

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 197

Senator Tavares

A BILL

To amend sections 102.04, 149.433, and 2921.43 and 1
to enact sections 5502.021 and 5502.022 of the 2
Revised Code to prohibit state funds from being 3
used to fund the provision of security by the 4
State Highway Patrol for the Governor when the 5
Governor travels outside the state not for 6
official state business except personal travel, 7
to allow a person to fund the Governor's travels 8
outside the state not for official state 9
business, and to specify that cost and payment 10
information regarding the provision of such 11
security is a public record. 12

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

Section 1. That sections 102.04, 149.433, and 2921.43 be 13
amended and sections 5502.021 and 5502.022 of the Revised Code 14
be enacted to read as follows: 15

Sec. 102.04. (A) Except as provided in division (D) of 16
this section and in section 5502.021 of the Revised Code, no 17
person elected or appointed to an office of or employed by the 18
general assembly or any department, division, institution, 19

instrumentality, board, commission, or bureau of the state, 20
excluding the courts, shall receive or agree to receive directly 21
or indirectly compensation other than from the agency with which 22
~~he~~the official or employee serves for any service rendered or to 23
be rendered by ~~him~~the official or employee personally in any 24
case, proceeding, application, or other matter that is before 25
the general assembly or any department, division, institution, 26
instrumentality, board, commission, or bureau of the state, 27
excluding the courts. 28

(B) Except as provided in division (D) of this section, no 29
person elected or appointed to an office of or employed by the 30
general assembly or any department, division, institution, 31
instrumentality, board, commission, or bureau of the state, 32
excluding the courts, shall sell or agree to sell, except 33
through competitive bidding, any goods or services to the 34
general assembly or any department, division, institution, 35
instrumentality, board, commission, or bureau of the state, 36
excluding the courts. 37

(C) Except as provided in division (D) of this section, no 38
person who is elected or appointed to an office of or employed 39
by a county, township, municipal corporation, or any other 40
governmental entity, excluding the courts, shall receive or 41
agree to receive directly or indirectly compensation other than 42
from the agency with which ~~he~~the official or employee serves 43
for any service rendered or to be rendered by ~~him~~the official
or employee personally in any case, proceeding, application, or 44
other matter which is before any agency, department, board, 45
bureau, commission, or other instrumentality, excluding the 46
courts, of the entity of which ~~he~~the individual is an officer 47
or employee. 48
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(D) A public official who is appointed to a nonelective office or a public employee shall be exempted from division (A), (B), or (C) of this section if both of the following apply:

(1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of ~~his~~ the official's or employee's services is pending, is an agency other than the one with which ~~he~~ the official or employee serves;

(2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, ~~he~~ the official or employee files a statement with the appropriate ethics commission, with the public agency with which ~~he~~ the official or employee serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which ~~he~~ the official or employee serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the public official's or employee's declaration that ~~he~~ the public official or employee disqualifies ~~himself~~ self for a period of two years from any participation as such public official or employee in any matter involving any public official or employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement

regarding the agency before which the matter was pending or to 80
which the goods or services were to be sold. No person shall be 81
required to file statements under this division with the same 82
public agency regarding a particular matter more than once in a 83
calendar year. 84

(E) No public official or employee who files a statement 85
or is required to file a statement under division (D) of this 86
section shall knowingly fail to disqualify ~~himself~~ self from any 87
participation as a public official or employee of the agency 88
with which ~~he~~ the official or employee serves in any matter 89
involving any official or employee of an agency before which a 90
matter for which ~~he~~ the official or employee rendered personal 91
services was pending or of a public agency that purchased or 92
agreed to purchase goods or services. 93

(F) This section shall not be construed to prohibit the 94
performance of ministerial functions including, but not limited 95
to, the filing, or amendment of tax returns, applications for 96
permits and licenses, incorporation papers, and other documents. 97

Sec. 149.433. (A) As used in this section: 98

(1) "Act of terrorism" has the same meaning as in section 99
2909.21 of the Revised Code. 100

(2) "Infrastructure record" means any record that 101
discloses the configuration of a public office's or chartered 102
nonpublic school's critical systems including, but not limited 103
to, communication, computer, electrical, mechanical, 104
ventilation, water, and plumbing systems, security codes, or the 105
infrastructure or structural configuration of the building in 106
which a public office or chartered nonpublic school is located. 107
"Infrastructure record" does not mean a simple floor plan that 108

discloses only the spatial relationship of components of a 109
public office or chartered nonpublic school or the building in 110
which a public office or chartered nonpublic school is located. 111

(3) "Security record" means any of the following: 112

(a) Any record that contains information directly used for 113
protecting or maintaining the security of a public office 114
against attack, interference, or sabotage; 115

(b) Any record assembled, prepared, or maintained by a 116
public office or public body to prevent, mitigate, or respond to 117
acts of terrorism, including any of the following: 118

(i) Those portions of records containing specific and 119
unique vulnerability assessments or specific and unique response 120
plans either of which is intended to prevent or mitigate acts of 121
terrorism, and communication codes or deployment plans of law 122
enforcement or emergency response personnel; 123

(ii) Specific intelligence information and specific 124
investigative records shared by federal and international law 125
enforcement agencies with state and local law enforcement and 126
public safety agencies; 127

(iii) National security records classified under federal 128
executive order and not subject to public disclosure under 129
federal law that are shared by federal agencies, and other 130
records related to national security briefings to assist state 131
and local government with domestic preparedness for acts of 132
terrorism. 133

(c) An emergency management plan adopted pursuant to 134
section 3313.536 of the Revised Code. 135

"Security record" does not include cost and payment 136

information regarding the provision of security by the state 137
highway patrol for the governor when the governor travels 138
outside the state not for official state business, except when 139
the governor's travel outside the state is of a personal nature 140
and the travel does not include campaign activity, a public 141
appearance, or fundraising or other solicitation of campaign 142
funds. 143

(B) A record kept by a public office that is a security 144
record or an infrastructure record is not a public record under 145
section 149.43 of the Revised Code and is not subject to 146
mandatory release or disclosure under that section. 147

(C) Notwithstanding any other section of the Revised Code, 148
disclosure by a public office, public employee, chartered 149
nonpublic school, or chartered nonpublic school employee of a 150
security record or infrastructure record that is necessary for 151
construction, renovation, or remodeling work on any public 152
building or project or chartered nonpublic school does not 153
constitute public disclosure for purposes of waiving division 154
(B) of this section and does not result in that record becoming 155
a public record for purposes of section 149.43 of the Revised 156
Code. 157

Sec. 2921.43. (A) No public servant shall knowingly 158
solicit or accept, and no person shall knowingly promise or give 159
to a public servant, either of the following: 160

(1) Any compensation, other than as allowed by divisions 161
(G), (H), and (I) of section 102.03, section 5502.021 of the 162
Revised Code, or other provisions of law, to perform the public 163
servant's official duties, to perform any other act or service 164
in the public servant's public capacity, for the general 165
performance of the duties of the public servant's public office 166

or public employment, or as a supplement to the public servant's public compensation;

(2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(B) No public servant for the public servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(C) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(D) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(E) A public servant who is convicted of a violation of

this section is disqualified from holding any public office, 195
employment, or position of trust in this state for a period of 196
seven years from the date of conviction. 197

(F) Divisions (A), (B), and (C) of this section do not 198
prohibit a person from making voluntary contributions to a 199
political party, campaign committee, legislative campaign fund, 200
political action committee, or political contributing entity or 201
prohibit a political party, campaign committee, legislative 202
campaign fund, political action committee, or political 203
contributing entity from accepting voluntary contributions. 204

Sec. 5502.021. State funds may not be used to fund the 205
provision of security by the state highway patrol for the 206
governor when the governor travels outside the state not for 207
official state business, except state funds may be so used when 208
the governor's travel outside the state is of a personal nature 209
and the travel does not include campaign activity, a public 210
appearance, or fundraising or other solicitation of campaign 211
funds. 212

A person may use funds that are not state funds to fund 213
the provision of security by the state highway patrol for the 214
governor when the governor travels outside the state not for 215
official state business. 216

Sec. 5502.022. Cost and payment information regarding the 217
provision of security by the state highway patrol for the 218
governor when the governor travels outside the state not for 219
official state business and not for travel of a personal nature 220
that does not include campaign activity, a public appearance, or 221
fundraising activity or other solicitation of campaign funds is 222
a public record as defined in section 149.43 of the Revised 223
Code. 224

Section 2. That existing sections 102.04, 149.433, and 225
2921.43 of the Revised Code are hereby repealed. 226