

As Introduced

**129th General Assembly
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H. B. No. 294

Representatives Celeste, Goyal

**Cosponsors: Representatives Hagan, R., Ramos, Garland, O'Brien, Foley,
Antonio, Phillips, Patmon, Murray, Yuko, Letson, Okey, Fende, Lundy, Pillich**

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A B I L L

To amend section 101.30 and to enact section 101.302 1
of the Revised Code to prohibit the Legislative 2
Service Commission staff, when preparing a 3
legislative document, from communicating with 4
outside parties without a member of the General 5
Assembly or General Assembly staff present and to 6
make communications between such parties and 7
Legislative Service Commission staff public 8
records. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 101.30 be amended and section 101.302 10
of the Revised Code be enacted to read as follows: 11

Sec. 101.30. (A) As used in this section and section 101.302 12
of the Revised Code: 13

(1) "Legislative document" includes, but is not limited to, 14
all of the following: 15

(a) A working paper, work product, correspondence, 16
preliminary draft, note, proposed bill or resolution, proposed 17
amendment to a bill or resolution, analysis, opinion, memorandum, 18

or other document in whatever form or format prepared by 19
legislative staff for a member of the general assembly or for 20
general assembly staff; 21

(b) Any document or material in whatever form or format 22
provided by a member of the general assembly or general assembly 23
staff to legislative staff that requests, or that provides 24
information or materials to assist in, the preparation of any of 25
the items described in division (A)(1)(a) of this section; 26

(c) Any summary of a bill or resolution or of an amendment to 27
a bill or resolution in whatever form or format that is prepared 28
by or in the possession of a member of the general assembly or 29
general assembly staff, if the summary is prepared before the 30
bill, resolution, or amendment is filed for introduction or 31
presented at a committee hearing or floor session, as applicable. 32

(2) "Legislative staff" means the staff of the legislative 33
service commission, ~~legislative budget office of the legislative~~ 34
~~service commission~~, or any other legislative agency included in 35
the legislative service commission budget group. 36

(3) "General assembly staff" means an officer or employee of 37
either house of the general assembly who acts on behalf of a 38
member of the general assembly or on behalf of a committee or 39
either house of the general assembly. 40

(B) ~~Legislative~~ Except as otherwise provided in division (D) 41
of this section, legislative staff shall maintain a confidential 42
relationship with each member of the general assembly, and with 43
each member of the general assembly staff, with respect to 44
communications between the member of the general assembly or 45
general assembly staff and legislative staff. Except as otherwise 46
provided in ~~this division and division (C)~~ of this section, a 47
legislative document arising out of this confidential relationship 48
is not a public record for purposes of section 149.43 of the 49

Revised Code. When it is in the public interest and with the consent of the commission, the director of the commission may release to the public any legislative document in the possession of the commission staff arising out of a confidential relationship with a former member of the general assembly or former member of the general assembly staff who is not available to make the legislative document a public record as provided in division (C) of this section because of death or disability, whom the director is unable to contact for that purpose, or who fails to respond to the director after the director has made a reasonable number of attempts to make such contact.

(C)(1) A legislative document is a public record for purposes of section 149.43 of the Revised Code if it is an analysis, synopsis, fiscal note, or local impact statement prepared by legislative staff that is required to be prepared by law, or by a rule of either house of the general assembly, for the benefit of the members of either or both of those houses or any legislative committee and if it has been presented to those members.

(2) A legislative document is a public record for purposes of section 149.43 of the Revised Code if a member of the general assembly for whom legislative staff prepared the legislative document does any of the following:

(a) Files it for introduction with the clerk of the senate or the clerk of the house of representatives, if it is a bill or resolution;

(b) Presents it at a committee hearing or floor session, if it is an amendment to a bill or resolution or is a substitute bill or resolution;

(c) Releases it, or authorizes general assembly staff or legislative staff to release it, to the public.

(D)(1) Any communication, including any form of electronic

communication, that occurs between a member of the staff of the 81
legislative service commission and an individual who is not a 82
member of the general assembly, a member of the general assembly 83
staff, or another member of the staff of the legislative service 84
commission and that is regarding a legislative document is a 85
public record under section 149.43 of the Revised Code. 86

(2) Notwithstanding any provision of this section to the 87
contrary, the presence or inclusion of a member of the general 88
assembly or a member of the general assembly staff during a 89
communication between a member of the staff of the legislative 90
service commission and an individual described in division (D)(1) 91
of this section does not make that communication confidential or 92
change the status of the communication as a public record. 93

Sec. 101.302. (A) Except as otherwise provided in division 94
(B) of this section, no member of the staff of the legislative 95
service commission, with respect to the preparation of a 96
legislative document, shall communicate with an individual who is 97
not a member of the general assembly, a member of the general 98
assembly staff, or another member of the staff of the legislative 99
service commission, without a member of the general assembly or 100
general assembly staff present. 101

With respect to a written communication, including a written 102
communication sent through electronic means, for purposes of this 103
section a member of the general assembly or general assembly staff 104
is considered present if the member of the general assembly or 105
general assembly staff receives a contemporaneous carbon copy of 106
the written communication between the individual described in this 107
division and a member of the staff of the legislative service 108
commission. With respect to an oral communication that occurs 109
through telephone or electronic means, for purposes of this 110
section a member of the general assembly or general assembly staff 111

is considered present if the member of the general assembly or 112
general assembly staff is included in a telephone conference call 113
or a conversation through electronic means occurring between the 114
individual described in this division and a member of the staff of 115
the legislative service commission. 116

(B) Nothing in this section shall be construed to prohibit a 117
member of the staff of the legislative service commission from 118
responding to an inquiry regarding a legislative document that is 119
a public record, or to require a member of the general assembly or 120
general assembly staff to be present for a member of the staff of 121
the legislative service commission to respond to such an inquiry. 122

Section 2. That existing section 101.30 of the Revised Code 123
is hereby repealed. 124