

As Introduced

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Representative Pillich

Cosponsors: Representatives Sykes, Antonio, Ashford, Barnes, Boyd, Budish, Carney, Celebrezze, Celeste, Cera, Clyde, Driehaus, Fedor, Foley, Garland, Gerberry, Goyal, Hagan, R., Heard, Letson, Luckie, Lundy, Mallory, Murray, O'Brien, Okey, Patmon, Phillips, Ramos, Reece, Slesnick, Stinziano, Szollosi, Weddington, Williams, Winburn, Yuko

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A B I L L

To amend sections 121.41, 121.48, and 121.49 of the 1
Revised Code to change the appointing process for 2
the Inspector General, to clarify the offices over 3
which the Inspector General has authority, and to 4
prohibit partisan political activity by the 5
Inspector General and employees in the office of 6
the Inspector General. 7

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

Section 1. That sections 121.41, 121.48, and 121.49 of the 8
Revised Code be amended to read as follows: 9

Sec. 121.41. As used in sections 121.41 to 121.50 of the 10
Revised Code: 11

(A) "Appropriate ethics commission" has the same meaning as 12
in section 102.01 of the Revised Code. 13

(B) "Appropriate licensing agency" means a public or private 14

entity that is responsible for licensing, certifying, or 15
registering persons who are engaged in a particular vocation. 16

(C) "Person" has the same meaning as in section 1.59 of the 17
Revised Code and also includes any officer or employee of the 18
state or any political subdivision of the state. 19

(D) "State agency" has the same meaning as in section 1.60 of 20
the Revised Code and includes the Ohio casino control commission 21
and JobsOhio, but does not include ~~any~~ either of the following: 22

(1) The general assembly; 23

(2) Any court; 24

~~(3) The secretary of state, auditor of state, treasurer of 25
state, or attorney general and their respective offices. 26~~

(E) "State employee" means any person who is an employee of a 27
state agency, or any person who does business with the state 28
including, only for the purposes of sections 121.41 to 121.50 of 29
the Revised Code, ~~the nonprofit corporation formed under section 30
187.01 of the Revised Code~~ officers and employees of JobsOhio. 31

(F) "State officer" means any person who is elected or 32
appointed to a public office in a state agency, including a person 33
elected or appointed to the office of attorney general, auditor of 34
state, secretary of state, or treasurer of state. 35

(G) "Wrongful act or omission" means an act or omission, 36
committed in the course of office holding or employment, that is 37
not in accordance with the requirements of law or such standards 38
of proper governmental conduct as are commonly accepted in the 39
community and thereby subverts, or tends to subvert, the process 40
of government. 41

(H) "JobsOhio" has the same meaning as in section 187.01 of 42
the Revised Code. 43

Sec. 121.48. There is hereby created the office of the 44
inspector general, to be headed by the inspector general. 45

The ~~governor~~ speaker of the house of representatives, the 46
minority leader of the house of representatives, the president of 47
the senate, and the minority leader of the senate shall appoint, 48
by majority vote, the inspector general, subject to section 121.49 49
of the Revised Code ~~and the advice and consent of the senate.~~ The 50
inspector general shall hold office for a term ~~coinciding with the~~ 51
~~term of the appointing governor~~ six years. ~~The governor~~ Those 52
legislative leaders may vote to remove the inspector general from 53
office prior to the expiration of the inspector general's term of 54
office for gross neglect, misconduct, or dereliction of duty only 55
after delivering written notice to the inspector general of the 56
reasons for which ~~the governor intends~~ they intend to remove vote 57
on the removal of the inspector general from office and providing 58
the inspector general with an opportunity to appear and show cause 59
why the inspector general should not be removed. 60

In addition to the duties imposed by section 121.42 of the 61
Revised Code, the inspector general shall manage the office of the 62
inspector general. The inspector general shall establish and 63
maintain offices in Columbus. 64

The inspector general may employ and fix the compensation of 65
one or more deputy inspectors general. Each deputy inspector 66
general shall serve for a term coinciding with the term of the 67
appointing inspector general, and shall perform the duties, 68
including the performance of investigations, that are assigned by 69
the inspector general. All deputy inspectors general are in the 70
unclassified service and serve at the pleasure of the inspector 71
general. 72

In addition to deputy inspectors general, the inspector 73
general may employ and fix the compensation of professional, 74

technical, and clerical employees that are necessary for the 75
effective and efficient operation of the office of the inspector 76
general. All professional, technical, and clerical employees of 77
the office of the inspector general are in the unclassified 78
service and serve at the pleasure of the appointing inspector 79
general. All employees of the inspector general are prohibited 80
from engaging in partisan political activity, as described in 81
division (B) of section 121.49 of the Revised Code, in the same 82
manner as the inspector general is prohibited from engaging in 83
those activities. 84

The inspector general may enter into any contracts that are 85
necessary to the operation of the office of the inspector general. 86
The contracts may include, but are not limited to, contracts for 87
the services of persons who are experts in a particular field and 88
whose expertise is necessary to the successful completion of an 89
investigation. 90

Not later than the first day of March in each year, the 91
inspector general shall publish an annual report summarizing the 92
activities of the inspector general's office during the previous 93
calendar year. The annual report shall not disclose the results of 94
any investigation insofar as the results are designated as 95
confidential under section 121.44 of the Revised Code. 96

The inspector general shall provide copies of the inspector 97
general's annual report to the governor and the general assembly. 98
The inspector general also shall provide a copy of the annual 99
report to any other person who requests the copy and pays a fee 100
prescribed by the inspector general. The fee shall not exceed the 101
cost of reproducing and delivering the annual report. 102

Sec. 121.49. (A)(1) Subject to division ~~(B)~~(A)(2) of this 103
section, only an individual who meets one or more of the following 104
qualifications is eligible to be appointed inspector general: 105

(1)(a) At least five years experience as a law enforcement officer in this or any other state;	106 107
(2)(b) Admission to the bar of this or any other state;	108
(3)(c) Certification as a certified public accountant in this or any other state;	109 110
(4)(d) At least five years service as the comptroller or similar officer of a public or private entity in this or any other state.	111 112 113
(B)(2) No individual who has been convicted, in this or any other state, of a felony or of any crime involving fraud, dishonesty, or moral turpitude shall be appointed inspector general.	114 115 116 117
<u>(B) The inspector general shall not, directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for public office; nor shall the inspector general solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service of the state, the several counties, cities, or city school districts of the state, or the civil service townships of the state; nor shall the inspector general be an officer in any political organization or take part in politics other than to vote as the inspector general pleases and to express freely political opinions.</u>	118 119 120 121 122 123 124 125 126 127 128 129 130 131
<u>Political activities prohibited under this division include, but are not limited to, all of the following:</u>	132 133
<u>(1) Candidacy for public office in a partisan election;</u>	134
<u>(2) Candidacy for public office in a nonpartisan general</u>	135

<u>election if the nomination to candidacy was obtained in a partisan</u>	136
<u>primary or through the circulation of nominating petitions</u>	137
<u>identified with a political party;</u>	138
<u>(3) Filing of petitions meeting statutory requirements for</u>	139
<u>partisan candidacy to elective office;</u>	140
<u>(4) Circulation of official nominating petitions for any</u>	141
<u>candidate participating in a partisan election;</u>	142
<u>(5) Service in an elected or appointed office in any partisan</u>	143
<u>political organization;</u>	144
<u>(6) Acceptance of a party-sponsored appointment to any office</u>	145
<u>normally filled by partisan election;</u>	146
<u>(7) Campaigning by writing for publications, by distributing</u>	147
<u>political material, or by writing or making speeches on behalf of</u>	148
<u>a candidate for partisan elective office, when such activities are</u>	149
<u>directed toward party success;</u>	150
<u>(8) Solicitation, either directly or indirectly, of any</u>	151
<u>assessment, contribution, or subscription, either monetary or</u>	152
<u>in-kind, for any political party or political candidate;</u>	153
<u>(9) Solicitation of the sale, or actual sale, of political</u>	154
<u>party tickets;</u>	155
<u>(10) Partisan activities at the election polls, such as</u>	156
<u>solicitation of votes for other than nonpartisan candidates and</u>	157
<u>nonpartisan issues;</u>	158
<u>(11) Service as an election observer for any party or</u>	159
<u>partisan committee;</u>	160
<u>(12) Participation in political caucuses of a partisan</u>	161
<u>nature;</u>	162
<u>(13) Participation in a political action committee that</u>	163
<u>supports partisan activity;</u>	164

<u>(14) Attending any partisan fundraising event;</u>	165
<u>(15) Participating in any campaign activity, such as preparing mailings; and</u>	166 167
<u>(16) Making contributions to a partisan candidate.</u>	168
Section 2. That existing sections 121.41, 121.48, and 121.49 of the Revised Code are hereby repealed.	169 170