

As Introduced

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H. B. No. 295

Representative Hagan, R.

Cosponsors: Representatives Pillich, Foley

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A B I L L

To amend sections 101.72, 101.73, and 101.75 of the 1
Revised Code to require a legislative agent to 2
report to the Joint Legislative Ethics Committee 3
compensation paid to the agent by the agent's 4
employer. 5

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

Section 1. That sections 101.72, 101.73, and 101.75 of the 6
Revised Code be amended to read as follows: 7

Sec. 101.72. (A) Each legislative agent and employer, within 8
ten days following an engagement of a legislative agent, shall 9
file with the joint legislative ethics committee an initial 10
registration statement showing all of the following: 11

(1) The name, business address, and occupation of the 12
legislative agent; 13

(2) The name and business address of the employer and the 14
real party in interest on whose behalf the legislative agent is 15
actively advocating, if it is different from the employer. For the 16
purposes of division (A) of this section, where a trade 17
association or other charitable or fraternal organization that is 18
exempt from federal income taxation under subsection 501(c) of the 19

federal Internal Revenue Code is the employer, the statement need 20
not list the names and addresses of each member of the association 21
or organization, so long as the association or organization itself 22
is listed. 23

(3) A brief description of the type of legislation to which 24
the engagement relates. 25

(B) In addition to the initial registration statement 26
required by division (A) of this section, each legislative agent 27
and employer shall file with the joint committee, not later than 28
the last day of January, May, and September of each year, an 29
updated registration statement that confirms the continuing 30
existence of each engagement described in an initial registration 31
statement and that lists the specific bills or resolutions on 32
which the agent actively advocated under that engagement during 33
the period covered by the updated statement, and with it any 34
statement ~~of expenditures~~ required to be filed by section 101.73 35
of the Revised Code and any details of financial transactions 36
required to be filed by section 101.74 of the Revised Code. 37

(C) If a legislative agent is engaged by more than one 38
employer, the agent shall file a separate initial and updated 39
registration statement for each engagement. If an employer engages 40
more than one legislative agent, the employer need file only one 41
updated registration statement under division (B) of this section, 42
which shall contain the information required by division (B) of 43
this section regarding all of the legislative agents engaged by 44
the employer. 45

(D)(1) A change in any information required by division 46
(A)(1), (2), or (B) of this section shall be reflected in the next 47
updated registration statement filed under division (B) of this 48
section. 49

(2) Within thirty days after the termination of an 50

engagement, the legislative agent who was employed under the 51
engagement shall send written notification of the termination to 52
the joint committee. 53

(E) A registration fee of twenty-five dollars shall be 54
charged for filing an initial registration statement. The state 55
agency of an officer or employee who actively advocates in a 56
fiduciary capacity as a representative of that state agency shall 57
pay the registration fee required under this division. All money 58
collected from registration fees under this division and late 59
filing fees under division (G) of this section shall be deposited 60
into the state treasury to the credit of the joint legislative 61
ethics committee fund created under section 101.34 of the Revised 62
Code. 63

An officer or employee of a state agency who actively 64
advocates in a fiduciary capacity as a representative of that 65
state agency need not file ~~expenditure~~ statements under section 66
101.73 of the Revised Code. As used in this division, "state 67
agency" does not include a state institution of higher education 68
as defined in section 3345.011 of the Revised Code. 69

(F) Upon registration pursuant to division (A) of this 70
section, the legislative agent shall be issued a card by the joint 71
committee showing that the legislative agent is registered. The 72
registration card and the legislative agent's registration shall 73
be valid from the date of their issuance until the next 74
thirty-first day of December of an even-numbered year. 75

(G) The executive director of the joint committee shall be 76
responsible for reviewing each registration statement filed with 77
the joint committee under this section and for determining whether 78
the statement contains all of the information required by this 79
section. If the joint committee determines that the registration 80
statement does not contain all of the required information or that 81
a legislative agent or employer has failed to file a registration 82

statement, the joint committee shall send written notification by 83
certified mail to the person who filed the registration statement 84
regarding the deficiency in the statement or to the person who 85
failed to file the registration statement regarding the failure. 86
Any person so notified by the joint committee shall, not later 87
than fifteen days after receiving the notice, file a registration 88
statement or an amended registration statement that does contain 89
all of the information required by this section. If any person who 90
receives a notice under this division fails to file a registration 91
statement or such an amended registration statement within this 92
fifteen-day period, the joint committee shall assess a late filing 93
fee equal to twelve dollars and fifty cents per day, up to a 94
maximum of one hundred dollars, upon that person. The joint 95
committee may waive the late filing fee for good cause shown. 96

(H) On or before the fifteenth day of March of each year, the 97
joint committee shall, in the manner and form that it determines, 98
publish a report containing statistical information on the 99
registration statements filed with it under this section during 100
the preceding year. 101

Sec. 101.73. (A) Each legislative agent and each employer 102
shall file in the office of the joint legislative ethics 103
committee, with the updated registration statement required by 104
division (B) of section 101.72 of the Revised Code, a statement ~~of~~ 105
~~expenditures~~ as specified in divisions (B) and (C) of this 106
section. A legislative agent shall file a separate statement ~~of~~ 107
~~expenditures under~~ as specified in division (B) of this section 108
for each employer engaging the legislative agent. 109

(B)(1) In addition to the information required by divisions 110
(B)(2) ~~and~~, (3), and (4) of this section, a statement filed by a 111
legislative agent shall show the total amount of expenditures made 112
by the legislative agent during the reporting period covered by 113

the statement. 114

(2) If, during a reporting period covered by a statement, an 115
employer or any legislative agent the employer engaged made, 116
either separately or in combination with each other, either 117
directly or indirectly, expenditures to, at the request of, for 118
the benefit of, or on behalf of any particular member of the 119
general assembly, any particular member of the controlling board, 120
the governor, the director of a department created under section 121
121.02 of the Revised Code, or any particular member of the staff 122
of any of the public officers or employees listed in division 123
(B)(2) of this section, then the employer or legislative agent 124
shall also state all of the following: 125

(a) The name of the public officer or employee to whom, at 126
whose request, for whose benefit, or on whose behalf the 127
expenditures were made; 128

(b) The total amount of the expenditures made; 129

(c) A brief description of the expenditures made; 130

(d) The approximate date the expenditures were made; 131

(e) The specific items of legislation, if any, for which the 132
expenditures were made and the identity of the client on whose 133
behalf each expenditure was made. 134

As used in division (B)(2) of this section, "expenditures" 135
does not include expenditures made by a legislative agent as 136
payment for meals and other food and beverages. 137

(3) If, during a reporting period covered by a statement, a 138
legislative agent made expenditures as payment for meals and other 139
food and beverages, other than for meals and other food and 140
beverages provided to a member of the general assembly at a 141
meeting at which the member participated in a panel, seminar, or 142
speaking engagement or provided to a member of the general 143

assembly at a meeting or convention of a national organization to 144
which any state agency, including, but not limited to, any 145
legislative agency or state institution of higher education as 146
defined in section 3345.011 of the Revised Code, pays membership 147
dues, that, when added to the amount of previous payments made for 148
meals and other food and beverages by that legislative agent 149
during that same calendar year, exceeded a total of fifty dollars 150
to, at the request of, for the benefit of, or on behalf of any 151
particular member of the general assembly, any particular member 152
of the controlling board, the governor, the director of a 153
department created under section 121.02 of the Revised Code, or 154
any particular member of the staff of any of the public officers 155
or employees listed in division (B)(3) of this section, then the 156
legislative agent shall also state all of the following regarding 157
those expenditures: 158

(a) The name of the public officer or employee to whom, at 159
whose request, for whose benefit, or on whose behalf the 160
expenditures were made; 161

(b) The total amount of the expenditures made; 162

(c) A brief description of the expenditures made; 163

(d) The approximate date the expenditures were made; 164

(e) The specific items of legislation, if any, for which the 165
expenditures were made and the identity of the client on whose 166
behalf each expenditure was made. 167

(4) If, during a reporting period covered by a statement, a 168
legislative agent is paid compensation by an employer, the 169
legislative agent shall state on the statement the amount of the 170
compensation paid to the legislative agent and the name and 171
business address of the employer who paid the legislative agent 172
the compensation. 173

(C) In addition to the information required by divisions 174

(B)(2) and (3) of this section, a statement filed by an employer 175
shall show the total amount of expenditures made by the employer 176
filing the statement during the period covered by the statement. 177
As used in this section, "expenditures" does not include the 178
expenses of maintaining office facilities or the compensation paid 179
to legislative agents engaged by an employer. 180

No employer is required to show any expenditure on a 181
statement filed under this division if the expenditure is reported 182
on a statement filed under division (B) of this section by a 183
legislative agent engaged by the employer. 184

(D) Any statement required to be filed under this section 185
shall be filed at the times specified in section 101.72 of the 186
Revised Code. Each statement shall cover expenditures made and 187
compensation paid during the four-calendar-month period that ended 188
on the last day of the month immediately preceding the month in 189
which the statement is required to be filed. 190

No portion of the amount of an expenditure for a dinner, 191
party, or other function sponsored by an employer or legislative 192
agent need be attributed to, or counted toward the amount for, a 193
reporting period specified in division (B)(2) or (3) of this 194
section if the sponsor has invited to the function all the members 195
of either of the following: 196

(1) The general assembly; 197

(2) Either house of the general assembly. 198

However, the amount spent for such function and its date and 199
purpose shall be reported separately on the statement required to 200
be filed under this section and the amount spent for the function 201
shall be added with other expenditures for the purpose of 202
determining the total amount of expenditures reported in the 203
statement under division (B)(1) or (C) of this section. 204

If it is impractical or impossible for a legislative agent or 205

employer to determine exact dollar amounts or values of 206
expenditures, reporting of good faith estimates, based upon 207
reasonable accounting procedures, constitutes compliance with this 208
section. 209

(E) All legislative agents and employers shall retain 210
receipts or maintain records for all expenditures that are 211
required to be reported pursuant to this section. All legislative 212
agents shall maintain records of compensation paid to them by 213
employers. These receipts or records shall be maintained for a 214
period ending on the thirty-first day of December of the second 215
calendar year after the year in which the expenditure was made or 216
the compensation was paid. 217

(F)(1) An employer or legislative agent who is required to 218
file ~~an expenditure~~ a statement under division (B) or (C) of this 219
section shall deliver a copy of the statement, or of the portion 220
showing ~~the~~ an expenditure, to the public officer or employee who 221
is listed in the statement as having received the expenditure or 222
on whose behalf it was made, at least ten days before the date on 223
which the statement is filed. 224

(2) If, during a reporting period covered by ~~an expenditure~~ a 225
statement filed under division (B)(2) of this section, an employer 226
or any legislative agent the employer engaged made, either 227
separately or in combination with each other, either directly or 228
indirectly, expenditures for transportation, lodging, or food and 229
beverages purchased for consumption on the premises in which the 230
food and beverages were sold to, at the request of, for the 231
benefit of, or on behalf of any of the public officers or 232
employees described in division (B)(2) of this section, the 233
employer or legislative agent shall deliver to the public officer 234
or employee a statement that contains all of the nondisputed 235
information prescribed in division (B)(2)(a) through (e) of this 236
section with respect to the expenditures described in division 237

(F)(2) of this section. The statement of expenditures made under 238
division (F)(2) of this section shall be delivered to the public 239
officer or employee to whom, at whose request, for whose benefit, 240
or on whose behalf those expenditures were made on the same day in 241
which a copy of the expenditure statement or of a portion showing 242
the expenditure is delivered to the public officer or employee 243
under division (F)(1) of this section. An employer is not required 244
to show any expenditure on a statement delivered under division 245
(F)(2) of this section if the expenditure is shown on a statement 246
delivered under division (F)(2) of this section by a legislative 247
agent engaged by the employer. 248

Sec. 101.75. If a dispute arises between any member of the 249
general assembly, any member of the controlling board, or a member 250
of the staff of the general assembly or controlling board and an 251
employer or legislative agent with respect to an expenditure or 252
financial transaction alleged in any statement to be filed under 253
section 101.73 or 101.74 of the Revised Code, the member, 254
employer, or legislative agent may file a complaint with the joint 255
legislative ethics committee. The committee shall proceed to 256
investigate the complaint as provided for other complaints in 257
section 101.34 of the Revised Code. 258

The complaint shall be filed at least three days prior to the 259
time the statement is required to be filed with the joint 260
legislative ethics committee. The time for filing a disputed 261
expenditure or financial transaction in any statement ~~of~~ 262
~~expenditures~~ or the details of a financial transaction shall be 263
extended pending the final decision of the joint committee. This 264
extension does not extend the time for filing the nondisputed 265
portions of ~~an expenditure~~ a statement or of the details of a 266
financial transaction. The joint committee shall notify the 267
parties of its final decision by certified mail. If the committee 268
decides that the disputed expenditure or financial transaction 269

should be reported, the employer or legislative agent shall 270
include the matter in an amended statement and file the amended 271
statement not later than ten days after the employer or agent 272
receives notice of the decision of the committee by certified 273
mail. 274

An employer or legislative agent who files a false statement 275
~~of expenditures~~ or details of a financial transaction is liable in 276
a civil action to any public officer or employee who sustains 277
damage as a result of the filing or publication of the statement. 278

Section 2. That existing sections 101.72, 101.73, and 101.75 279
of the Revised Code are hereby repealed. 280