



Ohio Legislative Service Commission

Bill Analysis

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(As Introduced)

Sen. Niehaus

BILL SUMMARY

Financial disclosure statements of public officials and employees

- Requires the filer of a financial disclosure statement to disclose the name of the filer, the filer's spouse, and each dependent child of the filer who is 18 years of age or older and who resides in the filer's household, and all names under which those individuals do business.
- Clarifies that a filer is not required to disclose income derived by and received in the name of the filer's spouse that is not clearly designated for the use and benefit of the filer.
- Requires a filer who receives rental income from residential property owned by the filer to identify only the address of each property that is a source of rental income, instead of the name of the tenant.
- Requires a filer to disclose the name of any person residing or transacting business in Ohio to whom the filer owed, or who owed the filer, more than \$5,000 during the preceding calendar year, if the debt was not paid in full within 60 days after the debt was incurred.
- Requires a filer to identify the source of certain expenditures, including gifts and meals, that are received in connection with the filer's official duties and that exceed \$100 aggregated per calendar year, instead of separately reporting certain gifts over \$75 (or \$25 for a member of the General Assembly from a legislative agent) and certain meals, food, and beverages exceeding \$100 aggregated per calendar year.
- Permits the Joint Legislative Ethics Committee (JLEC) and the Ohio Ethics Commission, by rule, to create exceptions to this reporting requirement.

- Provides that a filer is not required to identify the source and amount of payment for certain travel expenses if the expenses were paid for or reimbursed by the U.S. government or a state or local government located in the U.S.
- Permits a filer to file an amended disclosure statement, along with a written explanation of the amendment, not more than 180 days after the original statement was required to be filed, and requires the appropriate ethics commission to accept the statement, unless the additional information in the statement is material to a complaint, charge, or inquiry.
- Permits a filer to file an amended disclosure statement, along with a written explanation of the amendment, more than 180 days after the original statement was required to be filed, only in order to correct an error made in good faith but, the appropriate ethics commission may reject the statement.
- Reduces from 24 months to 12 months the period during which former state elected officials and certain staff members must file disclosure statements regarding certain activities after leaving public service or employment, and eliminates the \$10 filing fee for those statements.

Members of the General Assembly

- Prohibits a member of the General Assembly from knowingly accepting certain expenditures of more than \$250 aggregated per calendar year from a legislative agent or from a former state elected official or staff member who is required to file disclosure statements, instead of prohibiting a member from receiving more than \$75 aggregated per calendar year for certain meals and other food and beverages, or any noncash gift whose value exceeds \$75, from a legislative agent.
- Permits a member who has received more than \$250 in expenditures from a legislative agent to return the excess amount to the legislative agent within 60 days after receiving notice of the amount of aggregated expenditures.
- Repeals a provision of existing law that has been held unconstitutional that prohibited a former member or employee of the General Assembly, for a period of one year after the conclusion of the member or employee's employment or service, from representing any person on any matter before the General Assembly.
- States that the members, officers, and employees of the General Assembly are clients of the JLEC attorneys who give them legal advice, for the purposes of attorney-client privilege.

Legislative agents, executive agency lobbyists, and retirement system lobbyists

- Defines a "legislative agent" as any person, except for certain public officers and employees, whose direct communication with any public official for the purpose of actively advocating constitutes at least 5% of the total performance time for which the individual is compensated by a specific employer.
- Defines an "executive agency lobbyist" as any person, except for certain public officers and employees, whose direct communication with any public official for the purpose of actively advocating constitutes at least 25% of the total performance time for which the individual is compensated by a specific employer.
- Defines a "retirement system lobbyist" as any person, except for certain public officers and employees, whose direct communication with any public official for the purpose of actively advocating constitutes at least 25% of the total performance time for which the individual is compensated by a specific employer.
- Effective December 1, 2014, increases the registration fee for legislative agents and executive agency and retirement system lobbyists from \$25 to \$35.
- Effective December 1, 2014, provides that executive agency and retirement system lobbyist registration cards are valid from the date of issuance until the next December 31 of an even-numbered year, instead of the next January 31 of the year following the year in which the registration card was issued.
- Provides that a legislative agent or executive agency or retirement system lobbyist is not required to show an expenditure on a statement of expenditures if the agent's or lobbyist's employer reports the expenditure.
- Generally requires each agent, lobbyist, or employer to report detailed information regarding expenditures the filer made that, when added to the amount of previous expenditures made by the filer during the same calendar year, exceed a total of \$100 at the request of, for the benefit of, or on behalf of a public official regarding whom the filer must report.
- Eliminates the requirement that the filer report detailed information about every expenditure, except for meals and other food and beverages, and separately report detailed information about certain expenditures for meals and other food and beverages.
- Specifies that a legislative agent or employer is not required to report detailed information about an expenditure for *meals or beverages provided at* a dinner, party, or

other function sponsored by the filer, if the filer has invited all the members of the General Assembly or all the members of either house of the General Assembly.

- Eliminates an exception that excludes executive agency lobbyists and their employers from being required to report detailed information about expenditures for meals and other food and beverages provided at certain meetings and conventions.
- Retains the above-described exception for legislative agents and their employers, but requires the filer to report the amount spent for the function and its date and purpose separately in the statement and to include the amount spent in the total amount of expenditures as reported in the statement.
- Requires a legislative agent, executive agency or retirement system lobbyist, or employer to include in the statement of expenditures all legislation regarding which the filer has advocated or all executive agency or retirement system decisions the filer has sought to influence, as appropriate, except that an employer is not required to report this information if the employer's agent or lobbyist has reported it.
- Requires a legislative agent, executive agency or retirement system lobbyist, or employer to deliver *notice* of an expenditure or the details of a financial transaction, instead of a copy of the statement, to the recipient of the expenditure or transaction at least ten days before the date on which the statement is filed.
- Eliminates a requirement that an agent, lobbyist, or employer who made expenditures for transportation, lodging, or food and beverages purchased for consumption on the premises to deliver to the recipient of the expenditures a statement of the nondisputed information regarding the expenditure.
- If a dispute arises regarding an expenditure or the details of a financial transaction, extends the time for filing a statement that contains a disputed expenditure or financial transaction, pending JLEC's decision, instead of requiring the statement to be filed on time and then permitting an amended statement to be filed to reflect the disputed expenditure or transaction.

Ethics records

- Requires JLEC to publish the statements of registration, expenditures, and details of financial transactions filed with JLEC by legislative agents, executive agency and retirement system lobbyists, and employers and to make them available to the general public on its official web site.

- Eliminates the requirement that JLEC distribute lists of registered agents, lobbyists, and employers to certain public officials.
- Starting with statements required to be filed for calendar year 2012, requires the Ohio Ethics Commission to publish and make available to the public on its official web site each disclosure statement filed with the Commission by a person who is elected to, a candidate for, or appointed to fill a vacancy for an expired term in any elective office, except for certain statements that are required to be kept confidential under continuing law.
- Transfers from JLEC to the Ohio Ethics Commission the duty to maintain a list of all executive agencies and to provide copies of the list to the general public upon request.

Bureau of Criminal Identification and Investigation

- Permits the Bureau of Criminal Identification and Investigation to assist the Ohio Ethics Commission and JLEC in investigating certain offenses by public officials and employees.

Casino Control Commission

- Repeals the provision of existing law that states that an individual engaged by the Casino Control Commission to actively advocate is a legislative agent even if the individual does not actively advocate as one of the individual's main purposes.
- Allows a member, the Executive Director, or an employee of the Casino Control Commission to participate in an amusement or activity, other than casino gaming, at a casino facility in Ohio or at an affiliate gaming facility of a licensed casino operator, wherever located, if the member, Executive Director, or employee pays the same price as the general public for that amusement or activity.

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CONTENT AND OPERATION

Financial disclosure statements of public officials and employees

Disclosure statements

The bill makes several revisions to the information that certain public officials and employees must include in the annual disclosure statements they file with the Joint Legislative Ethics Committee (JLEC), the Ohio Ethics Commission, or the Supreme Court Board of Commissioners on Grievances and Discipline, as appropriate.¹

Names

The bill requires the filer of the statement to disclose the name of the filer, the filer's spouse, each dependent child of the filer *who is 18 years of age or older and who resides in the filer's household*, and all names under which those individuals do business.

Existing law requires the filer to disclose the name of the filer and each member of the filer's immediate family, and all names under which the filer or members of the filer's immediate family do business. "Immediate family" means a spouse residing in the filer's household and any dependent child.²

Income

The bill clarifies that the filer need not identify the source of income derived by and received in the name of the filer's spouse that is not clearly designated for the filer's

¹ R.C. 102.02.

² R.C. 102.01(D) and 102.02(A)(1).

use and benefit. The Ohio Ethics Commission has interpreted the current law not to require a filer to report such spousal income.³

Under the bill, if the filer received rental income from residential property owned by the filer, the statement must identify only the address of each property that is a source of rental income. Existing law requires the filer to disclose the name of the tenant.⁴

Creditors and debtors

The bill generally requires the filer to disclose the names of all persons residing or transacting business in Ohio to whom the filer owed, in the filer's own name or in the name of any other person, or who owed the filer, either in the filer's own name or to any person for the filer's use or benefit, during the preceding calendar year, *more than \$5,000, if the debt was not paid in full within 60 days after the debt was incurred.*

Under existing law, the filer generally must disclose the names of all persons residing or transacting business in Ohio to whom the filer owes, in the filer's own name or in the name of any other person, or who owes the filer, in the filer's own name or to any person for the filer's use or benefit, more than \$1,000.⁵

Expenditures received

The bill requires the filer to identify the source of any expenditures the filer received in connection with the filer's official duties and that exceed \$100 aggregated per calendar year. The bill eliminates the current definition of "expenditure" and instead defines "expenditure" as any of the following that is made to, at the request of, for the benefit of, or on behalf of the filer:⁶

- A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, transportation, or honorariums;
- A contract, promise, or agreement to make an expenditure, whether or not legally enforceable; or
- The purchase, sale, or gift of services or any other thing of value.

³ R.C. 102.02(A)(2)(a) and Ohio Ethics Commission Advisory Opinion No. 75-036, December 17, 1975, available at ethics.ohio.gov/Opinions/75-036.pdf, accessed November 23, 2012.

⁴ R.C. 102.02(A)(2)(d).

⁵ R.C. 102.02(A)(5) and (6).

⁶ R.C. 102.02(A)(8)(b).

All of the following are excluded from the definition of "expenditure" under the bill, and thus are not required to be reported on a financial disclosure statement:⁷

- Meals and other food and beverages provided at a meeting at which the filer participated in a panel, seminar, or speaking engagement or at a meeting or convention 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 pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues;
- Gifts received by will or inheritance, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the filer stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or an ancestor;
- A contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;
- The purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the filer; or
- An offer or sale of securities to the filer that is governed by certain provisions of the Code of Federal Regulations, adopted under the authority of the federal "Securities Act of 1933," or that is governed by a comparable provision under state law.

Furthermore, the bill permits JLEC and the Ohio Ethics Commission, by rule, to create additional exceptions to the expenditure reporting requirement. A filer is not required to report the source of an expenditure if the expenditure falls under an exception created by the body with which the statement is filed.

The bill eliminates the provision of current law that requires a filer to report the source of each gift over \$75, or of over \$25 received by a member of the General Assembly from a legislative agent, except for gifts received by will or inheritance or from certain family members. The bill also eliminates the requirement of reporting

⁷ R.C. 102.02(A)(8)(c).

meals and other food and beverages, except for those at certain meetings and conventions, that exceed \$100 aggregated per calendar year.

Finally, the bill provides that the filer is not required to identify the source and amount of payment for expenses incurred for travel that is received by the filer in the filer's own name or by any other person for the filer's use or benefit and that is incurred in connection with the filer's official duties, if the expense was paid for or reimbursed by the United States government or by a state or local government located in the United States.

Under continuing law, the filer also is not required to report the source or amount of payment for such expenses if they are 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, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues.⁸

Amended disclosure statements

The bill permits a filer to file an amended disclosure statement, which must be accompanied by a written explanation of the information the filer has amended and the reason for the amendment.

If the amended statement is filed not more than 180 days after the original statement was required to be filed, the appropriate ethics commission must acknowledge receipt of the amended statement and must accept and retain the statement in the same manner as the original, except that the commission may reject the statement if any of the additional information submitted in the statement is material to a complaint, charge, or inquiry.

A filer may file an amended statement more than 180 days after the original statement was required to be filed only in order to correct an error made in good faith. The appropriate ethics commission must acknowledge receipt of the amended statement. The commission may accept and retain the amended statement in the same manner as the original, unless the commission determines that the filer (1) did not make an error in good faith, (2) knowingly failed to provide the required information, or (3) knowingly filed a false financial disclosure statement. The commission also may reject the statement if any of the additional information submitted in the statement is material to a complaint, charge, or inquiry.⁹

⁸ R.C. 102.02(A)(7), (8), and (9).

⁹ R.C. 101.34(B)(9) and 102.02(D) and (E).

An amended statement filed by a person whose statements are required to be kept confidential by the Ohio Ethics Commission remains confidential in the same manner as the original statement.¹⁰

Reporting requirements for former state elected officials and staff members

The bill reduces from 24 months to 12 months the period during which former state elected officials and staff members must file disclosure statements regarding certain activities after leaving public service or employment. The bill also eliminates the \$10 filing fee for those statements, although under continuing law, JLEC may charge late fees.¹¹

Members of the General Assembly

Maximum amount of expenditures received

The bill increases the value of monetary gifts and expenditures that a General Assembly member may receive from a legislative agent or a former state elected official or staff member. Under the bill, a member of the General Assembly is prohibited from knowingly accepting expenditures of more than \$250 aggregated per calendar year from a legislative agent or from a former state elected official or staff member who is required to file disclosure statements, other than a campaign contribution and other than expenditures for meals and other food and beverages provided at either of the following:

- A meeting at which the filer participated in a panel, seminar, or speaking engagement or at a meeting or convention 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 pays membership dues; or
- 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.

"Expenditure" has the same meaning as defined in the legislative lobbying statute.

Within 60 days after a member receives notice from a legislative agent that the legislative agent has provided the member with expenditures of more than \$250

¹⁰ R.C. 102.02(B).

¹¹ R.C. 102.021.

aggregated in a calendar year, the member may return the amount that exceeds \$250 to that legislative agent.

Under continuing law, a member of the General Assembly may not accept the payment of certain expenses for travel or lodging or a gift in any amount in the form of cash or the equivalent of cash from those individuals.

The bill repeals provisions of existing law that prohibit a member of the General Assembly from accepting from those individuals (1) a noncash or cash-equivalent gift whose value exceeds \$75, and (2) more than \$75 aggregated per calendar year as payment for meals and other food and beverages, other than the excepted meals described above. Under current law, a member who exceeds the limit for meals and other food and beverages may return the excess amount to the legislative agent who was the source of the expenditure.¹²

Representing persons on matters before the General Assembly

The bill repeals the provision of law that prohibits a former member or employee of the General Assembly, for a period of one year after the end of the member or employee's employment or service, from representing any person, other than a state agency or political subdivision of Ohio, on any matter before the General Assembly, any committee of the General Assembly, or the Controlling Board. A federal court has ruled this provision unconstitutional under the First Amendment.¹³

Attorney-client privilege

The bill states that the members, officers, and employees of the General Assembly are clients of the JLEC attorneys who give them legal advice, for the purposes of the attorney-client testimonial privilege and for purposes of any other statutory or common law attorney-client privilege recognized in Ohio.

In general, attorney-client privilege prevents an attorney from disclosing information about communications between the attorney and a client that relate to the attorney's representation of the client, unless the client consents. Records covered by attorney-client privilege are exempt from disclosure under the Public Records Law.¹⁴

An Ohio Supreme Court ruling suggests that while the current attorney-client privilege described in the Revised Code might not apply to communications between

¹² R.C. 102.031.

¹³ R.C. 102.03(A)(4) and *Brinkman v. Budish*, 692 F. Supp. 2d 855 (S.D. Ohio 2010).

¹⁴ R.C. 101.301(C) and 149.43(A)(1)(v) and 2317.02(A) (not in the bill).

JLEC attorneys and members of the General Assembly, the common law attorney-client privilege applies to those communications and protects them from disclosure.¹⁵

Legislative agents, executive agency lobbyists, and retirement system lobbyists

Definitions

The bill redefines the terms "legislative agent," "executive agency lobbyist," and "retirement system lobbyist" to mirror the interpretation of those terms as currently used by the Legislative Inspector General.¹⁶

Under the bill, a "legislative agent" is any person, except for certain public officials and employees, whose direct communication with any public official for the purpose of actively advocating constitutes at least 5% of the total performance time for which the individual is compensated by a specific employer. Under current law, "legislative agent" means any person, with the same exceptions, who is engaged during at least a portion of the individual's time to actively advocate as one of the individual's main purposes.¹⁷

The bill defines an "executive agency lobbyist" as any person, except for certain public officials and employees, whose direct communication with executive agency officials or employees for the purpose of influencing executive agency decisions or conducting executive agency lobbying activity constitutes at least 25% of the total performance time for which the person is compensated by a specific employer. Under current law, "executive agency lobbyist" means any person, with the same exceptions, who is engaged to influence executive agency decisions or to conduct executive agency lobbying activity as one of the person's main purposes on a regular and substantial basis.¹⁸

Finally, the bill defines a "retirement system lobbyist" as any person, except for certain public officials and employees, whose direct communication with retirement system officials or employees for the purpose of influencing retirement system decisions or conducting retirement system lobbying activity constitutes at least 25% of the total performance time for which the person is compensated by a specific employer. Under current law, "retirement system lobbyist" means any person, with the same

¹⁵ *State ex rel. Leslie v. Ohio House. Fin. Agency*, 105 Ohio St.3d 261 (2005).

¹⁶ *The Inspector: The Newsletter of the Office of the Legislative Inspector General*, April 2006, available at jlec-olig.state.oh.us/NEWSLETTER/April2006.pdf, accessed November 23, 2012.

¹⁷ R.C. 101.70(F).

¹⁸ R.C. 121.60(H).

exceptions, who is engaged to influence retirement system decisions or to conduct retirement system lobbying activity as one of the person's main purposes on a regular and substantial basis.¹⁹

Registration fee and expiration

Effective December 1, 2014, the bill increases the initial registration fee for legislative agents, executive agency lobbyists, and retirement system lobbyists from \$25 to \$35.

The bill also specifies, with the same effective date, that executive agency and retirement system lobbyists' registration cards are valid from the date of their issuance until the next December 31 of an even-numbered year. The current expiration date for those registration cards is the next January 31 of the year following the year in which the card was issued. (Essentially, the bill provides for a two-year registration period instead of a one-year period.)

Under continuing law, the expiration date for legislative agents' registration cards is the next December 31 of an even-numbered year.²⁰

Reporting requirements

The bill makes several changes to the categories of expenditures that each legislative agent, executive agency or retirement system lobbyist, and employer must report in the statement of expenditures that, under continuing law, those individuals must file three times per year. The bill reorganizes, but does not change substantively the definition of an expenditure or the list of public officials and employees whose interactions with agents and lobbyists must be reported.²¹

Continuing law requires each legislative agent, executive agency lobbyist, and retirement system lobbyist to file a separate statement of expenditures for each employer engaging the agent or lobbyist.

Under the bill, an agent or lobbyist is not required to show an expenditure on a statement if the agent's or lobbyist's employer reports the expenditure. Under continuing law, an employer is not required to show an expenditure on a statement if the agent or lobbyist reports it.²²

¹⁹ R.C. 101.90(H).

²⁰ R.C. 101.72, 101.92, and 121.62 and Section 3 of the bill.

²¹ R.C. 101.70(D), (I), and (J) and 101.74.

²² R.C. 101.73(A) and (C); 101.93(A) and (C); and 121.63(A) and (C).

Itemized expenditures

Under the bill, with the exceptions for legislative agents and their employers discussed below, each filer must report all of the following facts (which the bill does not change) regarding expenditures the filer made *that, when added to the amount of previous expenditures made by the filer during the same calendar year, exceed a total of \$100* at the request of, for the benefit of, or on behalf of a particular recipient:

- The name of the person to whom, at whose request, for whose benefit, or on whose behalf the expenditures were made;
- The total amount of the expenditures made;
- The approximate date the expenditures were made;
- The specific items of legislation, if any, for which the expenditures were made or the executive agency or retirement system decision, if any, sought to be influenced; and
- The identity of the employer on whose behalf each expenditure was made.

Under existing law, the filer must report that same information regarding *any* expenditure the filer made, either separately or in combination with each other, either directly or indirectly, to, at the request of, for the benefit of, or on behalf of a particular recipient, except for payments for meals and other food and beverages.

The bill repeals a provision of existing law that requires a filer to list separately that same information regarding expenditures the filer made as payment for meals and other food and beverages that, when added to the amount of previous expenditures made by the filer during the same calendar year, exceed a total of \$50 at the request of, for the benefit of, or on behalf of a particular recipient.²³

Total expenditures

Under continuing law (relocated by the bill), a legislative agent, executive agency or retirement system lobbyist, or employer must report the total amount of expenditures made by the filer during the period covered by the statement, not including the expenses of maintaining office facilities or the compensation paid to agents or lobbyists engaged by an employer.²⁴

²³ R.C. 101.73(B), 101.93(B), and 121.63(B).

²⁴ R.C. 101.73(C), 101.93(C), and 121.63(C).

Exceptions

Under the bill, a legislative agent or employer is not required to report itemized information about an expenditure for *meals or beverages provided at a dinner, party, or other function sponsored by the filer, if the filer has invited all of the members of the General Assembly or all the members of either house of the General Assembly*. Under existing law, the legislative agent or employer need not report itemized information about any expenditure for such a dinner, party, or function.

However, the legislative agent or employer must report the amount spent for that function and its date and purpose separately in the statement, and the amount spent must be included in the total amount of expenditures as reported in the statement.²⁵

The bill eliminates an exception that excludes executive agency lobbyists and their employers from being required to report itemized information about expenditures for meals and other food and beverages provided at a meeting at which the covered recipient participated in a panel, seminar, or speaking engagement or provided to a public official at a meeting or convention of a national organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education pays membership dues.²⁶

The bill continues a similar exception applicable to a legislative agent or employer. But under the bill, the legislative agent or employer must report the amount spent for that function and its date and purpose separately in the statement, and the amount spent must be included in the total amount of expenditures as reported in the statement.²⁷

Legislation and executive agency and retirement system decisions

Under the bill, a legislative agent must include in the statement of expenditures all legislation regarding which the legislative agent has advocated on behalf of the employer during the period covered by the statement.

Similarly, an executive agency lobbyist must include all executive agency decisions the lobbyist has sought to influence on behalf of the employer during the period covered by the statement, and a retirement system lobbyist must include all

²⁵ R.C. 101.73(E).

²⁶ R.C. 121.63(B)(3).

²⁷ R.C. 101.73(B)(3) and (F).

retirement system decisions the lobbyist has sought to influence on behalf of the employer during the period covered by the statement.

Finally, an employer must list all legislation regarding which the employer has advocated, or all executive agency or retirement system decisions the employer has sought to influence, during the period covered by the statement, unless the agent or lobbyist has reported it.

Under continuing law, agents, lobbyists, and employers must include this information in the updated registration statement they file along with each statement of expenditures.²⁸

Notice of expenditures and details of financial transactions

The bill requires a legislative agent, executive agency or retirement system lobbyist, or employer who files a statement of expenditures to deliver *notice* of the expenditure, instead of a copy of the statement, or of the portion showing the expenditure, as required under current law, to the recipient of the expenditure at least ten days before the date on which the statement is filed.

Similarly, the bill requires an agent, lobbyist, or employer who is required to file a statement of the details of a financial transaction with a public official to deliver *notice* of the transaction, instead of a copy of the statement, to the person at least ten days before the date on which the statement is filed.

The bill also repeals a provision of existing law that requires an agent, lobbyist, or employer who made expenditures for transportation, lodging, or food and beverages purchased for consumption on the premises in which the food and beverages were sold, to, at the request of, for the benefit of, or on behalf of a public official to deliver to the recipient a statement that contains all of the nondisputed information regarding the expenditure, at the same time the copy of the statement of expenditures is provided to the recipient.²⁹

Disputed expenditures and financial transactions

Under continuing law, if a dispute arises between a legislative agent, executive agency or retirement system lobbyist, or employer and the recipient of a reportable expenditure or financial transaction, either party may file a complaint with JLEC.

²⁸ R.C. 101.72(B), 101.73(C), 101.92(B), 101.93(C), 121.62(B), and 121.63(C).

²⁹ R.C. 101.73(I), 101.74(C) and (D), 101.93(G), 101.94(C) and (D), 102.02(A)(10), 121.63(G), and 121.64(C) and (D).

The bill extends the time for filing a statement of expenditures or the details of a financial transaction that contains a disputed expenditure or transaction, pending JLEC's final decision. The agent, lobbyist, or employer must file the statement not later than ten days after receiving notice of JLEC's decision.

Under existing law, the time for the agent, lobbyist, or employer to file the statement is not extended. However, the disputed expenditure or financial transaction is omitted from the statement. If JLEC decides that the expenditure or financial transaction should be included in the statement, the agent, lobbyist, or employer must file an amended statement not later than ten days after receiving notice of JLEC's decision.³⁰

Ethics records

Joint Legislative Ethics Committee

The bill requires JLEC to publish the statements of registration, expenditures, and details of financial transactions it receives from legislative agents, executive agency retirement system lobbyists, and their employers and to make them available to the general public on its official web site. Current law requires JLEC to computerize those statements so that the information contained in them is readily accessible to the general public.³¹

Further, the bill eliminates the requirements that JLEC: (1) distribute a list of registered legislative agents and their employers to each member of the General Assembly, the Controlling Board, and the Governor, (2) distribute a list of registered executive agency lobbyists and their employers to each elected executive official and to the director of each executive department, who must distribute the list to the director's personnel, and (3) distribute a list of registered retirement system lobbyists and their employers to each member of the General Assembly, elected executive official, and director of each retirement system, who must distribute the list to the director's personnel.

Continuing law requires JLEC to compile those lists and make them available to the general public upon request. JLEC may charge a reasonable fee not to exceed the cost of copying and delivering the list.³²

³⁰ R.C. 101.75, 101.95, and 121.65.

³¹ R.C. 101.78(A), 101.98(A), and 121.68(A).

³² R.C. 101.78(D), 101.98(B), and 121.68(B).

Ohio Ethics Commission

Under the bill, beginning with disclosure statements required to be filed for calendar year 2012, the Ohio Ethics Commission must publish and make available to the public on its official web site each disclosure statement filed with the Commission by a person who is elected to, a candidate for, or appointed to fill a vacancy for an expired term in any elective office for which disclosure statements must be filed, except for certain statements that are required to be kept confidential under continuing law.³³

The bill also transfers from JLEC to the Ohio Ethics Commission the duty to maintain a list of all executive agencies and to provide copies of the list to the general public on request. The Commission may charge a reasonable fee not to exceed the cost of copying and delivering the document.³⁴

Bureau of Criminal Identification and Investigation

The bill permits the Bureau of Criminal Identification and Investigation to assist JLEC and the Ohio Ethics Commission in investigating violations of the financial disclosure requirements, the restrictions on certain activities by former public officials and employees, and the provisions dealing with conflicts of interest of members of the General Assembly, outside compensation for certain officials, unlawful interests in public contracts, and soliciting or accepting improper compensation.³⁵

Casino Control Commission

The bill repeals the provision of existing law that states that an individual engaged by the Casino Control Commission to actively advocate is a legislative agent even if the individual does not actively advocate as one of the individual's main purposes.³⁶

The bill also permits a member, the Executive Director, or an employee of the Casino Control Commission to participate in an amusement or activity, other than casino gaming, at a casino facility in Ohio or at an affiliate gaming facility of a licensed casino operator, wherever located, if the member, Executive Director, or employee pays

³³ R.C. 102.07(A).

³⁴ R.C. 102.06(F) and 121.68(C).

³⁵ R.C. 109.54(A).

³⁶ R.C. 101.70(F).

the same price as the general public for that amusement or activity. Continuing law prohibits those individuals from participating in casino gaming at those facilities.³⁷

HISTORY

ACTION	DATE
Introduced	11-21-12

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³⁷ R.C. 102.03(M)(3).

