

Sub. H. B. No. 96
As Passed by the Senate

_____ moved to amend as follows:

After line 2007, insert:

"Sec. 101.30. (A) As used in this section:

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

(a) A working paper, work product, correspondence, preliminary draft, note, proposed bill or resolution, proposed amendment to a bill or resolution, analysis, opinion, memorandum, or other document in whatever form or format prepared by legislative staff, general assembly staff, or a member of the general assembly for a member of the general assembly or for general assembly staff;

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

(c) Any summary of a bill or resolution or of an amendment to a bill or resolution in whatever form or format that is

prepared by ~~or in the possession of~~ legislative staff for a 20
member of the general assembly or general assembly staff, if the 21
summary is prepared before the bill, resolution, or amendment is 22
filed for introduction or presented at a committee hearing or 23
floor session, as applicable. 24

(2) "Legislative staff" means the staff of the legislative 25
service commission, ~~legislative budget office of the legislative~~ 26
~~service commission,~~ or any other legislative agency included in 27
the legislative service commission budget group. 28

(3) "General assembly staff" means an officer or employee 29
of either house of the general assembly who acts on behalf of a 30
member of the general assembly or on behalf of a committee or 31
either house of the general assembly. 32

~~(B)~~ (B) (1) Legislative staff shall maintain a confidential 33
relationship with each member of the general assembly, and with 34
each member of the general assembly staff, with respect to 35
communications between the member of the general assembly or 36
general assembly staff and legislative staff. Except as 37
otherwise provided in this division and division (C) of this 38
section, a legislative document arising out of this confidential 39
relationship is not a public record for purposes of section 40
149.43 of the Revised Code. When it is in the public interest 41
and with the consent of the commission, the director of the 42
commission may release to the public any legislative document in 43
the possession of the commission staff arising out of a 44
confidential relationship with a former member of the general 45
assembly or former member of the general assembly staff who is 46
not available to make the legislative document a public record 47
as provided in division (C) of this section because of death or 48
disability, whom the director is unable to contact for that 49

purpose, or who fails to respond to the director after the 50
director has made a reasonable number of attempts to make such 51
contact. 52

(2) A legislative document that is not otherwise exempt 53
from disclosure as a public record under division (B) (1) of this 54
section is not a public record for purposes of section 149.43 of 55
the Revised Code during the general assembly in which the 56
legislative document was created. After the general assembly in 57
which the legislative document was created has adjourned sine 58
die, the legislative document is a public record for purposes of 59
section 149.43 of the Revised Code unless the legislative 60
document would be privileged under Ohio Constitution, Article 61
II, Section 12. 62

(C) (1) A legislative document is a public record for 63
purposes of section 149.43 of the Revised Code if it is an 64
analysis, synopsis, fiscal note, or local impact statement 65
prepared by legislative staff that is required to be prepared by 66
law, or by a rule of either house of the general assembly, for 67
the benefit of the members of either or both of those houses or 68
any legislative committee and if it has been presented to those 69
members. 70

(2) A legislative document is a public record for purposes 71
of section 149.43 of the Revised Code if a member of the general 72
assembly for whom legislative staff prepared the legislative 73
document does any of the following: 74

(a) Files it for introduction with the clerk of the senate 75
or the clerk of the house of representatives, if it is a bill or 76
resolution; 77

(b) Presents it at a committee hearing or floor session, 78

if it is an amendment to a bill or resolution or is a substitute 79
bill or resolution; 80

(c) Releases it, or authorizes general assembly staff or 81
legislative staff to release it, to the public. 82

(D) Nothing in this section or section 149.43 of the 83
Revised Code diminishes, extinguishes, or otherwise limits or 84
restricts the privileges set forth in, or that emanate from, 85
Ohio Constitution, Article II, Section 12." 86

Update the title, amend, enact, or repeal clauses accordingly 87

The motion was _____ agreed to.

SYNOPSIS 88

Confidential legislative documents 89

R.C. 101.30 90

Creates a limited Public Records Law exemption for certain 91
legislative working papers and other documents that are not 92
currently covered by the LSC confidentiality statute because 93
they do not arise out of a legislator's relationship with LSC. 94

Expands the definition of a "legislative document" to 95
include documents prepared by General Assembly members or staff 96
for each other, even if they are not produced by or given to 97
LSC. 98

Specifies that legislative documents that are not 99
otherwise subject to LSC confidentiality are exempt from 100
disclosure as public records during the General Assembly in 101

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| which they were created. | 102 |
| Designates those legislative documents as public records | 103 |
| after the General Assembly in which they were created adjourns | 104 |
| <i>sine die</i> , unless the documents would be considered privileged | 105 |
| under the legislative "speech or debate" clause of the Ohio | 106 |
| Constitution. | 107 |