As Introduced

134th General Assembly Regular Session 2021-2022

H. B. No. 335

Representative Schmidt

Cosponsors: Representatives Jones, Bird, Lampton, Merrin, Ghanbari, Plummer, Johnson, Carruthers, Fowler Arthur

A BILL

To amend sections 102.02 and 102.07 of the Revised	1
Code to require the Ohio Ethics Commission to	2
post certain financial disclosure statements	3
online and to make an appropriation.	4

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

Section 1. That sections 102.02 and 102.07 of the Revised	5
Code be amended to read as follows:	6
Sec. 102.02. (A)(1) Except as otherwise provided in	7
division (H) of this section, all of the following shall file	8
with the appropriate ethics commission the disclosure statement	9
described in this division on a form prescribed by the	10
appropriate commission: every person who is elected to or is a	11
candidate for a state, county, or city office and every person	12
who is appointed to fill a vacancy for an unexpired term in such	13
an elective office; all members of the state board of education;	14
the director, assistant directors, deputy directors, division	15
chiefs, or persons of equivalent rank of any administrative	16
department of the state; the president or other chief	17
administrative officer of every state institution of higher	18

education as defined in section 3345.011 of the Revised Code; 19 the executive director and the members of the capitol square 20 review and advisory board appointed or employed pursuant to 21 section 105.41 of the Revised Code; all members of the Ohio 22 casino control commission, the executive director of the 23 commission, all professional employees of the commission, and 24 all technical employees of the commission who perform an 25 internal audit function; the individuals set forth in division 26 (B)(2) of section 187.03 of the Revised Code; the chief 27 executive officer and the members of the board of each state 28 retirement system; each employee of a state retirement board who 29 is a state retirement system investment officer licensed 30 pursuant to section 1707.163 of the Revised Code; the members of 31 the Ohio retirement study council appointed pursuant to division 32 (C) of section 171.01 of the Revised Code; employees of the Ohio 33 retirement study council, other than employees who perform 34 purely administrative or clerical functions; the administrator 35 of workers' compensation and each member of the bureau of 36 workers' compensation board of directors; the bureau of workers' 37 compensation director of investments; the chief investment 38 officer of the bureau of workers' compensation; all members of 39 the board of commissioners on grievances and discipline of the 40 supreme court and the ethics commission created under section 41 102.05 of the Revised Code; every business manager, treasurer, 42 or superintendent of a city, local, exempted village, joint 43 vocational, or cooperative education school district or an 44 educational service center; every person who is elected to or is 45 a candidate for the office of member of a board of education of 46 a city, local, exempted village, joint vocational, or 47 cooperative education school district or of a governing board of 48 an educational service center that has a total student count of 49 twelve thousand or more as most recently determined by the 50

department of education pursuant to section 3317.03 of the 51 Revised Code; every person who is appointed to the board of 52 education of a municipal school district pursuant to division 53 (B) or (F) of section 3311.71 of the Revised Code; all members 54 of the board of directors of a sanitary district that is 55 established under Chapter 6115. of the Revised Code and 56 organized wholly for the purpose of providing a water supply for 57 domestic, municipal, and public use, and that includes two 58 municipal corporations in two counties; every public official or 59 employee who is paid a salary or wage in accordance with 60 schedule C of section 124.15 or schedule E-2 of section 124.152 61 of the Revised Code; members of the board of trustees and the 62 executive director of the southern Ohio agricultural and 63 community development foundation; all members appointed to the 64 Ohio livestock care standards board under section 904.02 of the 65 Revised Code; all entrepreneurs in residence assigned by the 66 LeanOhio office in the department of administrative services 67 under section 125.65 of the Revised Code and every other public 68 official or employee who is designated by the appropriate ethics 69 commission pursuant to division (B) of this section. 70 71

(2) The disclosure statement shall include all of the following:

(a) The name of the person filing the statement and each
member of the person's immediate family and all names under
which the person or members of the person's immediate family do
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business;

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of
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this section and except as otherwise provided in section 102.022
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of the Revised Code, identification of every source of income,
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other than income from a legislative agent identified in
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division (A)(2)(b)(ii) of this section, received during the 81 preceding calendar year, in the person's own name or by any 82 other person for the person's use or benefit, by the person 83 filing the statement, and a brief description of the nature of 84 the services for which the income was received. If the person 85 filing the statement is a member of the general assembly, the 86 statement shall identify the amount of every source of income 87 received in accordance with the following ranges of amounts: 88 zero or more, but less than one thousand dollars; one thousand 89 90 dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand 91 dollars; twenty-five thousand dollars or more, but less than 92 fifty thousand dollars; fifty thousand dollars or more, but less 93 than one hundred thousand dollars; and one hundred thousand 94 dollars or more. Division (A)(2)(b)(i) of this section shall not 95 be construed to require a person filing the statement who 96 derives income from a business or profession to disclose the 97 individual items of income that constitute the gross income of 98 that business or profession, except for those individual items 99 of income that are attributable to the person's or, if the 100 income is shared with the person, the partner's, solicitation of 101 services or goods or performance, arrangement, or facilitation 102 of services or provision of goods on behalf of the business or 103 profession of clients, including corporate clients, who are 104 legislative agents. A person who files the statement under this 105 section shall disclose the identity of and the amount of income 106 received from a person who the public official or employee knows 107 or has reason to know is doing or seeking to do business of any 108 kind with the public official's or employee's agency. 109

(ii) If the person filing the statement is a member of thegeneral assembly, the statement shall identify every source of111

income and the amount of that income that was received from a 112 legislative agent during the preceding calendar year, in the 113 person's own name or by any other person for the person's use or 114 benefit, by the person filing the statement, and a brief 115 description of the nature of the services for which the income 116 was received. Division (A)(2)(b)(ii) of this section requires 117 the disclosure of clients of attorneys or persons licensed under 118 section 4732.12 of the Revised Code, or patients of persons 119 licensed under section 4731.14 of the Revised Code, if those 120 clients or patients are legislative agents. Division (A) (2) (b) 121 (ii) of this section requires a person filing the statement who 122 derives income from a business or profession to disclose those 123 individual items of income that constitute the gross income of 124 that business or profession that are received from legislative 125 agents. 126

(iii) Except as otherwise provided in division (A)(2)(b) 127 (iii) of this section, division (A)(2)(b)(i) of this section 128 applies to attorneys, physicians, and other persons who engage 129 in the practice of a profession and who, pursuant to a section 130 of the Revised Code, the common law of this state, a code of 131 ethics applicable to the profession, or otherwise, generally are 132 required not to reveal, disclose, or use confidences of clients, 133 patients, or other recipients of professional services except 134 under specified circumstances or generally are required to 135 maintain those types of confidences as privileged communications 136 except under specified circumstances. Division (A) (2) (b) (i) of 137 this section does not require an attorney, physician, or other 138 professional subject to a confidentiality requirement as 139 described in division (A)(2)(b)(iii) of this section to disclose 140 the name, other identity, or address of a client, patient, or 141 other recipient of professional services if the disclosure would 142

threaten the client, patient, or other recipient of professional 143 services, would reveal details of the subject matter for which 144 legal, medical, or professional advice or other services were 145 sought, or would reveal an otherwise privileged communication 146 involving the client, patient, or other recipient of 147 professional services. Division (A)(2)(b)(i) of this section 148 does not require an attorney, physician, or other professional 149 subject to a confidentiality requirement as described in 150 division (A)(2)(b)(iii) of this section to disclose in the brief 151 description of the nature of services required by division (A) 152 (2) (b) (i) of this section any information pertaining to specific 153 professional services rendered for a client, patient, or other 154 recipient of professional services that would reveal details of 155 the subject matter for which legal, medical, or professional 156 advice was sought or would reveal an otherwise privileged 157 communication involving the client, patient, or other recipient 158 of professional services. 159

(c) The name of every corporation on file with the 160 secretary of state that is incorporated in this state or holds a 161 certificate of compliance authorizing it to do business in this 162 state, trust, business trust, partnership, or association that 163 transacts business in this state in which the person filing the 164 statement or any other person for the person's use and benefit 165 had during the preceding calendar year an investment of over one 166 thousand dollars at fair market value as of the thirty-first day 167 of December of the preceding calendar year, or the date of 168 disposition, whichever is earlier, or in which the person holds 169 any office or has a fiduciary relationship, and a description of 170 the nature of the investment, office, or relationship. Division 171 (A) (2) (c) of this section does not require disclosure of the 172 name of any bank, savings and loan association, credit union, or 173

building and loan association with which the person filing the 174 statement has a deposit or a withdrawable share account. 175

(d) All fee simple and leasehold interests to which the
person filing the statement holds legal title to or a beneficial
interest in real property located within the state, excluding
the person's residence and property used primarily for personal
recreation;

(e) The names of all persons residing or transacting 181 business in the state to whom the person filing the statement 182 owes, in the person's own name or in the name of any other 183 person, more than one thousand dollars. Division (A)(2)(e) of 184 this section shall not be construed to require the disclosure of 185 debts owed by the person resulting from the ordinary conduct of 186 a business or profession or debts on the person's residence or 187 real property used primarily for personal recreation, except 188 that the superintendent of financial institutions and any deputy 189 superintendent of banks shall disclose the names of all state-190 chartered banks and all bank subsidiary corporations subject to 191 regulation under section 1109.44 of the Revised Code to whom the 192 superintendent or deputy superintendent owes any money. 193

(f) The names of all persons residing or transacting 194 business in the state, other than a depository excluded under 195 division (A)(2)(c) of this section, who owe more than one 196 thousand dollars to the person filing the statement, either in 197 the person's own name or to any person for the person's use or 198 benefit. Division (A)(2)(f) of this section shall not be 199 construed to require the disclosure of clients of attorneys or 200 persons licensed under section 4732.12 of the Revised Code, or 201 patients of persons licensed under section 4731.14 of the 202 Revised Code, nor the disclosure of debts owed to the person 203

resulting from the ordinary conduct of a business or profession. 204 (q) Except as otherwise provided in section 102.022 of the 205 Revised Code, the source of each gift of over seventy-five 206 dollars, or of each gift of over twenty-five dollars received by 207 a member of the general assembly from a legislative agent, 208 received by the person in the person's own name or by any other 209 person for the person's use or benefit during the preceding 210 calendar year, except gifts received by will or by virtue of 211 section 2105.06 of the Revised Code, or received from spouses, 212 213 parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 214 sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 215 or any person to whom the person filing the statement stands in 216 loco parentis, or received by way of distribution from any inter 217 vivos or testamentary trust established by a spouse or by an 218 219 ancestor;

(h) Except as otherwise provided in section 102.022 of the 220 Revised Code, identification of the source and amount of every 221 payment of expenses incurred for travel to destinations inside 222 or outside this state that is received by the person in the 223 224 person's own name or by any other person for the person's use or 225 benefit and that is incurred in connection with the person's official duties, except for expenses for travel to meetings or 226 conventions of a national or state organization to which any 227 state agency, including, but not limited to, any legislative 228 agency or state institution of higher education as defined in 229 section 3345.011 of the Revised Code, pays membership dues, or 230 any political subdivision or any office or agency of a political 231 subdivision pays membership dues; 232

(i) Except as otherwise provided in section 102.022 of the

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Revised Code, identification of the source of payment of 234 expenses for meals and other food and beverages, other than for 235 meals and other food and beverages provided at a meeting at 236 which the person participated in a panel, seminar, or speaking 237 engagement or at a meeting or convention of a national or state 2.38 organization to which any state agency, including, but not 239 240 limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised 241 Code, pays membership dues, or any political subdivision or any 242 office or agency of a political subdivision pays membership 243 dues, that are incurred in connection with the person's official 244 duties and that exceed one hundred dollars aggregated per 245 calendar year; 246

(j) If the disclosure statement is filed by a public 247 official or employee described in division (B)(2) of section 248 101.73 of the Revised Code or division (B)(2) of section 121.63 249 of the Revised Code who receives a statement from a legislative 250 agent, executive agency lobbyist, or employer that contains the 251 information described in division (F)(2) of section 101.73 of 252 the Revised Code or division (G)(2) of section 121.63 of the 253 Revised Code, all of the nondisputed information contained in 254 the statement delivered to that public official or employee by 255 the legislative agent, executive agency lobbyist, or employer 256 under division (F)(2) of section 101.73 or (G)(2) of section 257 121.63 of the Revised Code. 258

(3) A person may file a statement required by this section in person, by mail, or by electronic means.

(4) A person who is required to file a statement under(4) A person who is re

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(a) Except as otherwise provided in divisions (A)(4)(b), 264 (c), and (d) of this section, the person shall file the 265 statement not later than the fifteenth day of May of each year. 266 (b) A person who is a candidate for elective office shall 267 file the statement no later than the thirtieth day before the 268 primary, special, or general election at which the candidacy is 269 to be voted on, whichever election occurs soonest, except that a 270 person who is a write-in candidate shall file the statement no 271 later than the twentieth day before the earliest election at 272 which the person's candidacy is to be voted on. 273 (c) A person who is appointed to fill a vacancy for an 274 unexpired term in an elective office shall file the statement 275 within fifteen days after the person qualifies for office. 276 (d) A person who is appointed or employed after the 277 fifteenth day of May, other than a person described in division 278 (A) (4) (c) of this section, shall file an annual statement within 279 ninety days after appointment or employment. 280 (5) No person shall be required to file with the 281 appropriate ethics commission more than one statement or pay 282 283 more than one filing fee for any one calendar year. (6) The appropriate ethics commission, for good cause, may 284 extend for a reasonable time the deadline for filing a statement 285 under this section. 286 (7) A statement filed under this section is subject to 287 public inspection at locations designated by the appropriate 288 ethics commission except as otherwise provided in this section. 289 (B) The Ohio ethics commission, the joint legislative 290

ethics committee, and the board of commissioners on grievances 290 and discipline of the supreme court, using the rule-making 292 procedures of Chapter 119. of the Revised Code, may require any 293 class of public officials or employees under its jurisdiction 294 and not specifically excluded by this section whose positions 295 involve a substantial and material exercise of administrative 296 discretion in the formulation of public policy, expenditure of 297 public funds, enforcement of laws and rules of the state or a 298 county or city, or the execution of other public trusts, to file 299 an annual statement under division (A) of this section. The 300 appropriate ethics commission shall send the public officials or 301 employees written notice of the requirement not less than thirty 302 days before the applicable filing deadline unless the public 303 official or employee is appointed after that date, in which case 304 the notice shall be sent within thirty days after appointment, 305 and the filing shall be made not later than ninety days after 306 appointment. 307

Disclosure statements filed under this division with the 308 Ohio ethics commission by members of boards, commissions, or 309 bureaus of the state for which no compensation is received other 310 than reasonable and necessary expenses shall be kept 311 confidential. Disclosure statements filed with the Ohio ethics 312 commission under division (A) of this section by business 313 managers, treasurers, and superintendents of city, local, 314 exempted village, joint vocational, or cooperative education 315 school districts or educational service centers shall be kept 316 confidential, except that any person conducting an audit of any 317 such school district or educational service center pursuant to 318 Chapter 117. of the Revised Code may examine the disclosure 319 statement of any business manager, treasurer, or superintendent 320 of that school district or educational service center. 321 Disclosure statements filed with the Ohio ethics commission 322 under division (A) of this section by the individuals set forth 323

in division (B)(2) of section 187.03 of the Revised Code shall 324 be kept confidential. The Ohio ethics commission shall examine 325 each disclosure statement required to be kept confidential to 326 determine whether a potential conflict of interest exists for 327 the person who filed the disclosure statement. A potential 328 conflict of interest exists if the private interests of the 329 person, as indicated by the person's disclosure statement, might 330 interfere with the public interests the person is required to 331 serve in the exercise of the person's authority and duties in 332 the person's office or position of employment. If the commission 333 determines that a potential conflict of interest exists, it 334 shall notify the person who filed the disclosure statement and 335 shall make the portions of the disclosure statement that 336 indicate a potential conflict of interest subject to public 337 inspection in the same manner as is provided for other 338 disclosure statements. Any portion of the disclosure statement 339 that the commission determines does not indicate a potential 340 conflict of interest shall be kept confidential by the 341 commission and shall not be made subject to public inspection, 342 except as is necessary for the enforcement of Chapters 102. and 343 2921. of the Revised Code and except as otherwise provided in 344 this division. 345

(C) No person shall knowingly fail to file, on or before
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 the applicable filing deadline established under this section, a
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 statement that is required by this section.
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(D) No person shall knowingly file a false statement that is required to be filed under this section.

(E) (1) Except as provided in divisions (E) (2) and (3) of
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this section, the statement required by division (A) or (B) of
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this section shall be accompanied by a filing fee of sixty
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dolla	ars.			354
the p	(2) The statement required by division (A) of this section I be accompanied by the following filing fee to be paid by person who is elected or appointed to, or is a candidate any of the following offices:			355 356 357 358 359
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A	For state office, except member of the state board of education		\$95	
В	For office of member of general assembly		\$40	
С	For county office		\$60	
D	For city office		\$35	
E	For office of member of the state board of education		\$35	
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board		\$30	
G	For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center		\$30	
	(3) No judge of a court of record or candidate for judge			361

(3) No judge of a court of record or candidate for judge 361 of a court of record, and no referee or magistrate serving a 362 court of record, shall be required to pay the fee required under 363 division (E)(1) or (2) or (F) of this section. 364

(4) For any public official who is appointed to a
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nonelective office of the state and for any employee who holds a
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nonelective position in a public agency of the state, the state
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agency that is the primary employer of the state official or
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employee shall pay the fee required under division (E) (1) or (F)
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of this section.

(F) If a statement required to be filed under this section
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is not filed by the date on which it is required to be filed,
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the appropriate ethics commission shall assess the person
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required to file the statement a late filing fee of ten dollars
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for each day the statement is not filed, except that the total
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amount of the late filing fee shall not exceed two hundred fifty
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dollars.

(G) (1) The appropriate ethics commission other than the
Ohio ethics commission and the joint legislative ethics
committee shall deposit all fees it receives under divisions (E)
and (F) of this section into the general revenue fund of the
state.

(2) The Ohio ethics commission shall deposit all receipts, 383 including, but not limited to, fees it receives under divisions 384 (E) and (F) of this section, investigative or other fees, costs, 385 or other funds it receives as a result of court orders, and all 386 moneys it receives from settlements under division (G) of 387 section 102.06 of the Revised Code, into the Ohio ethics 388 commission fund, which is hereby created in the state treasury. 389 All moneys credited to the fund shall be used solely for 390 expenses related to the operation and statutory functions of the 391 commission. 392

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(3) The joint legislative ethics committee shall deposit
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all receipts it receives from the payment of financial
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disclosure statement filing fees under divisions (E) and (F) of
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this section into the joint legislative ethics committee
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investigative and financial disclosure fund.

(H) Division (A) of this section does not apply to a 398 person elected or appointed to the office of precinct, ward, or 399 district committee member under Chapter 3517. of the Revised 400 Code; a presidential elector; a delegate to a national 401 convention; village or township officials and employees; any 402 physician or psychiatrist who is paid a salary or wage in 403 accordance with schedule C of section 124.15 or schedule E-2 of 404 section 124.152 of the Revised Code and whose primary duties do 405 not require the exercise of administrative discretion; or any 406 member of a board, commission, or bureau of any county or city 407 who receives less than one thousand dollars per year for serving 408 in that position. 409

Sec. 102.07. (A) No member, employee, or agent of the Ohio 410 ethics commission, board of commissioners on grievances and 411 discipline of the supreme court, or joint legislative ethics 412 committee shall divulge any information or any books, papers, or 413 documents presented to the commission, joint legislative ethics 414 committee, or board of commissioners on grievances and 415 discipline without the consent, in writing, of the appropriate 416 ethics commission, unless such books, papers, or documents were 417 presented at a public hearing, except as provided in section 418 102.06 of the Revised Code. 419

(B) (1) Subject to division (B) (3) of this section, a420statement filed under section 102.02 of the Revised Code is421subject to public inspection at locations designated by the422

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appropriate ethics commission.	423
(2) Subject to division (B)(3) of this section, the Ohio	424
ethics commission shall make the information in the following	425
statements filed with the commission under section 102.02 of the	426
Revised Code available to the public on its official web site as	427
soon as practicable after the statements are filed:	428
(a) A statement filed by a person who holds an elective	429
office while the person holds that office;	430
(b) A statement filed by an administrative department head	431
listed in section 121.03 of the Revised Code while the person	432
holds that position.	433
(3) No person shall divulge information that appears on a	434
disclosure statement and is required to be kept confidential	435
under division (B) of section 102.02 of the Revised Code.	436
Section 2. That existing sections 102.02 and 102.07 of the	437
Revised Code are hereby repealed.	438
Section 3. All items in this act are hereby appropriated	439
as designated out of any moneys in the state treasury to the	440
credit of the designated fund. For all operating appropriations	441
made in this act, those in the first column are for fiscal year	442
2022 and those in the second column are for fiscal year 2023.	443
The operating appropriations made in this act are in addition to	444
any other operating appropriations made for the FY 2022-FY 2023	445
biennium.	446
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447 Section 4.

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А		ETH OHIO ETHICS CO	OMMISSION	
В	General Revenue	Fund		
С	GRF 146321 (Operating Expenses	\$35,000	\$2 , 500
D	TOTAL GRF Genera	al Revenue Fund	\$35,000	\$2 , 500
E	TOTAL ALL BUDGET	FUND GROUPS	\$35,000	\$2 , 500

OPERATING EXPENSES

The foregoing appropriation item 146321, Operating450Expenses, shall be used by the Ethics Commission to make451information in certain financial disclosure statements filed452with the Commission available to the public on its official web453site pursuant to division (B)(2) of section 102.07 of the454Revised Code.455

Section 5. Within the limits set forth in this act, the 456 Director of Budget and Management shall establish accounts 457 indicating the source and amount of funds for each appropriation 458 made in this act, and shall determine the form and manner in 459 which appropriation accounts shall be maintained. Expenditures 460 from operating appropriations contained in this act shall be 461 accounted for as though made in the main operating 462 appropriations act of the 134th General Assembly. The operating 463 appropriations made in this act are subject to all provisions of 464 the main operating appropriations act of the 134th General 465 Assembly that are generally applicable to such appropriations. 466

Section 6. Section 102.07 of the Revised Code is presented467in this act as a composite of the section as amended by both468

H.B. 285 and H.B. 492 of the 120th General Assembly. The General	469
Assembly, applying the principle stated in division (B) of	470
section 1.52 of the Revised Code that amendments are to be	471
harmonized if reasonably capable of simultaneous operation,	472
finds that the composite is the resulting version of the section	473
in effect prior to the effective date of the section as	474
presented in this act.	475