



Ohio Legislative Service Commission

Bill Analysis

Daniel M. DeSantis

H.B. 522

128th General Assembly
(As Introduced)

Rep. Murray

BILL SUMMARY

- Establishes a recusal policy for the Office of the Inspector General.
- Requires appointment of a deputy inspector general to function as the Inspector General insofar as there is a recusal.

CONTENT AND OPERATION

Inspector General recusal policy

(R.C. 121.41 and 121.42(L))

Recusal is the act of disqualifying oneself or withdrawing oneself from performing a duty or function. The bill requires the Inspector General to recuse from acting as the inspector with respect to any matter of investigation regarding a state agency if the Inspector General has been employed by that state agency or has a familial relationship¹ with an employee of that agency. The recusal must include any issue related to the state agency, including any decision whether to investigate a complaint regarding the agency.

Appointment of deputy inspector general upon recusal

(R.C. 121.41 and 121.42(K), (L)(1), and (L)(2))

The Inspector General must designate a deputy inspector general to act as the Inspector General with respect to all the Inspector General's duties regarding any

¹ "Familial relationship" means a relationship in which the Inspector General is a spouse, sibling, natural or adoptive parent, or natural or adoptive child of an employee of a state agency.

recusal. Such a designated deputy inspector general must not have been employed by that state agency or have a familial relationship with an employee of the state agency that is the subject of the recusal.

A designated deputy inspector general is to act as the Inspector General and assume administration of the Inspector General's office, but only to the extent necessary for the designated deputy to resolve any matter over which the Inspector General is or was not able to act as Inspector General due to the recusal.

Any actions related to a recusal are to be performed in the name of the designated deputy. Any employee of the Inspector General's office, and any employee of the state agency that is the subject of the recusal, who normally would be required to communicate with, cooperate with, or provide assistance to the Inspector General regarding a complaint or as part of an investigation of the state agency, must communicate with, cooperate with, or provide assistance to the designated deputy regarding the state agency as if the designated deputy were the Inspector General, and the designated deputy is to act as the Inspector General with respect to the state agency.

Savings clauses

(R.C. 121.42(L)(3))

The bill states that its provisions do not supersede the Governor's authority to appoint or remove the Inspector General, and that the designation of a deputy inspector general coincides with the term of the Governor or the Inspector General, whichever is applicable.

HISTORY

ACTION	DATE
Introduced	05-19-10

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