OHIO

SENATE

JOURNAL

TUESDAY, JANUARY 28, 2003

NINTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, January 28, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Reverend Joe Hotchkiss, Gahanna Community Congregational 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 Carnes reports for the Standing Committee on Reference, recommending that the following bills, standing in order for second consideration, be referred to committee as recommended:

S. B. No. 1-Senator Amstutz.

To amend sections 122.151, 122.152, 122.154, 166.01, 166.02, 166.08, 166.11, 166.13, 166.14, 166.16, 5733.98, and 5747.98 and to enact sections 166.17 to 166.21, 184.04, 5733.352, and 5747.331 to increase the maximum amount of technology investments eligible for a tax credit, to require signatures on technology investment tax credit certificates, to require the Director of Development to develop the form of the tax credit certificate, to require the Director to report information regarding tax credit certificates to the Tax Commissioner, to increase Edison Center application fees, to create the Ohio Research Commercialization Grant Program, to increase the maximum amount of obligations that may be issued to fund economic development programs, to create the Research and Development Loan Fund, to authorize the Director to make loans from the Research and Development Loan Fund, and to grant tax credits for qualified research and development loan payments.

To the Committee on Ways and Means and Economic Development.

S. B. No. 2-Senators Robert Gardner, Prentiss, Mumper, Goodman, Harris, Spada, Carnes, Blessing, Armbruster.

To direct that the General Assembly's ongoing efforts to improve the quality of teaching in Ohio include provisions recommended by the Governor's Commission on Teaching Success.

To the Committee on Education.

S. B. No. 3-Senators Randy Gardner, Robert Gardner.

To direct the General Assembly's deliberations to modify the state public school accountability system to comply with the "No Child Left Behind Act of 2001."

To the Committee on Education.

S. B. No. 4-Senators Spada, Amstutz, Goodman, Jacobson, Harris.

To amend sections 313.12, 2108.50, 2151.421, 2311.14, 2903.16, 5123.51, 5123.61, 5123.99, 5126.30, 5126.31, and 5126.33 and to enact sections 2152.821, 2903.341, 2945.482, 2945.491, 5123.084, 5123.511, and 5126.282 of the Revised Code to implement the recommendations of the MR/DD Victims of Crime Task Force.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 5-Senators Jacobson, Amstutz, Austria, Coughlin, Randy Gardner, Goodman, Harris, Hottinger, Spada, Stivers.

To amend sections 2152.82, 2152.83, 2152.84, 2152.85, 2929.13, 2929.19, 2929.21, 2950.01, 2950.02, 2950.03, 2950.04, 2950.05, 2950.06, 2950.07, 2950.08, 2950.081, 2950.09, 2950.10, 2950.11, 2950.12, 2950.13, and 2950.99 and to enact section 2950.111 of the Revised Code to modify the Sex Offender Registration and Notification Law by adopting most of the recommendations of the Governor's Sex Offender Registration and Notification Task Force, generally conforming the Law to federal guidelines, providing a penalty for failing to send a notice of intent to reside, clarifying that habitual sex offenders in another jurisdiction are habitual sex offenders under Ohio law, clarifying the Law's community notification provisions as applied to multi-resident buildings, specifying that convictions in courts of foreign nations are sexually oriented offenses under the Law, and making other changes in that Law, and to amend the versions of sections 2929.13 and 2929.19 of the Revised Code that are scheduled to take effect on January 1, 2004, to continue the provisions of this act on and after that effective date.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 6-Senators Stivers, Goodman, Jacobson, Spada, Harris, Robert Gardner, Randy Gardner, Fingerhut.

To amend sections 339.89, 3701.03, 3701.04, 3701.06, 3701.07, 3701.13, 3701.14, 3701.15, 3701.16, 3701.17, 3701.22, 3701.23, 3701.24, 3701.241, 3701.25, 3701.34, 3701.35, 3701.352, 3701.501, 3701.56, 3701.57, 3701.81, 3701.99, 3707.06, 3715.02, 3901.46, 4736.01, and 6111.04; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3701.16 (3701.161), 3701.17 (3701.162), 3701.23 (3701.221), and 3707.33 (3707.38); to enact new sections 3701.16, 3701.17, and 3701.23 and sections 3701.072, 3701.146, 3701.147, 3701.231, 3701.232, 3701.571, and 3707.34 of the Revised Code; and to amend Section 56.01 of Am. Sub. H.B. 94 of the 124th General Assembly, as subsequently amended, to modify the powers and duties of the Department of Health, Public Health Council, and boards of health relative to bioterrorism and other public health matters.

To the Committee on Finance and Financial Institutions.

S. B. No. 7-Senators Coughlin, Harris, Goodman, Amstutz, Mumper, Jacobson, DiDonato.

To amend sections 1701.831, 1707.01, 1707.08, 1707.09, 1707.11, 1707.23, 1707.40, 1707.41, 1707.42, 1707.43, 1707.44, and 2913.02 and to enact sections 1707.131 and 1707.231 of the Revised Code to modify the Corporation Law regarding special meetings of shareholders in connection with tender offer, control share acquisition bids; to modify the Securities Law with respect to securities to which it applies, requirements for registration of securities, the designation of the Secretary of State to receive service of process, the application of remedies under the Securities Law, the Attorney General's enforcement authority on behalf of persons injured by a violation, the statutes of limitations governing an action for specified violations, and the prohibitions against certain misleading actions; and to increase the criminal penalty for certain theft offenses and create a new criminal aggravated theft offense.

To the Committee on Judiciary - Civil Justice.

S. B. No. 8-Senators Austria, Amstutz, Jacobson, Spada, Harris, Mumper, Randy Gardner, Prentiss, Miller, DiDonato, Fedor.

To amend section 2903.211 of the Revised Code to expand menacing by stalking to prohibit the posting of a computer-related message with intent to urge or incite a person to illegally stalk another, to specifically include electronic communication and telecommunication as a pattern of conduct under the crime, and to clarify the nature of the mental distress that constitutes an element of the crime.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 9-Senators Coughlin, Hottinger, Harris, Mumper, Carnes, Randy Gardner, Goodman.

To amend sections 325.32 and 2950.03 and to enact sections 311.171 and 2950.061 of the Revised Code to permit a sheriff to charge a fee to register, register a change of residence address of, or verify a residence address of an adult offender who is required to register under the Sex Offender Registration and Notification Law.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 10-Senators Randy Gardner, Coughlin, Hottinger, Harris, Armbruster, Austria, Robert Gardner, Goodman, Schuring.

To amend sections 3517.01, 3517.08, 3517.10, 3517.102, 3517.11, 3517.13, and 3517.992, and to enact sections 3517.1011 and 3517.1012 of the Revised Code to revise the Campaign Finance Law.

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

S. B. No. 11-Senators Goodman, Blessing, Hottinger, Harris, Jacobson, Randy Gardner, Coughlin, Carey, Prentiss, Spada, Herington.

To amend sections 2953.21 and 2953.23 and to enact sections 2953.71 to 2953.81 of the Revised Code to establish a mechanism for the DNA testing of certain inmates serving a prison term for a felony or under a sentence of death.

To the Committee on Judiciary - Criminal Justice.

S. B. No. 12-Senators Randy Gardner, Robert Gardner, Harris, Mumper, Prentiss.

To amend section 3314.02 of the Revised Code to remove the prohibition on establishing a conversion community school as an Internet- or computer-based community school.

To the Committee on Education.

S. B. No. 13-Senator Spada.

To enact section 1349.19 of the Revised Code to prohibit a gift certificate having an expiration date.

To the Committee on Insurance, Commerce and Labor.

S. B. No. 14-Senators Hagan, DiDonato, Miller, Herington, Mallory, Fingerhut, Dann, Fedor, Roberts, Brady, Prentiss.

To amend section 329.04 and to enact sections 5110.01, 5110.02, 5110.03, 5110.04, 5110.06, 5110.07, 5110.08, 5110.09, 5110.10, 5110.12, 5110.15, 5110.16, 5110.18, 5110.19, 5110.20, 5110.21, 5110.25, 5110.26, 5110.27, 5110.28, 5110.40, 5110.42, 5110.44, 5110.50, 5110.60, and 5110.62 of the Revised Code to create the Rx Program; to require the Director of Job and Family Services, on making a specified determination, to establish maximum retail prices for prescription drugs; to authorize the Director to act in the event of a severe shortage of prescription drugs; and to authorize a civil action for violation of certain prohibitions regarding pricing of prescription drugs.

To the Committee on Health, Human Services and Aging.

S. J. R. No. 1-Senator Austria.

Proposing to enact Section 2p of Article VIII of the Constitution of the State of Ohio relating to science and technology based research and development purposes, including authorizing the issuance of general obligations of the state to pay costs related to those purposes.

To the Committee on Finance and Financial Institutions.

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

JAMES E. CARNES
DOUG WHITE
BILL HARRIS
MARK MALLORY
GREGORY L. DIDONATO

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

The report of the committee was accepted.

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

MOTIONS

Senator Jacobson moved that Senators absent the week of Sunday, January 26, 2003, 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. 15-Senator Brady.

To amend section 3517.08 of the Revised Code to specify that all loans, gifts, and other donations made to, or received or used by, the operating fund of a state or county political party are for the purpose of influencing the next subsequent primary or general election and must be included in campaign finance reports.

S. B. No. 16-Senator Coughlin.

To enact section 3345.02 of the Revised Code to establish a limit on the annual increase in undergraduate in-state instructional and general fees that a state university board of trustees may charge.

S. B. No. 17-Senator Roberts.

To enact section 109.46 of the Revised Code to require every law enforcement agency to record detailed data whenever one of its law enforcement officers causes the operator of a motor vehicle to stop the motor vehicle, to require the data to be submitted to the Attorney General, and to require the Attorney General to analyze the data, draw conclusions from the data, and report the data, analysis, and conclusions to the General Assembly.

OFFERING OF RESOLUTIONS

Senator Randy Gardner offered the following concurrent resolution :

S. C. R. No. 3-Senator Randy Gardner.

To adopt the Legislative Code of Ethics for the members and employees of both chambers of the 125th General Assembly, employees of the Legislative Service Commission, and candidates for the 126th General Assembly.

WHEREAS, The Joint Legislative Ethics Committee, appointed by the

President of the Senate and the Speaker of the House of Representatives 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 the Legislative Service Commission, and candidates for the office of member of the General Assembly; now therefore be it

RESOLVED, That the Senate and the House of Representatives of the 125th General Assembly adopt the following Legislative Code of Ethics:

LEGISLATIVE CODE OF ETHICS
FOR MEMBERS AND EMPLOYEES OF THE
~~124th~~125th OHIO GENERAL ASSEMBLY,
EMPLOYEES OF THE LEGISLATIVE SERVICE COMMISSION,
AND CANDIDATES FOR THE ~~125th~~126th 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~~Codeof ~~ethics~~Ethics. All employees of the Senate or House of Representatives and all employees of the Legislative Service Commission 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~~Code of ~~ethics~~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 the Legislative Service Commission 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 the Legislative Service Commission 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 the Legislative Service Commission 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 the Legislative Service Commission 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 the Legislative Service Commission 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 the Legislative Service Commission 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 the Legislative Service Commission 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 the Legislative Service Commission 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 ~~and in rules adopted by the Joint Legislative Ethics Committee~~;

(2) A business associate, as defined in section 102.031 of the Revised Code ~~and in rules adopted by the Joint Legislative Ethics Committee~~;

(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 the Legislative Service Commission shall receive or agree to receive, directly or indirectly, compensation other than from the house with which the person serves or from the Legislative Service Commission, if the person is a Legislative Service Commission 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 the Legislative Service Commission 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 the Legislative Service Commission who is required to file a financial disclosure statement under section 102.02 of the Revised Code 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~~, any legislative agency,~~ or any~~other~~ 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 the Legislative Service Commission required to file an annual statement under section 102.02 of the Revised Code 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 the Legislative Service Commission who is required to file a financial disclosure statement 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 the Legislative Service Commission 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 the Legislative Service Commission 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 the Legislative Service Commission 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 the Legislative Service Commission 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 the Legislative Service Commission 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 1751. 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 the Legislative Service Commission 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, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that member or candidate or that member's or candidate's 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 in or by the same public agency, department, division, or office as the member of the General Assembly;

(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 the Legislative Service Commission 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 of 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 of 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 the Legislative Service Commission 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, ~~any legislative agency,~~ or any ~~other~~ 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 the Legislative Service Commission 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 the Legislative Service Commission.

(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 the Legislative Service Commission 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 the Legislative Service Commission.

(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 the Legislative Service Commission 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 the Legislative Service Commission 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.

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 fourteen 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 sixty days after the filing of any complaint and at least fourteen days after the chairperson has ~~sent~~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 (D) 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)(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, ~~then~~ 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.

(E)(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 the Legislative Service Commission 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.

(F)(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 the Legislative Service Commission. 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.

(G) A person against whom a complaint is filed shall be given~~reasonable notice~~ 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.

(H) 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.

(I)(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 the Legislative Service Commission 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;

(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.

(J) 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.

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

(L) 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 the Legislative Service Commission shall be given a copy of this Code of Ethics within ten days after its adoption.

SECTION 16. APPLICATION TO ~~125th~~126th GENERAL ASSEMBLY

The Code of Ethics for the ~~124th~~125th General Assembly shall be effective until the ~~125th~~126th General Assembly adopts the Code of Ethics for the ~~125th~~126th General Assembly.

The question being, "Shall the resolution, **S. C. R. No. 3**, be adopted?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Armbruster	Austria	Blessing
Brady	Carey	Carnes	Coughlin
Dann	DiDonato	Fedor	Fingerhut
Randy Gardner	Robert Gardner	Goodman	Hagan
Harris	Herington	Hottinger	Jacobson
Jordan	Mallory	Miller	Mumper
Nein	Prentiss	Roberts	Schuler
Schuring	Spada	Stivers	Wachtmann
			White-33.

So the concurrent resolution was adopted.

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

The title was agreed to.

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

S. R. No. 48 -Senator Herington.

Honoring John and Agnes Smith on their Sixty-fifth Wedding Anniversary.

S. R. No. 49 -Senator Herington.

Honoring Curtis and Norma Eldridge on their Golden Wedding Anniversary.

S. R. No. 50 -Senator Herington.

Honoring Forse and Annie Russell on their Golden Wedding Anniversary.

S. R. No. 51 -Senator Herington.

Honoring Richard and Emma Cruise on their Golden Wedding Anniversary.

S. R. No. 52 -Senator Herington.

Honoring William and Doris Smith on their Golden Wedding Anniversary.

S. R. No. 53 -Senator Herington.

Honoring Milton and Lou Mayhew on their Golden Wedding Anniversary.

S. R. No. 54 -Senator Nein.

Honoring Edward and Lillian Reynolds on their Golden Wedding Anniversary.

S. R. No. 55 -Senator Nein.

Honoring Dale and Mary Wysong on their Golden Wedding Anniversary.

S. R. No. 56 -Senator Nein.

Honoring Bob and Mary Jo Bauer on their Golden Wedding Anniversary.

S. R. No. 57 -Senator Herington.

Honoring Frank and Johnnie Givan on their Golden Wedding Anniversary.

S. R. No. 58 -Senator Mumper.

Honoring Modestus and Joanne Maag on their Golden Wedding Anniversary.

S. R. No. 59 -Senator Wachtmann.

Honoring Kevin Thierry for excellence at the 2002 Ohio Farm Bureau Federation contest.

S. R. No. 60 -Senator Hagan.

Honoring Louis and Patricia Grimm on their Golden Wedding Anniversary.

S. R. No. 61 -Senator Robert Gardner.

Honoring Henry and Virginia Gorjanc on their Golden Wedding Anniversary.

S. R. No. 62 -Senators Robert Gardner, Austria, Amstutz, Randy Gardner, Harris, Mumper, Prentiss, Brady, Fedor.

Honoring Paul D. Marshall on his retirement.

S. R. No. 63 -Senator Robert Gardner.

Honoring Herbert and Doralee Jarrell on their Golden Wedding Anniversary.

S. R. No. 64 -Senator Robert Gardner.

Honoring George and Carol Protzman on their Sixtieth Wedding Anniversary.

S. R. No. 65 -Senator Robert Gardner.

Honoring Henry and Amelia Serdio on their Golden Wedding Anniversary.

S. R. No. 66 -Senator Robert Gardner.

Honoring Howard and Flossy Schlemo on their Fifty-fifth Wedding Anniversary.

S. R. No. 67 -Senator Robert Gardner.

Honoring Richard and Doris Cermak on their Golden Wedding Anniversary.

S. R. No. 68 -Senator Carnes.

Honoring Glenn and Ruth Welch on their Sixtieth Wedding Anniversary.

S. R. No. 69 -Senator Carnes.

Honoring William and Ella Jane Witten on their Sixty-fifth Wedding Anniversary.

S. R. No. 70 -Senator Carnes.

Honoring Dale and Anna Rollison on their Fifty-fifth Wedding Anniversary.

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

So the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

Pursuant to Section 3383.02 of the Ohio Revised Code, the President of the Senate appoints Senator Goodman to serve on the **Ohio Arts and Sports Facilities Commission**.

On the motion of Senator Randy Gardner the Senate adjourned until Thursday, January 30, 2003 at 9:30 a.m.

Attest: MATTHEW T. SCHULER,
Clerk.