



H.B. 576

127th General Assembly
(As Introduced)

Rep. Bacon

BILL SUMMARY

- Authorizes the Inspector General to investigate and receive complaints with respect to the Secretary of State, Auditor of State, Treasurer of State, and Attorney General and their respective offices.
- Transfers the power to appoint and remove the Inspector General from the Governor to the Chief Justice, makes removal of the Inspector General subject to the advice and consent of the Senate, requires the Inspector General to have ten years' experience in conducting investigations, and establishes a four-year term of office for the Inspector General.

CONTENT AND OPERATION

Duties of the Inspector General

Under existing law (R.C. 121.42--not in the bill), the Inspector General (IG) has the authority to investigate the management and operation of "state agencies" on the IG's own initiative in order to determine whether wrongful acts and omissions have been committed or are being committed by state officers or state employees. The IG may also investigate alleged wrongdoing by state officers or employees upon complaints received from any persons. The IG must report suspected crimes and wrongful acts or omissions to the Governor and to the appropriate state or federal prosecuting authority with jurisdiction over the matter if there is reasonable cause to believe that a crime has occurred or is occurring and must report the wrongful acts or omissions to the appropriate ethics commission, the appropriate licensing agency for possible disciplinary action, or the state officer's or state employee's appointing authority for possible disciplinary action. The IG must similarly report suspected crimes or other wrongful acts or omissions of which the IG becomes aware in the course of an investigation of a state agency, officer, or employee. The reporting requirements do not apply if the person to

whom the IG would report is the one allegedly committing the wrongful act or omission. In addition, the IG must do all of the following:

- (1) Prepare a detailed report of each investigation;
- (2) Identify other state agencies that also are responsible for investigating, auditing, reviewing, or evaluating the management and operation of state agencies, and negotiate and enter into agreements with these agencies to share information and avoid duplication of effort;
- (3) For the IG's own guidance and the guidance of deputy inspectors general, develop and update a working definition of "wrongful act or omission" and a manual of investigative techniques;
- (4) Conduct studies of techniques of investigating and detecting, and of preventing or reducing the risk of, wrongful acts and omissions by state officers and state employees;
- (5) Consult with state agencies and advise them in developing, implementing, and enforcing policies and procedures that will prevent or reduce the risk of wrongful acts and omissions by their state officers or state employees;
- (6) After detecting a wrongful act or omission, review and evaluate the relevant policies and procedures of the state agency in which the wrongful act or omission occurred, and advise the state agency as to any changes that should be made in its policies and procedures so as to prevent recurrences of similar wrongful acts or omissions.

State agencies subject to Inspector General's authority

Under R.C. 1.60, "state agency," as used in R.C. Title I, means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, except as otherwise provided in the title. As used in the existing provisions governing the activities of the IG, "state agency" has the same meaning as in R.C. 1.60 except that it does not include (1) the General Assembly, (2) any court, or (3) the Secretary of State, Auditor of State, Treasurer of State, or Attorney General or their respective offices. Under the bill, as used in the Revised Code provisions governing the activities of the IG, "state agency" includes the Secretary of State, Auditor of State, Treasurer of State, and Attorney General and their respective offices. Therefore, the bill expands the authority of the IG to include investigation of these elected state officers and their respective offices. (R.C. 1.60--not in the bill; R.C. 121.41(D).)

Qualifications, appointment, removal, and term of office of Inspector General

Under existing law, the Governor appoints the Inspector General, subject to the advice and consent of the Senate, for a term that coincides with the term of the appointing Governor. The appointee must meet one or more of the following qualifications (R.C. 121.48 and 121.49(A)):

- (1) At least five years' experience as a law enforcement officer in Ohio or any other state;
- (2) Admission to the bar of Ohio or any other state;
- (3) Certification as a certified public accountant in Ohio or any other state;
- (4) At least five years' service as the comptroller or similar officer of a public or private entity in Ohio or any other state.

The Governor may remove the IG from office only after delivering written notice to the IG of the reasons for the intended removal and giving the IG an opportunity to appear and show cause why the IG should not be removed (R.C. 121.48).

The bill gives to the Chief Justice rather than the Governor the power to appoint and remove the IG and changes the term of office to a definite term of four years, beginning on the second Monday of January. The appointment remains subject to the advice and consent of the Senate. The bill also requires the advice and consent of the Senate to the removal of the IG. In addition to the qualifications set forth in existing law, the bill requires that a person appointed IG have at least ten years of experience in conducting investigations. (R.C. 121.48 and 121.49(A).)

Term of current Inspector General

The bill provides that the term of office of the current IG continues through January 9, 2011. The bill requires the Chief Justice to appoint the IG for the first time so that the IG so appointed takes office on January 10, 2011. (Section 3.)

HISTORY

ACTION	DATE
Introduced	05-23-08

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