke, Coley, Craig, Dolan, Gavarone, Hackett, Hill, Hoagland, Kunze, Lehner, Maharath, Manning, McColley, Obhof, O'Brien, Peterson, Rulli, Schuring, Thomas, Wilson, Yuko. Representatives Antani, Cupp, Dean, DeVitis, Edwards, Fraizer, Grendell, Hambley, Holmes, A., Patton, Perales, Reineke, Riedel, Roemer, Romanchuk, Scherer, Seitz, Stoltzfus, Wiggam.

To amend sections 3904.13 and 4125.03 and to enact section 3901.89 of the Revised Code to require health plan issuers to release certain claim information to group plan policyholders and to allow a professional employer organization to file federal payroll taxes entirely under a client employer's tax identification number, was taken up.

Senator Peterson moved that the amendments of the House of Representatives to **Sub. S. B. No. 9**, be informally passed and retain their place on the calendar.

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

The motion was agreed to.

MOTIONS

Senator Hottinger moved that Senators absent the week of Friday, January 31, 2020, 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 bill was introduced and considered for the first time:

S. B. No. 266 - Senator Hottinger.

To enact section 5534.409 of the Revised Code to designate a portion of State Route 93, in Perry County, as the "Crooksville Firefighters David Theisen and Stephen Carletti Memorial Highway."

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolution was offered:

S. R. No. 459 - Senator Roegner.

Honoring James R. France on his four hundredth career win as a high school football coach.

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

So the resolution was adopted.

On the motion of Senator Peterson, the Senate recessed until 5:40 a.m.

The Senate met pursuant to the recess.

Clerk's Notation

To: Senator Larry Obhof, President, Ohio Senate

From: Senator Bill Coley

Cc: Vincent Keeran, Clerk, Ohio Senate
John Barron, Chief of Staff and General Council
Liz Connolly, Deputy Chief of Staff

Date: January 31st, 2020

Re: Senate Bill 120: January 31st, 2020

Today, I was properly excused from Session and unable to be there. I request to have my name removed from Senate Bill 120.

Should you have any questions regarding this request, please feel free to contact my office at 614-466-8072.

On the motion of Senator Peterson, the Senate adjourned until Monday, February 3, 2020 at 9:30 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.