

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 358

Representatives Lanese, Manning

**Cosponsors: Representatives Bird, John, Koehler, Lightbody, McClain, Miller, J.,
Riedel, Russo, Young, T.**

A BILL

To amend section 102.02 of the Revised Code to 1
change the minimum dollar amount of a gift 2
required to be reported, and to require that 3
reporting be done according to a dollar amount 4
range, under the Ohio Ethics Law. 5

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

Section 1. That section 102.02 of the Revised Code be 6
amended to read as follows: 7

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

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

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

(2) The disclosure statement shall include all of the 72
following: 73

(a) The name of the person filing the statement and each 74
member of the person's immediate family and all names under 75
which the person or members of the person's immediate family do 76
business; 77

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 78
this section and except as otherwise provided in section 102.022 79
of the Revised Code, identification of every source of income, 80

other than income from a legislative agent identified in 81
division (A) (2) (b) (ii) of this section, received during the 82
preceding calendar year, in the person's own name or by any 83
other person for the person's use or benefit, by the person 84
filing the statement, and a brief description of the nature of 85
the services for which the income was received. If the person 86
filing the statement is a member of the general assembly, the 87
statement shall identify the amount of every source of income 88
received in accordance with the following ranges of amounts: 89
zero or more, but less than one thousand dollars; one thousand 90
dollars or more, but less than ten thousand dollars; ten 91
thousand dollars or more, but less than twenty-five thousand 92
dollars; twenty-five thousand dollars or more, but less than 93
fifty thousand dollars; fifty thousand dollars or more, but less 94
than one hundred thousand dollars; and one hundred thousand 95
dollars or more. Division (A) (2) (b) (i) of this section shall not 96
be construed to require a person filing the statement who 97
derives income from a business or profession to disclose the 98
individual items of income that constitute the gross income of 99
that business or profession, except for those individual items 100
of income that are attributable to the person's or, if the 101
income is shared with the person, the partner's, solicitation of 102
services or goods or performance, arrangement, or facilitation 103
of services or provision of goods on behalf of the business or 104
profession of clients, including corporate clients, who are 105
legislative agents. A person who files the statement under this 106
section shall disclose the identity of and the amount of income 107
received from a person who the public official or employee knows 108
or has reason to know is doing or seeking to do business of any 109
kind with the public official's or employee's agency. 110

(ii) If the person filing the statement is a member of the 111

general assembly, the statement shall identify every source of 112
income and the amount of that income that was received from a 113
legislative agent during the preceding calendar year, in the 114
person's own name or by any other person for the person's use or 115
benefit, by the person filing the statement, and a brief 116
description of the nature of the services for which the income 117
was received. Division (A) (2) (b) (ii) of this section requires 118
the disclosure of clients of attorneys or persons licensed under 119
section 4732.12 of the Revised Code, or patients of persons 120
licensed under section 4731.14 of the Revised Code, if those 121
clients or patients are legislative agents. Division (A) (2) (b) 122
(ii) of this section requires a person filing the statement who 123
derives income from a business or profession to disclose those 124
individual items of income that constitute the gross income of 125
that business or profession that are received from legislative 126
agents. 127

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

other recipient of professional services if the disclosure would 143
threaten the client, patient, or other recipient of professional 144
services, would reveal details of the subject matter for which 145
legal, medical, or professional advice or other services were 146
sought, or would reveal an otherwise privileged communication 147
involving the client, patient, or other recipient of 148
professional services. Division (A) (2) (b) (i) of this section 149
does not require an attorney, physician, or other professional 150
subject to a confidentiality requirement as described in 151
division (A) (2) (b) (iii) of this section to disclose in the brief 152
description of the nature of services required by division (A) 153
(2) (b) (i) of this section any information pertaining to specific 154
professional services rendered for a client, patient, or other 155
recipient of professional services that would reveal details of 156
the subject matter for which legal, medical, or professional 157
advice was sought or would reveal an otherwise privileged 158
communication involving the client, patient, or other recipient 159
of professional services. 160

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

name of any bank, savings and loan association, credit union, or 174
building and loan association with which the person filing the 175
statement has a deposit or a withdrawable share account. 176

(d) All fee simple and leasehold interests to which the 177
person filing the statement holds legal title to or a beneficial 178
interest in real property located within the state, excluding 179
the person's residence and property used primarily for personal 180
recreation; 181

(e) The names of all persons residing or transacting 182
business in the state to whom the person filing the statement 183
owes, in the person's own name or in the name of any other 184
person, more than one thousand dollars. Division (A) (2) (e) of 185
this section shall not be construed to require the disclosure of 186
debts owed by the person resulting from the ordinary conduct of 187
a business or profession or debts on the person's residence or 188
real property used primarily for personal recreation, except 189
that the superintendent of financial institutions and any deputy 190
superintendent of banks shall disclose the names of all state- 191
chartered banks and all bank subsidiary corporations subject to 192
regulation under section 1109.44 of the Revised Code to whom the 193
superintendent or deputy superintendent owes any money. 194

(f) The names of all persons residing or transacting 195
business in the state, other than a depository excluded under 196
division (A) (2) (c) of this section, who owe more than one 197
thousand dollars to the person filing the statement, either in 198
the person's own name or to any person for the person's use or 199
benefit. Division (A) (2) (f) of this section shall not be 200
construed to require the disclosure of clients of attorneys or 201
persons licensed under section 4732.12 of the Revised Code, or 202
patients of persons licensed under section 4731.14 of the 203

Revised Code, nor the disclosure of debts owed to the person 204
resulting from the ordinary conduct of a business or profession. 205

(g) (i) Except as otherwise provided in section 102.022 of 206
the Revised Code, the source of each gift of over ~~seventy-five~~ 207
one hundred fifty dollars, ~~or of each including a gift of over~~ 208
~~twenty-five~~ dollars received by a member of the general assembly 209
from a legislative agent, received by the person in the person's 210
own name or by any other person for the person's use or benefit 211
during the preceding calendar year, except gifts received by 212
will or by virtue of section 2105.06 of the Revised Code, or 213
received from spouses, parents, grandparents, children, 214
grandchildren, siblings, nephews, nieces, uncles, aunts, 215
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 216
fathers-in-law, mothers-in-law, or any person to whom the person 217
filing the statement stands in loco parentis, or received by way 218
of distribution from any inter vivos or testamentary trust 219
established by a spouse or by an ancestor~~+~~. The statement shall 220
identify the amount of every gift received in accordance with 221
the following ranges of amounts: one hundred fifty or more, but 222
less than two hundred fifty dollars; two hundred fifty dollars 223
or more, but less than one thousand dollars; one thousand 224
dollars or more, but less than ten thousand dollars; ten 225
thousand dollars or more, but less than one hundred thousand 226
dollars; and one hundred thousand dollars or more. 227

(ii) If it is impractical or impossible to determine exact 228
dollar amounts or values of gifts, reporting of good faith 229
estimates, based upon reasonable accounting procedures, 230
constitutes compliance with division (A) (2) (g) (i) of this 231
section. 232

(h) Except as otherwise provided in section 102.022 of the 233

Revised Code, identification of the source and amount of every 234
payment of expenses incurred for travel to destinations inside 235
or outside this state that is received by the person in the 236
person's own name or by any other person for the person's use or 237
benefit and that is incurred in connection with the person's 238
official duties, except for expenses for travel to meetings or 239
conventions of a national or state organization to which any 240
state agency, including, but not limited to, any legislative 241
agency or state institution of higher education as defined in 242
section 3345.011 of the Revised Code, pays membership dues, or 243
any political subdivision or any office or agency of a political 244
subdivision pays membership dues; 245

(i) Except as otherwise provided in section 102.022 of the 246
Revised Code, identification of the source of payment of 247
expenses for meals and other food and beverages, other than for 248
meals and other food and beverages provided at a meeting at 249
which the person participated in a panel, seminar, or speaking 250
engagement or at a meeting or convention of a national or state 251
organization to which any state agency, including, but not 252
limited to, any legislative agency or state institution of 253
higher education as defined in section 3345.011 of the Revised 254
Code, pays membership dues, or any political subdivision or any 255
office or agency of a political subdivision pays membership 256
dues, that are incurred in connection with the person's official 257
duties and that exceed one hundred dollars aggregated per 258
calendar year; 259

(j) If the disclosure statement is filed by a public 260
official or employee described in division (B)(2) of section 261
101.73 of the Revised Code or division (B)(2) of section 121.63 262
of the Revised Code who receives a statement from a legislative 263
agent, executive agency lobbyist, or employer that contains the 264

information described in division (F) (2) of section 101.73 of 265
the Revised Code or division (G) (2) of section 121.63 of the 266
Revised Code, all of the nondisputed information contained in 267
the statement delivered to that public official or employee by 268
the legislative agent, executive agency lobbyist, or employer 269
under division (F) (2) of section 101.73 or (G) (2) of section 270
121.63 of the Revised Code. 271

(3) A person may file a statement required by this section 272
in person, by mail, or by electronic means. 273

(4) A person who is required to file a statement under 274
this section shall file that statement according to the 275
following deadlines, as applicable: 276

(a) Except as otherwise provided in divisions (A) (4) (b), 277
(c), and (d) of this section, the person shall file the 278
statement not later than the fifteenth day of May of each year. 279

(b) A person who is a candidate for elective office shall 280
file the statement no later than the thirtieth day before the 281
primary, special, or general election at which the candidacy is 282
to be voted on, whichever election occurs soonest, except that a 283
person who is a write-in candidate shall file the statement no 284
later than the twentieth day before the earliest election at 285
which the person's candidacy is to be voted on. 286

(c) A person who is appointed to fill a vacancy for an 287
unexpired term in an elective office shall file the statement 288
within fifteen days after the person qualifies for office. 289

(d) A person who is appointed or employed after the 290
fifteenth day of May, other than a person described in division 291
(A) (4) (c) of this section, shall file an annual statement within 292
ninety days after appointment or employment. 293

(5) No person shall be required to file with the 294
appropriate ethics commission more than one statement or pay 295
more than one filing fee for any one calendar year. 296

(6) The appropriate ethics commission, for good cause, may 297
extend for a reasonable time the deadline for filing a statement 298
under this section. 299

(7) A statement filed under this section is subject to 300
public inspection at locations designated by the appropriate 301
ethics commission except as otherwise provided in this section. 302

(B) The Ohio ethics commission, the joint legislative 303
ethics committee, and the board of commissioners on grievances 304
and discipline of the supreme court, using the rule-making 305
procedures of Chapter 119. of the Revised Code, may require any 306
class of public officials or employees under its jurisdiction 307
and not specifically excluded by this section whose positions 308
involve a substantial and material exercise of administrative 309
discretion in the formulation of public policy, expenditure of 310
public funds, enforcement of laws and rules of the state or a 311
county or city, or the execution of other public trusts, to file 312
an annual statement under division (A) of this section. The 313
appropriate ethics commission shall send the public officials or 314
employees written notice of the requirement not less than thirty 315
days before the applicable filing deadline unless the public 316
official or employee is appointed after that date, in which case 317
the notice shall be sent within thirty days after appointment, 318
and the filing shall be made not later than ninety days after 319
appointment. 320

Disclosure statements filed under this division with the 321
Ohio ethics commission by members of boards, commissions, or 322
bureaus of the state for which no compensation is received other 323

than reasonable and necessary expenses shall be kept 324
confidential. Disclosure statements filed with the Ohio ethics 325
commission under division (A) of this section by business 326
managers, treasurers, and superintendents of city, local, 327
exempted village, joint vocational, or cooperative education 328
school districts or educational service centers shall be kept 329
confidential, except that any person conducting an audit of any 330
such school district or educational service center pursuant to 331
Chapter 117. of the Revised Code may examine the disclosure 332
statement of any business manager, treasurer, or superintendent 333
of that school district or educational service center. 334
Disclosure statements filed with the Ohio ethics commission 335
under division (A) of this section by the individuals set forth 336
in division (B) (2) of section 187.03 of the Revised Code shall 337
be kept confidential. The Ohio ethics commission shall examine 338
each disclosure statement required to be kept confidential to 339
determine whether a potential conflict of interest exists for 340
the person who filed the disclosure statement. A potential 341
conflict of interest exists if the private interests of the 342
person, as indicated by the person's disclosure statement, might 343
interfere with the public interests the person is required to 344
serve in the exercise of the person's authority and duties in 345
the person's office or position of employment. If the commission 346
determines that a potential conflict of interest exists, it 347
shall notify the person who filed the disclosure statement and 348
shall make the portions of the disclosure statement that 349
indicate a potential conflict of interest subject to public 350
inspection in the same manner as is provided for other 351
disclosure statements. Any portion of the disclosure statement 352
that the commission determines does not indicate a potential 353
conflict of interest shall be kept confidential by the 354
commission and shall not be made subject to public inspection, 355

except as is necessary for the enforcement of Chapters 102. and 356
2921. of the Revised Code and except as otherwise provided in 357
this division. 358

(C) No person shall knowingly fail to file, on or before 359
the applicable filing deadline established under this section, a 360
statement that is required by this section. 361

(D) No person shall knowingly file a false statement that 362
is required to be filed under this section. 363

(E) (1) Except as provided in divisions (E) (2) and (3) of 364
this section, the statement required by division (A) or (B) of 365
this section shall be accompanied by a filing fee of sixty 366
dollars. 367

(2) The statement required by division (A) of this section 368
shall be accompanied by the following filing fee to be paid by 369
the person who is elected or appointed to, or is a candidate 370
for, any of the following offices: 371

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A	For state office, except member of the state board of education	\$95
B	For office of member of general assembly	\$40
C	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 374
of a court of record, and no referee or magistrate serving a 375
court of record, shall be required to pay the fee required under 376
division (E) (1) or (2) or (F) of this section. 377

(4) For any public official who is appointed to a 378
nonelective office of the state and for any employee who holds a 379
nonelective position in a public agency of the state, the state 380
agency that is the primary employer of the state official or 381
employee shall pay the fee required under division (E) (1) or (F) 382
of this section. 383

(F) If a statement required to be filed under this section 384
is not filed by the date on which it is required to be filed, 385
the appropriate ethics commission shall assess the person 386
required to file the statement a late filing fee of ten dollars 387
for each day the statement is not filed, except that the total 388
amount of the late filing fee shall not exceed two hundred fifty 389
dollars. 390

(G) (1) The appropriate ethics commission other than the 391
Ohio ethics commission and the joint legislative ethics 392
committee shall deposit all fees it receives under divisions (E) 393

and (F) of this section into the general revenue fund of the 394
state. 395

(2) The Ohio ethics commission shall deposit all receipts, 396
including, but not limited to, fees it receives under divisions 397
(E) and (F) of this section, investigative or other fees, costs, 398
or other funds it receives as a result of court orders, and all 399
moneys it receives from settlements under division (G) of 400
section 102.06 of the Revised Code, into the Ohio ethics 401
commission fund, which is hereby created in the state treasury. 402
All moneys credited to the fund shall be used solely for 403
expenses related to the operation and statutory functions of the 404
commission. 405

(3) The joint legislative ethics committee shall deposit 406
all receipts it receives from the payment of financial 407
disclosure statement filing fees under divisions (E) and (F) of 408
this section into the joint legislative ethics committee 409
investigative and financial disclosure fund. 410

(H) Division (A) of this section does not apply to a 411
person elected or appointed to the office of precinct, ward, or 412
district committee member under Chapter 3517. of the Revised 413
Code; a presidential elector; a delegate to a national 414
convention; village or township officials and employees; any 415
physician or psychiatrist who is paid a salary or wage in 416
accordance with schedule C of section 124.15 or schedule E-2 of 417
section 124.152 of the Revised Code and whose primary duties do 418
not require the exercise of administrative discretion; or any 419
member of a board, commission, or bureau of any county or city 420
who receives less than one thousand dollars per year for serving 421
in that position. 422

Section 2. That existing section 102.02 of the Revised 423

Code is hereby repealed.

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