

Advisory Opinion No. 75-3

"3. First report, period covered. Will the first twelve-month report cover from April 1, 1975, through June 30, 1975, even though the law had not become effective?"

Section 26(1) requires a public officer to disclose any investment in a business over \$1,000 which he had "during the year", any property over \$1,000, except personal or recreational real estate, which he had "during the year", each general source of income, loans or gifts aggregating \$250 or more from any business entity received "in the preceding twelve months", and any employment, position of management or office for which he is receiving compensation in any business entity held at the time of filing or at any time "during the year".

The Legislature, as can be seen from the quoted language, is inconsistent in its terminology. In three sections, it uses the word "year". In one section, it uses the words "preceding twelve months". The term "year" has been interpreted by courts to mean either the twelve-month period between January 1 through December 31 or it may mean any twelve-month period beginning and ending at any time. State ex rel Gareau v. Stillman, 18 Ohio St.2d 63, 247 N.E.2d 461 (1969); Board of Education of Manchester Township v. Raubinger, 78 N.J. Super. 90, 187 A.2d 614 (1963). It would seem, however, that the specific use of the term "preceding twelve months" in Section 26(1)(c) indicates an intention in the Legislature that the period of time contemplated for the report would be the twelve-month period between April 1 and March 31 of the following year, because the report, which is to cover the "preceding twelve months", is to be filed in April of each year.

Despite the fact that this statute did not become effective until July 1, 1975, Section 26 is quite clear that the interests which must be reported includes interest held "during the year" or "in the preceding twelve months". The statute is quite clear that the period of time to be reported is a twelve-month or yearly period. Therefore, it is the opinion of this office that the first twelve month report should cover the period of time from April 1, 1975, through March 31, 1976, despite the fact that the statute itself did not become effective until July 1, 1975.

October 6, 1975