



THE OHIO GENERAL ASSEMBLY

## JOINT LEGISLATIVE ETHICS COMMITTEE

### OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL

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#### MEMORANDUM

**To:** All Interested Parties  
**From:** Joint Legislative Ethics Committee  
**Date:** May 18, 2018  
**RE:** *Lobbying expenditures associated with Meetings/Conferences of National Organizations to which the State pays membership dues*

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This memorandum reviews the lobbying expenditure reporting requirements for expenditures associated with meetings/conferences of a National Organization to which any state agency or political subdivision pays membership dues.<sup>1</sup> For purposes of this memorandum, "National Organization" refers to organizations to which dues are paid by one or more of the aforementioned entities.

#### 1. Lobbying Expenditures

##### A. Gifts - General:

Members and employees are prohibited from accepting more than \$75, aggregated per calendar year, in gifts from a legislative agent.<sup>2</sup> However, this limit does not apply to gifts from an employer of a legislative agent. Expenditures for events or activities, excluding meals and beverages, hosted by a registered lobbyist<sup>3</sup> or an employer of a registered lobbyist, must be reported in the itemized gift category of the Activity & Expenditure Report (recipient name, date, amount and nature of gift disclosed) if the value exceeds \$25.<sup>4</sup> Except for actual travel costs related to a conference, neither Ohio Revised Code 102.031 nor the Legislative Code of Ethics provides a national conference exception to the annual \$75 limit for gifts to legislators and legislative staff received from legislative agents.

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<sup>1</sup> R.C. 101.73(B)(3); state agency includes but is not limited to any legislative agency or state institution of higher education.

<sup>2</sup> R.C. 102.031(C)(3); Joint Legislative Code of Ethics Section 5(C).

<sup>3</sup> "Lobbyist" refers to any individual registered as a legislative agent, executive agency lobbyist or retirement system lobbyist.

<sup>4</sup> R.C. 101.73(B)(2); 1995 JLEC Advisory Opinion 95-007; O.A.C. 101-9-01(D)(2).

**Example:**

If the XYZ Corporation invites a Member, who is a conference attendee, to a golf outing and pays for the greens fees, the fees are a gift to the legislator. XYZ Corporation, as the employer of a legislative agent, will report the name of the legislator, the date, the nature, and the amount of the expenditure in the gift section of the Activity & Expenditure Report.

Assuming that the cost of a round of golf exceeds \$75.00, the legislative agent for XYZ corporation is prohibited from providing the golf outing.<sup>5</sup>

**B. Gifts to Spouses**

Any gift provided to a spouse or other family member is considered to be for the use or benefit of the legislator or employee (*i.e.* spouse/family member is receiving the gift because he or she is the spouse of the legislator or employee), and therefore the amount of the gift must be added to the amount, if any, of the gift received by the legislator or employee.

**C. Travel:**

Generally, Members and legislative staff are prohibited from accepting any direct payment or reimbursement for personal travel and lodging expenses from a legislative agent.<sup>6</sup> Travel is defined as any transportation by airplane, train, or common carrier regardless of the distance and any travel by automobile for those trips which exceed 50 miles one way.<sup>7</sup> Lodging encompasses the following: (1) a stay of one or more nights in a commercial establishment, and (2) a stay of one or more nights in a noncommercial private dwelling. As to noncommercial private dwellings, this includes residences owned in whole or in part by a legislative agent.<sup>8</sup>

However, there is an exception for travel in connection to a National Organization meeting/conference. Attendance at a meeting/conference of a National Organization is

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<sup>5</sup> See Ohio Lobbying Handbook: Lobbyist Expenditures vs. Employer Expenditures, at 46.

<sup>6</sup> R.C. 102.031C(1), R.C. 102.03(H); Joint Legislative Code of Ethics Section 5(B)(1).

<sup>7</sup> 1997 JLEC Advisory Opinion 97-006.

<sup>8</sup> *Id.*

considered an official duty; Members and legislative staff may accept actual travel/lodging expenses from a legislative agent, where the travel is directly related to their attendance at a National Organization meeting/conference.<sup>9</sup>

**For prohibitions and exceptions relative to Ohio executive branch officials, please contact the Ohio Ethics Commission at 614-466-7090.**

#### **D. Meals & Beverages:**

Generally, Members and legislative employees are prohibited from accepting more than \$75, aggregated per calendar year, in meals and beverages from a legislative agent.<sup>10</sup> **However, meals and beverages provided by a legislative agent to a Member while attending a meeting/conference of a National Organization do not count towards the annual \$75 limit.** The meals and beverages exception to the annual \$75 limit does not apply to legislative employees.<sup>11</sup>

Payment of expenses for meals and beverages provided to Members and executive branch officials attending the conference while in the host city at the time of the conference are reported as an aggregate dollar amount (recipient not disclosed) in the national conference reporting category of the Activity & Expenditure Report.<sup>12</sup> In the alternative, if all Members of the House or Senate are invited to a reception, the host may choose to report the reception expenditures in the All-Invited reporting category of the Activity & Expenditure Report.<sup>13</sup>

#### **2. Financial Support of Conference Events not Reportable as Ohio Lobbying Expenditures in Certain Circumstances:**

During meetings/conferences, a National Organization may hold events as part of the official conference agenda. Some of these costs will be offset by financial support provided to

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<sup>9</sup> R.C. 102.031(C)(1), R.C. 102.03(H); Joint Legislative Code of Ethics Section 5(B)(1).

<sup>10</sup> R.C. 102.031(C)(2); Joint Legislative Code of Ethics Section 5(B)(2). This limit does not apply to meals and beverages from the employer of a legislative agent.

<sup>11</sup> 1995 JLEC Advisory Opinion 95-007.

<sup>12</sup> R.C. 101.73(B)(3); R.C. 121.63(B)(3).

<sup>13</sup> R.C. 101.73(D).

the National Organization from those who are registered lobbyists or employers of registered lobbyists.

Financial support provided to a National Organization for such events is not a reportable lobbying expenditure where it is the National Organization responsible for: (1) determining who is invited; (2) extending any invitation to those invited; and (3) the activity is part of the conference agenda.

**3. Scheduled National Meetings of National Organizations to which Ohio Pays Membership Dues<sup>14</sup>:**

*American Legislative Exchange Council*

April 27, 2018, Spring Task Force Summit, Grand Rapids, MI

August 8 - 10, 2018, Annual Meeting, New Orleans, LA

November 28 - 30, 2018, States and Nation Policy Summit, Washington, D.C

*Council on Governmental Ethics Laws*

December 9 – 12, 2018, Annual Conference, Philadelphia, PA

*Council of State Governments*

July 15 - 18, 2018, Midwestern Legislative Conference (MLC) Annual Meeting, Winnipeg, Manitoba, Canada

September 20 – 22, 2018, Great Lakes Legislative Caucus 2018 Annual Meeting, Erie, PA

December 6 - 8, 2018, CSG National Conference, Cincinnati, OH

*Midwest Higher Education Compact*

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<sup>14</sup> The list of meetings and dates reflects national meetings commonly attended by Members and legislative staff. The list is not all inclusive.

June 3, 2018, Rapid City, SD

November 15, 2018, Fargo, ND

*National Conference of Insurance Legislators*

March 2-4, 2018, Spring Conference, Atlanta, Georgia

July 12 - 15, 2018, Summer Conference, Salt Lake City, UT

December 5 - 8, 2018, Annual Conference, Oklahoma City, OK

*National Conference of State Legislatures*

July 30 - August 2, 2018, Legislative Summit, Los Angeles, CA

December 5 – 8, 2018, NCSL Capitol Forum, Washington, D.C

*National Council of Legislators from Gaming States*

January 5 – 7, 2018, NCLGS Winter Meeting, Miami, FL

July 13 – 15, 2018, NCLGS Summer Meeting, Cleveland, OH

*State Legislative Leaders Foundation*

June 13 - 15, 2018, Conference of State Majority Leaders, Chicago, IL

August 21 - 24, 2018, National Speakers Conference Annual Meeting, Milwaukee, WI