

**As Reported by the Senate Finance Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. H. B. No. 1**

**Representative Duffey**

**Cosponsors: Representatives Mecklenborg, Adams, J., Combs, Dovilla,  
Grossman, Huffman, Stebelton, Hollington, McGregor, Gardner, Beck, Hall,  
McClain, Anielski, Balderson, Slaby, Amstutz, Adams, R., Sears, Baker, Blair,  
Blessing, Boose, Brenner, Bubb, Buchy, Damschroder, Derickson, Gonzales,  
Goodwin, Hackett, Henne, Maag, Martin, Rosenberger, Ruhl, Stautberg,  
Thompson, Uecker, Wachtmann  
Senators Faber, Patton**

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**A B I L L**

To amend sections 1.60, 102.01, 102.02, 102.022,	1
117.01, 121.01, 121.22, 121.41, 121.60, 121.67,	2
122.011, 124.01, 145.012, 149.011, 2921.01, and	3
4117.01 and to enact sections 187.01 to 187.12 of	4
the Revised Code to authorize the Governor to form	5
a nonprofit corporation that would perform such	6
state economic development functions as directed	7
by law and pursuant to a contract with the	8
Department of Development, and to make an	9
appropriation.	10

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

<b>Section 1.</b> That sections 1.60, 102.01, 102.02, 102.022,	11
117.01, 121.01, 121.22, 121.41, 121.60, 121.67, 122.011, 124.01,	12
145.012, 149.011, 2921.01, and 4117.01 be amended and sections	13
187.01, 187.02, 187.03, 187.04, 187.05, 187.06, 187.07, 187.08,	14

187.09, 187.10, 187.11, and 187.12 of the Revised Code be enacted 15  
to read as follows: 16

**Sec. 1.60.** As used in Title I of the Revised Code, "state 17  
agency," except as otherwise provided in the title, means every 18  
organized body, office, or agency established by the laws of the 19  
state for the exercise of any function of state government. "State 20  
agency" does not include the nonprofit corporation formed under 21  
section 187.01 of the Revised Code. 22

**Sec. 102.01.** As used in this chapter: 23

(A) "Compensation" means money, thing of value, or financial 24  
benefit. "Compensation" does not include reimbursement for actual 25  
and necessary expenses incurred in the performance of official 26  
duties. 27

(B) "Public official or employee" means any person who is 28  
elected or appointed to an office or is an employee of any public 29  
agency. "Public official or employee" does not include a person 30  
elected or appointed to the office of precinct, ward, or district 31  
committee member under section 3517.03 of the Revised Code, any 32  
presidential elector, or any delegate to a national convention. 33  
"Public official or employee" does not include a person who is a 34  
teacher, instructor, professor, or other kind of educator whose 35  
position does not involve the performance of, or authority to 36  
perform, administrative or supervisory functions. 37

(C) "Public agency" means the general assembly, all courts, 38  
any department, division, institution, board, commission, 39  
authority, bureau or other instrumentality of the state, a county, 40  
city, village, or township, the five state retirement systems, or 41  
any other governmental entity. "Public agency" does not include a 42  
department, division, institution, board, commission, authority, 43  
or other instrumentality of the state or a county, municipal 44

corporation, township, or other governmental entity that functions 45  
exclusively for cultural, educational, historical, humanitarian, 46  
advisory, or research purposes; that does not expend more than ten 47  
thousand dollars per calendar year, excluding salaries and wages 48  
of employees; and whose members are uncompensated. "Public agency" 49  
does not include the nonprofit corporation formed under section 50  
187.01 of the Revised Code. 51

(D) "Immediate family" means a spouse residing in the 52  
person's household and any dependent child. 53

(E) "Income" includes gross income as defined and used in the 54  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 55  
amended, interest and dividends on obligations or securities of 56  
any state or of any political subdivision or authority of any 57  
state or political subdivision, and interest or dividends on 58  
obligations of any authority, commission, or instrumentality of 59  
the United States. 60

(F) Except as otherwise provided in division (A) of section 61  
102.08 of the Revised Code, "appropriate ethics commission" means: 62

(1) For matters relating to members of the general assembly, 63  
employees of the general assembly, employees of the legislative 64  
service commission, and candidates for the office of member of the 65  
general assembly, the joint legislative ethics committee; 66

(2) For matters relating to judicial officers and employees, 67  
and candidates for judicial office, the board of commissioners on 68  
grievances and discipline of the supreme court; 69

(3) For matters relating to all other persons, the Ohio 70  
ethics commission. 71

(G) "Anything of value" has the same meaning as provided in 72  
section 1.03 of the Revised Code and includes, but is not limited 73  
to, a contribution as defined in section 3517.01 of the Revised 74  
Code. 75

(H) "Honorarium" means any payment made in consideration for  
any speech given, article published, or attendance at any public  
or private conference, convention, meeting, social event, meal, or  
similar gathering. "Honorarium" does not include ceremonial gifts  
or awards that have insignificant monetary value; unsolicited  
gifts of nominal value or trivial items of informational value; or  
earned income from any person, other than a legislative agent, for  
personal services that are customarily provided in connection with  
the practice of a bona fide business, if that business initially  
began before the public official or employee conducting that  
business was elected or appointed to the public official's or  
employee's office or position of employment.

(I) "Employer" means any person who, directly or indirectly,  
engages an executive agency lobbyist or legislative agent.

(J) "Executive agency decision," "executive agency lobbyist,"  
and "executive agency lobbying activity" have the same meanings as  
in section 121.60 of the Revised Code.

(K) "Legislation," "legislative agent," "financial  
transaction," and "actively advocate" have the same meanings as in  
section 101.70 of the Revised Code.

(L) "Expenditure" has the same meaning as in section 101.70  
of the Revised Code when used in relation to activities of a  
legislative agent, and the same meaning as in section 121.60 of  
the Revised Code when used in relation to activities of an  
executive agency lobbyist.

**Sec. 102.02.** (A) Except as otherwise provided in division (H)  
of this section, all of the following shall file with the  
appropriate ethics commission the disclosure statement described  
in this division on a form prescribed by the appropriate  
commission: every person who is elected to or is a candidate for a  
state, county, or city office and every person who is appointed to

fill a vacancy for an unexpired term in such an elective office; 107  
all members of the state board of education; the director, 108  
assistant directors, deputy directors, division chiefs, or persons 109  
of equivalent rank of any administrative department of the state; 110  
the president or other chief administrative officer of every state 111  
institution of higher education as defined in section 3345.011 of 112  
the Revised Code; the executive director and the members of the 113  
capitol square review and advisory board appointed or employed 114  
pursuant to section 105.41 of the Revised Code; all members of the 115  
Ohio casino control commission, the executive director of the 116  
commission, all professional employees of the commission, and all 117  
technical employees of the commission who perform an internal 118  
audit function; the individuals set forth in division (B)(2) of 119  
section 187.03 of the Revised Code; the chief executive officer 120  
and the members of the board of each state retirement system; each 121  
employee of a state retirement board who is a state retirement 122  
system investment officer licensed pursuant to section 1707.163 of 123  
the Revised Code; the members of the Ohio retirement study council 124  
appointed pursuant to division (C) of section 171.01 of the 125  
Revised Code; employees of the Ohio retirement study council, 126  
other than employees who perform purely administrative or clerical 127  
functions; the administrator of workers' compensation and each 128  
member of the bureau of workers' compensation board of directors; 129  
the bureau of workers' compensation director of investments; the 130  
chief investment officer of the bureau of workers' compensation; 131  
the director appointed by the workers' compensation council; all 132  
members of the board of commissioners on grievances and discipline 133  
of the supreme court and the ethics commission created under 134  
section 102.05 of the Revised Code; every business manager, 135  
treasurer, or superintendent of a city, local, exempted village, 136  
joint vocational, or cooperative education school district or an 137  
educational service center; every person who is elected to or is a 138  
candidate for the office of member of a board of education of a 139

city, local, exempted village, joint vocational, or cooperative 140  
education school district or of a governing board of an 141  
educational service center that has a total student count of 142  
twelve thousand or more as most recently determined by the 143  
department of education pursuant to section 3317.03 of the Revised 144  
Code; every person who is appointed to the board of education of a 145  
municipal school district pursuant to division (B) or (F) of 146  
section 3311.71 of the Revised Code; all members of the board of 147  
directors of a sanitary district that is established under Chapter 148  
6115. of the Revised Code and organized wholly for the purpose of 149  
providing a water supply for domestic, municipal, and public use, 150  
and that includes two municipal corporations in two counties; 151  
every public official or employee who is paid a salary or wage in 152  
accordance with schedule C of section 124.15 or schedule E-2 of 153  
section 124.152 of the Revised Code; members of the board of 154  
trustees and the executive director of the southern Ohio 155  
agricultural and community development foundation; all members 156  
appointed to the Ohio livestock care standards board under section 157  
904.02 of the Revised Code; and every other public official or 158  
employee who is designated by the appropriate ethics commission 159  
pursuant to division (B) of this section. 160

The disclosure statement shall include all of the following: 161

(1) The name of the person filing the statement and each 162  
member of the person's immediate family and all names under which 163  
the person or members of the person's immediate family do 164  
business; 165

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 166  
and except as otherwise provided in section 102.022 of the Revised 167  
Code, identification of every source of income, other than income 168  
from a legislative agent identified in division (A)(2)(b) of this 169  
section, received during the preceding calendar year, in the 170  
person's own name or by any other person for the person's use or 171

benefit, by the person filing the statement, and a brief 172  
description of the nature of the services for which the income was 173  
received. If the person filing the statement is a member of the 174  
general assembly, the statement shall identify the amount of every 175  
source of income received in accordance with the following ranges 176  
of amounts: zero or more, but less than one thousand dollars; one 177  
thousand dollars or more, but less than ten thousand dollars; ten 178  
thousand dollars or more, but less than twenty-five thousand 179  
dollars; twenty-five thousand dollars or more, but less than fifty 180  
thousand dollars; fifty thousand dollars or more, but less than 181  
one hundred thousand dollars; and one hundred thousand dollars or 182  
more. Division (A)(2)(a) of this section shall not be construed to 183  
require a person filing the statement who derives income from a 184  
business or profession to disclose the individual items of income 185  
that constitute the gross income of that business or profession, 186  
except for those individual items of income that are attributable 187  
to the person's or, if the income is shared with the person, the 188  
partner's, solicitation of services or goods or performance, 189  
arrangement, or facilitation of services or provision of goods on 190  
behalf of the business or profession of clients, including 191  
corporate clients, who are legislative agents. A person who files 192  
the statement under this section shall disclose the identity of 193  
and the amount of income received from a person who the public 194  
official or employee knows or has reason to know is doing or 195  
seeking to do business of any kind with the public official's or 196  
employee's agency. 197

(b) If the person filing the statement is a member of the 198  
general assembly, the statement shall identify every source of 199  
income and the amount of that income that was received from a 200  
legislative agent during the preceding calendar year, in the 201  
person's own name or by any other person for the person's use or 202  
benefit, by the person filing the statement, and a brief 203  
description of the nature of the services for which the income was 204

received. Division (A)(2)(b) of this section requires the 205  
disclosure of clients of attorneys or persons licensed under 206  
section 4732.12 of the Revised Code, or patients of persons 207  
certified under section 4731.14 of the Revised Code, if those 208  
clients or patients are legislative agents. Division (A)(2)(b) of 209  
this section requires a person filing the statement who derives 210  
income from a business or profession to disclose those individual 211  
items of income that constitute the gross income of that business 212  
or profession that are received from legislative agents. 213

(c) Except as otherwise provided in division (A)(2)(c) of 214  
this section, division (A)(2)(a) of this section applies to 215  
attorneys, physicians, and other persons who engage in the 216  
practice of a profession and who, pursuant to a section of the 217  
Revised Code, the common law of this state, a code of ethics 218  
applicable to the profession, or otherwise, generally are required 219  
not to reveal, disclose, or use confidences of clients, patients, 220  
or other recipients of professional services except under 221  
specified circumstances or generally are required to maintain 222  
those types of confidences as privileged communications except 223  
under specified circumstances. Division (A)(2)(a) of this section 224  
does not require an attorney, physician, or other professional 225  
subject to a confidentiality requirement as described in division 226  
(A)(2)(c) of this section to disclose the name, other identity, or 227  
address of a client, patient, or other recipient of professional 228  
services if the disclosure would threaten the client, patient, or 229  
other recipient of professional services, would reveal details of 230  
the subject matter for which legal, medical, or professional 231  
advice or other services were sought, or would reveal an otherwise 232  
privileged communication involving the client, patient, or other 233  
recipient of professional services. Division (A)(2)(a) of this 234  
section does not require an attorney, physician, or other 235  
professional subject to a confidentiality requirement as described 236  
in division (A)(2)(c) of this section to disclose in the brief 237



description of the nature of services required by division 238  
(A)(2)(a) of this section any information pertaining to specific 239  
professional services rendered for a client, patient, or other 240  
recipient of professional services that would reveal details of 241  
the subject matter for which legal, medical, or professional 242  
advice was sought or would reveal an otherwise privileged 243  
communication involving the client, patient, or other recipient of 244  
professional services. 245

(3) The name of every corporation on file with the secretary 246  
of state that is incorporated in this state or holds a certificate 247  
of compliance authorizing it to do business in this state, trust, 248  
business trust, partnership, or association that transacts 249  
business in this state in which the person filing the statement or 250  
any other person for the person's use and benefit had during the 251  
preceding calendar year an investment of over one thousand dollars 252  
at fair market value as of the thirty-first day of December of the 253  
preceding calendar year, or the date of disposition, whichever is 254  
earlier, or in which the person holds any office or has a 255  
fiduciary relationship, and a description of the nature of the 256  
investment, office, or relationship. Division (A)(3) of this 257  
section does not require disclosure of the name of any bank, 258  
savings and loan association, credit union, or building and loan 259  
association with which the person filing the statement has a 260  
deposit or a withdrawable share account. 261

(4) All fee simple and leasehold interests to which the 262  
person filing the statement holds legal title to or a beneficial 263  
interest in real property located within the state, excluding the 264  
person's residence and property used primarily for personal 265  
recreation; 266

(5) The names of all persons residing or transacting business 267  
in the state to whom the person filing the statement owes, in the 268  
person's own name or in the name of any other person, more than 269

one thousand dollars. Division (A)(5) of this section shall not be 270  
construed to require the disclosure of debts owed by the person 271  
resulting from the ordinary conduct of a business or profession or 272  
debts on the person's residence or real property used primarily 273  
for personal recreation, except that the superintendent of 274  
financial institutions shall disclose the names of all 275  
state-chartered savings and loan associations and of all service 276  
corporations subject to regulation under division (E)(2) of 277  
section 1151.34 of the Revised Code to whom the superintendent in 278  
the superintendent's own name or in the name of any other person 279  
owes any money, and that the superintendent and any deputy 280  
superintendent of banks shall disclose the names of all 281  
state-chartered banks and all bank subsidiary corporations subject 282  
to regulation under section 1109.44 of the Revised Code to whom 283  
the superintendent or deputy superintendent owes any money. 284

(6) The names of all persons residing or transacting business 285  
in the state, other than a depository excluded under division 286  
(A)(3) of this section, who owe more than one thousand dollars to 287  
the person filing the statement, either in the person's own name 288  
or to any person for the person's use or benefit. Division (A)(6) 289  
of this section shall not be construed to require the disclosure 290  
of clients of attorneys or persons licensed under section 4732.12 291  
or 4732.15 of the Revised Code, or patients of persons certified 292  
under section 4731.14 of the Revised Code, nor the disclosure of 293  
debts owed to the person resulting from the ordinary conduct of a 294  
business or profession. 295

(7) Except as otherwise provided in section 102.022 of the 296  
Revised Code, the source of each gift of over seventy-five 297  
dollars, or of each gift of over twenty-five dollars received by a 298  
member of the general assembly from a legislative agent, received 299  
by the person in the person's own name or by any other person for 300  
the person's use or benefit during the preceding calendar year, 301

except gifts received by will or by virtue of section 2105.06 of 302  
the Revised Code, or received from spouses, parents, grandparents, 303  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 304  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 305  
fathers-in-law, mothers-in-law, or any person to whom the person 306  
filing the statement stands in loco parentis, or received by way 307  
of distribution from any inter vivos or testamentary trust 308  
established by a spouse or by an ancestor; 309

(8) Except as otherwise provided in section 102.022 of the 310  
Revised Code, identification of the source and amount of every 311  
payment of expenses incurred for travel to destinations inside or 312  
outside this state that is received by the person in the person's 313  
own name or by any other person for the person's use or benefit 314  
and that is incurred in connection with the person's official 315  
duties, except for expenses for travel to meetings or conventions 316  
of a national or state organization to which any state agency, 317  
including, but not limited to, any legislative agency or state 318  
institution of higher education as defined in section 3345.011 of 319  
the Revised Code, pays membership dues, or any political 320  
subdivision or any office or agency of a political subdivision 321  
pays membership dues; 322

(9) Except as otherwise provided in section 102.022 of the 323  
Revised Code, identification of the source of payment of expenses 324  
for meals and other food and beverages, other than for meals and 325  
other food and beverages provided at a meeting at which the person 326  
participated in a panel, seminar, or speaking engagement or at a 327  
meeting or convention of a national or state organization to which 328  
any state agency, including, but not limited to, any legislative 329  
agency or state institution of higher education as defined in 330  
section 3345.011 of the Revised Code, pays membership dues, or any 331  
political subdivision or any office or agency of a political 332  
subdivision pays membership dues, that are incurred in connection 333

with the person's official duties and that exceed one hundred 334  
dollars aggregated per calendar year; 335

(10) If the disclosure statement is filed by a public 336  
official or employee described in division (B)(2) of section 337  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 338  
the Revised Code who receives a statement from a legislative 339  
agent, executive agency lobbyist, or employer that contains the 340  
information described in division (F)(2) of section 101.73 of the 341  
Revised Code or division (G)(2) of section 121.63 of the Revised 342  
Code, all of the nondisputed information contained in the 343  
statement delivered to that public official or employee by the 344  
legislative agent, executive agency lobbyist, or employer under 345  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 346  
the Revised Code. 347

A person may file a statement required by this section in 348  
person or by mail. A person who is a candidate for elective office 349  
shall file the statement no later than the thirtieth day before 350  
the primary, special, or general election at which the candidacy 351  
is to be voted on, whichever election occurs soonest, except that 352  
a person who is a write-in candidate shall file the statement no 353  
later than the twentieth day before the earliest election at which 354  
the person's candidacy is to be voted on. A person who holds 355  
elective office shall file the statement on or before the 356  
fifteenth day of April of each year unless the person is a 357  
candidate for office. A person who is appointed to fill a vacancy 358  
for an unexpired term in an elective office shall file the 359  
statement within fifteen days after the person qualifies for 360  
office. Other persons shall file an annual statement on or before 361  
the fifteenth day of April or, if appointed or employed after that 362  
date, within ninety days after appointment or employment. No 363  
person shall be required to file with the appropriate ethics 364  
commission more than one statement or pay more than one filing fee 365

for any one calendar year. 366

The appropriate ethics commission, for good cause, may extend 367  
for a reasonable time the deadline for filing a statement under 368  
this section. 369

A statement filed under this section is subject to public 370  
inspection at locations designated by the appropriate ethics 371  
commission except as otherwise provided in this section. 372

(B) The Ohio ethics commission, the joint legislative ethics 373  
committee, and the board of commissioners on grievances and 374  
discipline of the supreme court, using the rule-making procedures 375  
of Chapter 119. of the Revised Code, may require any class of 376  
public officials or employees under its jurisdiction and not 377  
specifically excluded by this section whose positions involve a 378  
substantial and material exercise of administrative discretion in 379  
the formulation of public policy, expenditure of public funds, 380  
enforcement of laws and rules of the state or a county or city, or 381  
the execution of other public trusts, to file an annual statement 382  
on or before the fifteenth day of April under division (A) of this 383  
section. The appropriate ethics commission shall send the public 384  
officials or employees written notice of the requirement by the 385  
fifteenth day of February of each year the filing is required 386  
unless the public official or employee is appointed after that 387  
date, in which case the notice shall be sent within thirty days 388  
after appointment, and the filing shall be made not later than 389  
ninety days after appointment. 390

Except for disclosure statements filed by members of the 391  
board of trustees and the executive director of the southern Ohio 392  
agricultural and community development foundation, disclosure 393  
statements filed under this division with the Ohio ethics 394  
commission by members of boards, commissions, or bureaus of the 395  
state for which no compensation is received other than reasonable 396  
and necessary expenses shall be kept confidential. Disclosure 397

statements filed with the Ohio ethics commission under division 398  
(A) of this section by business managers, treasurers, and 399  
superintendents of city, local, exempted village, joint 400  
vocational, or cooperative education school districts or 401  
educational service centers shall be kept confidential, except 402  
that any person conducting an audit of any such school district or 403  
educational service center pursuant to section 115.56 or Chapter 404  
117. of the Revised Code may examine the disclosure statement of 405  
any business manager, treasurer, or superintendent of that school 406  
district or educational service center. Disclosure statements 407  
filed with the Ohio ethics commission under division (A) of this 408  
section by the individuals set forth in division (B)(2) of section 409  
187.03 of the Revised Code shall be kept confidential. The Ohio 410  
ethics commission shall examine each disclosure statement required 411  
to be kept confidential to determine whether a potential conflict 412  
of interest exists for the person who filed the disclosure 413  
statement. A potential conflict of interest exists if the private 414  
interests of the person, as indicated by the person's disclosure 415  
statement, might interfere with the public interests the person is 416  
required to serve in the exercise of the person's authority and 417  
duties in the person's office or position of employment. If the 418  
commission determines that a potential conflict of interest 419  
exists, it shall notify the person who filed the disclosure 420  
statement and shall make the portions of the disclosure statement 421  
that indicate a potential conflict of interest subject to public 422  
inspection in the same manner as is provided for other disclosure 423  
statements. Any portion of the disclosure statement that the 424  
commission determines does not indicate a potential conflict of 425  
interest shall be kept confidential by the commission and shall 426  
not be made subject to public inspection, except as is necessary 427  
for the enforcement of Chapters 102. and 2921. of the Revised Code 428  
and except as otherwise provided in this division. 429

(C) No person shall knowingly fail to file, on or before the 430

applicable filing deadline established under this section, a 431  
statement that is required by this section. 432

(D) No person shall knowingly file a false statement that is 433  
required to be filed under this section. 434

(E)(1) Except as provided in divisions (E)(2) and (3) of this 435  
section, the statement required by division (A) or (B) of this 436  
section shall be accompanied by a filing fee of forty dollars. 437

(2) The statement required by division (A) of this section 438  
shall be accompanied by the following filing fee to be paid by the 439  
person who is elected or appointed to, or is a candidate for, any 440  
of the following offices: 441

For state office, except member of the		442
state board of education	\$65	443
For office of member of general assembly	\$40	444
For county office	\$40	445
For city office	\$25	446
For office of member of the state board		447
of education	\$25	448
For office of member of the Ohio		449
livestock care standards board	\$25	450
For office of member of a city, local,		451
exempted village, or cooperative		452
education board of		453
education or educational service		454
center governing board	\$20	455
For position of business manager,		456
treasurer, or superintendent of a		457
city, local, exempted village, joint		458
vocational, or cooperative education		459
school district or		460
educational service center	\$20	461

(3) No judge of a court of record or candidate for judge of a 462

court of record, and no referee or magistrate serving a court of 463  
record, shall be required to pay the fee required under division 464  
(E)(1) or (2) or (F) of this section. 465

(4) For any public official who is appointed to a nonelective 466  
office of the state and for any employee who holds a nonelective 467  
position in a public agency of the state, the state agency that is 468  
the primary employer of the state official or employee shall pay 469  
the fee required under division (E)(1) or (F) of this section. 470

(F) If a statement required to be filed under this section is 471  
not filed by the date on which it is required to be filed, the 472  
appropriate ethics commission shall assess the person required to 473  
file the statement a late filing fee of ten dollars for each day 474  
the statement is not filed, except that the total amount of the 475  
late filing fee shall not exceed two hundred fifty dollars. 476

(G)(1) The appropriate ethics commission other than the Ohio 477  
ethics commission and the joint legislative ethics committee shall 478  
deposit all fees it receives under divisions (E) and (F) of this 479  
section into the general revenue fund of the state. 480

(2) The Ohio ethics commission shall deposit all receipts, 481  
including, but not limited to, fees it receives under divisions 482  
(E) and (F) of this section and all moneys it receives from 483  
settlements under division (G) of section 102.06 of the Revised 484  
Code, into the Ohio ethics commission fund, which is hereby 485  
created in the state treasury. All moneys credited to the fund 486  
shall be used solely for expenses related to the operation and 487  
statutory functions of the commission. 488

(3) The joint legislative ethics committee shall deposit all 489  
receipts it receives from the payment of financial disclosure 490  
statement filing fees under divisions (E) and (F) of this section 491  
into the joint legislative ethics committee investigative fund. 492

(H) Division (A) of this section does not apply to a person 493



elected or appointed to the office of precinct, ward, or district  
committee member under Chapter 3517. of the Revised Code; a  
presidential elector; a delegate to a national convention; village  
or township officials and employees; any physician or psychiatrist  
who is paid a salary or wage in accordance with schedule C of  
section 124.15 or schedule E-2 of section 124.152 of the Revised  
Code and whose primary duties do not require the exercise of  
administrative discretion; or any member of a board, commission,  
or bureau of any county or city who receives less than one  
thousand dollars per year for serving in that position.

**Sec. 102.022.** Each person who is an officer or employee of a  
political subdivision, who receives compensation of less than  
sixteen thousand dollars a year for holding an office or position  
of employment with that political subdivision, and who is required  
to file a statement under section 102.02 of the Revised Code, ~~and;~~  
each member of the board of trustees of a state institution of  
higher education as defined in section 3345.011 of the Revised  
Code who is required to file a statement under section 102.02 of  
the Revised Code; and each individual set forth in division (B)(2)  
of section 187.03 of the Revised Code who is required to file a  
statement under section 102.02 of the Revised Code, shall include  
in that statement, in place of the information required by  
divisions (A)(2), (7), (8), and (9) of that section, the following  
information:

(A) Exclusive of reasonable expenses, identification of every  
source of income over five hundred dollars received during the  
preceding calendar year, in the officer's or employee's own name  
or by any other person for the officer's or employee's use or  
benefit, by the person filing the statement, and a brief  
description of the nature of the services for which the income was  
received. This division shall not be construed to require the  
disclosure of clients of attorneys or persons licensed under

section 4732.12 or 4732.15 of the Revised Code or patients of 526  
persons certified under section 4731.14 of the Revised Code. This 527  
division shall not be construed to require a person filing the 528  
statement who derives income from a business or profession to 529  
disclose the individual items of income that constitute the gross 530  
income of the business or profession. 531

(B) The source of each gift of over five hundred dollars 532  
received by the person in the officer's or employee's own name or 533  
by any other person for the officer's or employee's use or benefit 534  
during the preceding calendar year, except gifts received by will 535  
or by virtue of section 2105.06 of the Revised Code, received from 536  
parents, grandparents, children, grandchildren, siblings, nephews, 537  
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 538  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 539  
any person to whom the person filing the statement stands in loco 540  
parentis, or received by way of distribution from any inter vivos 541  
or testamentary trust established by a spouse or by an ancestor. 542

**Sec. 117.01.** As used in this chapter: 543

(A) "Color of office" means actually, purportedly, or 544  
allegedly done under any law, ordinance, resolution, order, or 545  
other pretension to official right, power, or authority. 546

(B) "Public accountant" means any person who is authorized by 547  
Chapter 4701. of the Revised Code to use the designation of 548  
certified public accountant or who was registered prior to January 549  
1, 1971, as a public accountant. 550

(C) "Public money" means any money received, collected by, or 551  
due a public official under color of office, as well as any money 552  
collected by any individual on behalf of a public office or as a 553  
purported representative or agent of the public office. 554

(D) "Public office" means any state agency, public 555

institution, political subdivision, other organized body, office, 556  
agency, institution, or entity established by the laws of this 557  
state for the exercise of any function of government. "Public 558  
office" does not include the nonprofit corporation formed under 559  
section 187.01 of the Revised Code. 560

(E) "Public official" means any officer, employee, or duly 561  
authorized representative or agent of a public office. 562

(F) "State agency" means every organized body, office, 563  
agency, institution, or other entity established by the laws of 564  
the state for the exercise of any function of state government. 565

(G) "Audit" means any of the following: 566

(1) Any examination, analysis, or inspection of the state's 567  
or a public office's financial statements or reports; 568

(2) Any examination, analysis, or inspection of records, 569  
documents, books, or any other evidence relating to either of the 570  
following: 571

(a) The collection, receipt, accounting, use, or expenditure 572  
of public money by a public office or by a private institution, 573  
association, board, or corporation; 574

(b) The determination by the auditor of state, as required by 575  
section 117.11 of the Revised Code, of whether a public office has 576  
complied with all the laws, rules, ordinances, or orders 577  
pertaining to the public office. 578

(3) Any other type of examination, analysis, or inspection of 579  
a public office or of a private institution, association, board, 580  
or corporation receiving public money that is conducted according 581  
to generally accepted or governmental auditing standards 582  
established by rule pursuant to section 117.19 of the Revised 583  
Code. 584

**Sec. 121.01.** As used in sections 121.01 to 121.20 of the 585

Revised Code:	586
(A) "Department" means the several departments of state administration enumerated in section 121.02 of the Revised Code.	587 588
(B) "Division" means a part of a department established as provided in section 121.07 of the Revised Code for the convenient performance of one or more of the functions committed to a department.	589 590 591 592
(C) "Departments, offices, and institutions" include every organized body, office, and agency established by the constitution and laws of the state for the exercise of any function of the state government, and every institution or organization which receives any support from the state. <u>"Departments, offices, and institutions" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.</u>	593 594 595 596 597 598 599
<b>Sec. 121.22.</b> (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.	600 601 602 603
(B) As used in this section:	604
(1) "Public body" means any of the following:	605
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	606 607 608 609 610 611
(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;	612 613
(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic,	614 615

municipal, and public use when meeting for the purpose of the 616  
appointment, removal, or reappointment of a member of the board of 617  
directors of such a district pursuant to section 6115.10 of the 618  
Revised Code, if applicable, or for any other matter related to 619  
such a district other than litigation involving the district. As 620  
used in division (B)(1)(c) of this section, "court of 621  
jurisdiction" has the same meaning as "court" in section 6115.01 622  
of the Revised Code. 623

(2) "Meeting" means any prearranged discussion of the public 624  
business of the public body by a majority of its members. 625

(3) "Regulated individual" means either of the following: 626

(a) A student in a state or local public educational 627  
institution; 628

(b) A person who is, voluntarily or involuntarily, an inmate, 629  
patient, or resident of a state or local institution because of 630  
criminal behavior, mental illness or retardation, disease, 631  
disability, age, or other condition requiring custodial care. 632

(4) "Public office" has the same meaning as in section 633  
149.011 of the Revised Code. 634

(C) All meetings of any public body are declared to be public 635  
meetings open to the public at all times. A member of a public 636  
body shall be present in person at a meeting open to the public to 637  
be considered present or to vote at the meeting and for purposes 638  
of determining whether a quorum is present at the meeting. 639

The minutes of a regular or special meeting of any public 640  
body shall be promptly prepared, filed, and maintained and shall 641  
be open to public inspection. The minutes need only reflect the 642  
general subject matter of discussions in executive sessions 643  
authorized under division (G) or (J) of this section. 644

(D) This section does not apply to any of the following: 645

(1) A grand jury;	646
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	647 648 649
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	650 651 652
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	653 654
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	655 656 657
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	658 659 660
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	661 662 663
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	664 665 666
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code-;	667 668 669
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	670 671 672 673
<u>(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee</u>	674 675

thereof, and the board of directors of any subsidiary of that 676  
corporation or a committee thereof. 677

(E) The controlling board, the development financing advisory 678  
council, the industrial technology and enterprise advisory 679  
council, the tax credit authority, or the minority development 680  
financing advisory board, when meeting to consider granting 681  
assistance pursuant to Chapter 122. or 166. of the Revised Code, 682  
in order to protect the interest of the applicant or the possible 683  
investment of public funds, by unanimous vote of all board, 684  
council, or authority members present, may close the meeting 685  
during consideration of the following information confidentially 686  
received by the authority, council, or board from the applicant: 687

(1) Marketing plans; 688

(2) Specific business strategy; 689

(3) Production techniques and trade secrets; 690

(4) Financial projections; 691

(5) Personal financial statements of the applicant or members 692  
of the applicant's immediate family, including, but not limited 693  
to, tax records or other similar information not open to public 694  
inspection. 695

The vote by the authority, council, or board to accept or 696  
reject the application, as well as all proceedings of the 697  
authority, council, or board not subject to this division, shall 698  
be open to the public and governed by this section. 699

(F) Every public body, by rule, shall establish a reasonable 700  
method whereby any person may determine the time and place of all 701  
regularly scheduled meetings and the time, place, and purpose of 702  
all special meetings. A public body shall not hold a special 703  
meeting unless it gives at least twenty-four hours' advance notice 704  
to the news media that have requested notification, except in the 705

event of an emergency requiring immediate official action. In the 706  
event of an emergency, the member or members calling the meeting 707  
shall notify the news media that have requested notification 708  
immediately of the time, place, and purpose of the meeting. 709

The rule shall provide that any person, upon request and 710  
payment of a reasonable fee, may obtain reasonable advance 711  
notification of all meetings at which any specific type of public 712  
business is to be discussed. Provisions for advance notification 713  
may include, but are not limited to, mailing the agenda of 714  
meetings to all subscribers on a mailing list or mailing notices 715  
in self-addressed, stamped envelopes provided by the person. 716

(G) Except as provided in division (J) of this section, the 717  
members of a public body may hold an executive session only after 718  
a majority of a quorum of the public body determines, by a roll 719  
call vote, to hold an executive session and only at a regular or 720  
special meeting for the sole purpose of the consideration of any 721  
of the following matters: 722

(1) To consider the appointment, employment, dismissal, 723  
discipline, promotion, demotion, or compensation of a public 724  
employee or official, or the investigation of charges or 725  
complaints against a public employee, official, licensee, or 726  
regulated individual, unless the public employee, official, 727  
licensee, or regulated individual requests a public hearing. 728  
Except as otherwise provided by law, no public body shall hold an 729  
executive session for the discipline of an elected official for 730  
conduct related to the performance of the elected official's 731  
official duties or for the elected official's removal from office. 732  
If a public body holds an executive session pursuant to division 733  
(G)(1) of this section, the motion and vote to hold that executive 734  
session shall state which one or more of the approved purposes 735  
listed in division (G)(1) of this section are the purposes for 736  
which the executive session is to be held, but need not include 737



the name of any person to be considered at the meeting. 738

(2) To consider the purchase of property for public purposes, 739  
or for the sale of property at competitive bidding, if premature 740  
disclosure of information would give an unfair competitive or 741  
bargaining advantage to a person whose personal, private interest 742  
is adverse to the general public interest. No member of a public 743  
body shall use division (G)(2) of this section as a subterfuge for 744  
providing covert information to prospective buyers or sellers. A 745  
purchase or sale of public property is void if the seller or buyer 746  
of the public property has received covert information from a 747  
member of a public body that has not been disclosed to the general 748  
public in sufficient time for other prospective buyers and sellers 749  
to prepare and submit offers. 750

If the minutes of the public body show that all meetings and 751  
deliberations of the public body have been conducted in compliance 752  
with this section, any instrument executed by the public body 753  
purporting to convey, lease, or otherwise dispose of any right, 754  
title, or interest in any public property shall be conclusively 755  
presumed to have been executed in compliance with this section 756  
insofar as title or other interest of any bona fide purchasers, 757  
lessees, or transferees of the property is concerned. 758

(3) Conferences with an attorney for the public body 759  
concerning disputes involving the public body that are the subject 760  
of pending or imminent court action; 761

(4) Preparing for, conducting, or reviewing negotiations or 762  
bargaining sessions with public employees concerning their 763  
compensation or other terms and conditions of their employment; 764

(5) Matters required to be kept confidential by federal law 765  
or regulations or state statutes; 766

(6) Details relative to the security arrangements and 767  
emergency response protocols for a public body or a public office, 768

if disclosure of the matters discussed could reasonably be 769  
expected to jeopardize the security of the public body or public 770  
office; 771

(7) In the case of a county hospital operated pursuant to 772  
Chapter 339. of the Revised Code, a joint township hospital 773  
operated pursuant to Chapter 513. of the Revised Code, or a 774  
municipal hospital operated pursuant to Chapter 749. of the 775  
Revised Code, to consider trade secrets, as defined in section 776  
1333.61 of the Revised Code. 777

If a public body holds an executive session to consider any 778  
of the matters listed in divisions (G)(2) to (7) of this section, 779  
the motion and vote to hold that executive session shall state 780  
which one or more of the approved matters listed in those 781  
divisions are to be considered at the executive session. 782

A public body specified in division (B)(1)(c) of this section 783  
shall not hold an executive session when meeting for the purposes 784  
specified in that division. 785

(H) A resolution, rule, or formal action of any kind is 786  
invalid unless adopted in an open meeting of the public body. A 787  
resolution, rule, or formal action adopted in an open meeting that 788  
results from deliberations in a meeting not open to the public is 789  
invalid unless the deliberations were for a purpose specifically 790  
authorized in division (G) or (J) of this section and conducted at 791  
an executive session held in compliance with this section. A 792  
resolution, rule, or formal action adopted in an open meeting is 793  
invalid if the public body that adopted the resolution, rule, or 794  
formal action violated division (F) of this section. 795

(I)(1) Any person may bring an action to enforce this 796  
section. An action under division (I)(1) of this section shall be 797  
brought within two years after the date of the alleged violation 798  
or threatened violation. Upon proof of a violation or threatened 799

violation of this section in an action brought by any person, the 800  
court of common pleas shall issue an injunction to compel the 801  
members of the public body to comply with its provisions. 802

(2)(a) If the court of common pleas issues an injunction 803  
pursuant to division (I)(1) of this section, the court shall order 804  
the public body that it enjoins to pay a civil forfeiture of five 805  
hundred dollars to the party that sought the injunction and shall 806  
award to that party all court costs and, subject to reduction as 807  
described in division (I)(2) of this section, reasonable 808  
attorney's fees. The court, in its discretion, may reduce an award 809  
of attorney's fees to the party that sought the injunction or not 810  
award attorney's fees to that party if the court determines both 811  
of the following: 812

(i) That, based on the ordinary application of statutory law 813  
and case law as it existed at the time of violation or threatened 814  
violation that was the basis of the injunction, a well-informed 815  
public body reasonably would believe that the public body was not 816  
violating or threatening to violate this section; 817

(ii) That a well-informed public body reasonably would 818  
believe that the conduct or threatened conduct that was the basis 819  
of the injunction would serve the public policy that underlies the 820  
authority that is asserted as permitting that conduct or 821  
threatened conduct. 822

(b) If the court of common pleas does not issue an injunction 823  
pursuant to division (I)(1) of this section and the court 824  
determines at that time that the bringing of the action was 825  
frivolous conduct, as defined in division (A) of section 2323.51 826  
of the Revised Code, the court shall award to the public body all 827  
court costs and reasonable attorney's fees, as determined by the 828  
court. 829

(3) Irreparable harm and prejudice to the party that sought 830

the injunction shall be conclusively and irrebuttably presumed 831  
upon proof of a violation or threatened violation of this section. 832

(4) A member of a public body who knowingly violates an 833  
injunction issued pursuant to division (I)(1) of this section may 834  
be removed from office by an action brought in the court of common 835  
pleas for that purpose by the prosecuting attorney or the attorney 836  
general. 837

(J)(1) Pursuant to division (C) of section 5901.09 of the 838  
Revised Code, a veterans service commission shall hold an 839  
executive session for one or more of the following purposes unless 840  
an applicant requests a public hearing: 841

(a) Interviewing an applicant for financial assistance under 842  
sections 5901.01 to 5901.15 of the Revised Code; 843

(b) Discussing applications, statements, and other documents 844  
described in division (B) of section 5901.09 of the Revised Code; 845

(c) Reviewing matters relating to an applicant's request for 846  
financial assistance under sections 5901.01 to 5901.15 of the 847  
Revised Code. 848

(2) A veterans service commission shall not exclude an 849  
applicant for, recipient of, or former recipient of financial 850  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 851  
and shall not exclude representatives selected by the applicant, 852  
recipient, or former recipient, from a meeting that the commission 853  
conducts as an executive session that pertains to the applicant's, 854  
recipient's, or former recipient's application for financial 855  
assistance. 856

(3) A veterans service commission shall vote on the grant or 857  
denial of financial assistance under sections 5901.01 to 5901.15 858  
of the Revised Code only in an open meeting of the commission. The 859  
minutes of the meeting shall indicate the name, address, and 860  
occupation of the applicant, whether the assistance was granted or 861

denied, the amount of the assistance if assistance is granted, and 862  
the votes for and against the granting of assistance. 863

**Sec. 121.41.** As used in sections 121.41 to 121.50 of the 864  
Revised Code: 865

(A) "Appropriate ethics commission" has the same meaning as 866  
in section 102.01 of the Revised Code. 867

(B) "Appropriate licensing agency" means a public or private 868  
entity that is responsible for licensing, certifying, or 869  
registering persons who are engaged in a particular vocation. 870

(C) "Person" has the same meaning as in section 1.59 of the 871  
Revised Code and also includes any officer or employee of the 872  
state or any political subdivision of the state. 873

(D) "State agency" has the same meaning as in section 1.60 of 874  
the Revised Code and includes the Ohio casino control commission, 875  
but does not include any of the following: 876

(1) The general assembly; 877

(2) Any court; 878

(3) The secretary of state, auditor of state, treasurer of 879  
state, or attorney general and their respective offices. 880

(E) "State employee" means any person who is an employee of a 881  
state agency, or any person who does business with the state 882  
including, only for the purposes of sections 121.41 to 121.50 of 883  
the Revised Code, the nonprofit corporation formed under section 884  
187.01 of the Revised Code. 885

(F) "State officer" means any person who is elected or 886  
appointed to a public office in a state agency. 887

(G) "Wrongful act or omission" means an act or omission, 888  
committed in the course of office holding or employment, that is 889  
not in accordance with the requirements of law or such standards 890

of proper governmental conduct as are commonly accepted in the 891  
community and thereby subverts, or tends to subvert, the process 892  
of government. 893

**Sec. 121.60.** As used in sections 121.60 to 121.69 of the 894  
Revised Code: 895

(A) "Person" and "compensation" have the same meanings as in 896  
section 101.70 of the Revised Code. 897

(B) "Expenditure" means any of the following that is made to, 898  
at the request of, for the benefit of, or on behalf of an elected 899  
executive official, the director of a department created under 900  
section 121.02 of the Revised Code, an executive agency official, 901  
or a member of the staff of any public officer or employee listed 902  
in this division: 903

(1) A payment, distribution, loan, advance, deposit, 904  
reimbursement, or gift of money, real estate, or anything of 905  
value, including, but not limited to, food and beverages, 906  
entertainment, lodging, transportation, or honorariums; 907

(2) A contract, promise, or agreement to make an expenditure, 908  
whether or not legally enforceable; 909

(3) The purchase, sale, or gift of services or any other 910  
thing of value. "Expenditure" does not include a contribution, 911  
gift, or grant to a foundation or other charitable organization 912  
that is exempt from federal income taxation under subsection 913  
501(c)(3) of the Internal Revenue Code. "Expenditure" does not 914  
include the purchase, sale, or gift of services or any other thing 915  
of value that is available to the general public on the same terms 916  
as it is available to the persons listed in this division, or an 917  
offer or sale of securities to any person listed in this division 918  
that is governed by regulation D, 17 C.F.R. 230.501 to 230.508, 919  
adopted under the authority of the "Securities Act of 1933," 48 920

Stat. 74, 15 U.S.C.A. and following, or that is governed by a 921  
comparable provision under state law. 922

(C) "Employer" means any person who, directly or indirectly, 923  
engages an executive agency lobbyist. 924

(D) "Engage" means to make any arrangement, and "engagement" 925  
means arrangement, whereby an individual is employed or retained 926  
for compensation to act for or on behalf of an employer to 927  
influence executive agency decisions or to conduct any executive 928  
agency lobbying activity. 929

(E) "Financial transaction" means a transaction or activity 930  
that is conducted or undertaken for profit and arises from the 931  
joint ownership or the ownership or part ownership in common of 932  
any real or personal property or any commercial or business 933  
enterprise of whatever form or nature between the following: 934

(1) An executive agency lobbyist, the executive agency 935  
lobbyist's employer, or a member of the immediate family of the 936  
executive agency lobbyist or the executive agency lobbyist's 937  
employer; and 938

(2) Any elected executive official, the director of a 939  
department created under section 121.02 of the Revised Code, an 940  
executive agency official, or any member of the staff of a public 941  
officer or employee listed in division (E)(2) of this section. 942

"Financial transaction" does not include any transaction or 943  
activity described in division (E) of this section if it is 944  
available to the general public on the same terms, or if it is an 945  
offer or sale of securities to any person listed in division 946  
(E)(2) of this section that is governed by regulation D, 17 C.F.R. 947  
230.501 to 230.508, adopted under the authority of the "Securities 948  
Act of 1933," 48 Stat. 74, 15 U.S.C.A. and following, or that is 949  
governed by a comparable provision under state law. 950

(F) "Executive agency" means the office of an elected 951

executive official, a department created under section 121.02 of 952  
the Revised Code, or any other state agency, department, board, or 953  
commission controlled or directed by an elected executive official 954  
or otherwise subject to an elected executive official's authority. 955  
For the purposes of sections 121.60 to 121.69 of the Revised Code 956  
only, "executive agency" includes the nonprofit corporation formed 957  
under section 187.01 of the Revised Code. "Executive agency" does 958  
not include any court, the general assembly, or the controlling 959  
board. 960

(G) "Executive agency decision" means a decision of an 961  
executive agency regarding the expenditure of funds of the state 962  
or of an executive agency with respect to the award of a contract, 963  
grant, lease, or other financial arrangement under which such 964  
funds are distributed or allocated, or a regulatory decision of an 965  
executive agency or any board or commission of the state. 966  
"Executive agency decision" does not include either of the 967  
following: 968

(1) A purchasing decision for which a vendor has filed a 969  
statement certifying that the vendor has not made campaign 970  
contributions in an amount such that section 3517.13 of the 971  
Revised Code would invalidate the decision, if that vendor has not 972  
engaged an executive agency lobbyist; 973

(2) The award of a competitively bid contract for which bid 974  
specifications were prepared and for which at least three eligible 975  
competitive bids were received by the executive agency. 976

(H) "Executive agency lobbyist" means any person engaged to 977  
influence executive agency decisions or to conduct executive 978  
agency lobbying activity as one of the person's main purposes on a 979  
regular and substantial basis. "Executive agency lobbyist" does 980  
not include an elected or appointed officer or employee of a 981  
federal or state agency, state college, state university, or 982  
political subdivision who attempts to influence or affect 983



executive agency decisions in a fiduciary capacity as a 984  
representative of the officer's or employee's agency, college, 985  
university, or political subdivision. 986

(I) "Executive agency lobbying activity" means contacts made 987  
to promote, oppose, or otherwise influence the outcome of an 988  
executive agency decision by direct communication with ~~an elected~~ 989  
~~executive official, the director of any department listed in~~ 990  
~~section 121.02 of the Revised Code, any executive agency official,~~ 991  
~~a member of the staff of any public officer or employee listed in~~ 992  
~~this division, any person described in division (E)(2) of this~~ 993  
section, or the Ohio casino control commission. "Lobbying 994  
activity" does not include any of the following: 995

(1) The action of any person having a direct interest in 996  
executive agency decisions who, under Section 3 of Article I, Ohio 997  
Constitution, assembles together with other persons to consult for 998  
their common good, instructs a person listed in the first 999  
paragraph of division (I) of this section, or petitions such a 1000  
person for the redress of grievances; 1001

(2) Contacts made for the sole purpose of gathering 1002  
information contained in a public record; 1003

(3) Appearances before an executive agency to give testimony. 1004

(J) "Executive agency official" means an officer or employee 1005  
of an executive agency whose principal duties are to formulate 1006  
policy or to participate directly or indirectly in the 1007  
preparation, review, or award of contracts, grants, leases, or 1008  
other financial arrangements with an executive agency. 1009

(K) "Aggrieved party" means a party entitled to resort to a 1010  
remedy. 1011

(L) "Elected executive official" means the governor, 1012  
lieutenant governor, secretary of state, auditor of state, 1013  
treasurer of state, and the attorney general. 1014

(M) "Staff" means any officer or employee of an executive 1015  
agency whose official duties are to formulate policy and who 1016  
exercises administrative or supervisory authority or who 1017  
authorizes the expenditure of state funds. 1018

**Sec. 121.67.** (A) Except as provided in division (B) of this 1019  
section, no person shall engage any person to influence executive 1020  
agency decisions or conduct executive agency lobbying activity for 1021  
compensation that is contingent in any way on the outcome of an 1022  
executive agency decision and no person shall accept any 1023  
engagement to influence executive agency decisions or conduct 1024  
executive agency lobbying activity for compensation that is 1025  
contingent in any way on the outcome of an executive agency 1026  
decision. 1027

(B) Division (A) of this section does not prohibit and shall 1028  
not be construed to prohibit any person from compensating ~~his~~ the 1029  
person's sales employees pursuant to an incentive compensation 1030  
plan, such as commission sales, if the incentive compensation plan 1031  
is the same plan used to compensate similarly situated sales 1032  
employees who are not executive agency lobbyists. 1033

(C) No state elected officer or staff member shall receive or 1034  
agree to receive directly or indirectly compensation other than 1035  
from the agency with which the person serves for any service 1036  
rendered or to be rendered by the person personally in any case, 1037  
proceeding, application, or other matter that is before the 1038  
nonprofit corporation formed under section 187.01 of the Revised 1039  
Code. For purposes of this division, "state elected officer" means 1040  
any elected officer of this state and "staff member" means any 1041  
staff as defined in section 101.70 or in section 121.60 of the 1042  
Revised Code. 1043

**Sec. 122.011.** (A) The department of development shall develop 1044

and promote plans and programs designed to assure that state 1045  
resources are efficiently used, economic growth is properly 1046  
balanced, community growth is developed in an orderly manner, and 1047  
local governments are coordinated with each other and the state, 1048  
and for such purposes may do all of the following: 1049

(1) Serve as a clearinghouse for information, data, and other 1050  
materials that may be helpful or necessary to persons or local 1051  
governments, as provided in section 122.07 of the Revised Code; 1052

(2) Prepare and activate plans for the retention, 1053  
development, expansion, and use of the resources and commerce of 1054  
the state, as provided in section 122.04 of the Revised Code; 1055

(3) Assist and cooperate with federal, state, and local 1056  
governments and agencies of federal, state, and local governments 1057  
in the coordination of programs to carry out the functions and 1058  
duties of the department; 1059

(4) Encourage and foster research and development activities, 1060  
conduct studies related to the solution of community problems, and 1061  
develop recommendations for administrative or legislative actions, 1062  
as provided in section 122.03 of the Revised Code; 1063

(5) Serve as the economic and community development planning 1064  
agency, which shall prepare and recommend plans and programs for 1065  
the orderly growth and development of this state and which shall 1066  
provide planning assistance, as provided in section 122.06 of the 1067  
Revised Code; 1068

(6) Cooperate with and provide technical assistance to state 1069  
departments, political subdivisions, regional and local planning 1070  
commissions, tourist associations, councils of government, 1071  
community development groups, community action agencies, and other 1072  
appropriate organizations for carrying out the functions and 1073  
duties of the department or for the solution of community 1074  
problems; 1075

(7) Coordinate the activities of state agencies that have an	1076
impact on carrying out the functions and duties of the department;	1077
(8) Encourage and assist the efforts of and cooperate with	1078
local governments to develop mutual and cooperative solutions to	1079
their common problems that relate to carrying out the purposes of	1080
this section;	1081
(9) Study existing structure, operations, and financing of	1082
regional or local government and those state activities that	1083
involve significant relations with regional or local governmental	1084
units, recommend to the governor and to the general assembly such	1085
changes in these provisions and activities as will improve the	1086
operations of regional or local government, and conduct other	1087
studies of legal provisions that affect problems related to	1088
carrying out the purposes of this section;	1089
(10) Create and operate a division of community development	1090
to develop and administer programs and activities that are	1091
authorized by federal statute or the Revised Code;	1092
(11) Until October 15, 2007, establish fees and charges, in	1093
consultation with the director of agriculture, for purchasing	1094
loans from financial institutions and providing loan guarantees	1095
under the family farm loan program created under sections 901.80	1096
to 901.83 of the Revised Code;	1097
(12) Provide loan servicing for the loans purchased and loan	1098
guarantees provided under section 901.80 of the Revised Code as	1099
that section existed prior to October 15, 2007;	1100
(13) Until October 15, 2007, and upon approval by the	1101
controlling board under division (A)(3) of section 901.82 of the	1102
Revised Code of the release of money to be used for purchasing a	1103
loan or providing a loan guarantee, request the release of that	1104
money in accordance with division (B) of section 166.03 of the	1105
Revised Code for use for the purposes of the fund created by	1106

section 166.031 of the Revised Code. 1107

(14) Allocate that portion of the national recovery zone 1108  
economic development bond limitation and that portion of the 1109  
national recovery zone facility bond limitation that has been 1110  
allocated to the state under section 1400U-1 of the Internal 1111  
Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal 1112  
corporation waives any portion of an allocation it receives under 1113  
division (A)(14) of this section, the department may reallocate 1114  
that amount. Any allocation or reallocation shall be made in 1115  
accordance with this section and section 1400U-1 of the Internal 1116  
Revenue Code. 1117

(B) The director of development may request the attorney 1118  
general to, and the attorney general, in accordance with section 1119  
109.02 of the Revised Code, shall bring a civil action in any 1120  
court of competent jurisdiction. The director may be sued in the 1121  
director's official capacity, in connection with this chapter, in 1122  
accordance with Chapter 2743. of the Revised Code. 1123

(C) The director of development shall execute a contract 1124  
pursuant to section 187.04 of the Revised Code with the nonprofit 1125  
corporation formed under section 187.01 of the Revised Code, and 1126  
may execute any additional contracts with the corporation 1127  
providing for the corporation to assist the director or department 1128  
in carrying out any duties of the director or department under 1129  
this chapter or under a contract with the director. 1130

**Sec. 124.01.** Except as otherwise provided in this chapter, as 1131  
used in this chapter: 1132

(A) "Civil service" includes all offices and positions of 1133  
trust or employment in the service of the state and in the service 1134  
of the counties, cities, city health districts, general health 1135  
districts, and city school districts of the state. 1136

(B) "State service" includes all offices and positions in the service of the state and the counties and general health districts of the state. "State service" does not include offices and positions in the service of the cities, city health districts, and city school districts of the state.

(C) "Classified service" means the competitive classified civil service of the state, the several counties, cities, city health districts, general health districts, and city school districts of the state, and civil service townships.

(D) "Appointing authority" means the officer, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or institution.

(E) "Commission" means the municipal civil service commission of any city, except that, when in reference to the commission that serves a city school district, "commission" means the civil service commission determined under section 124.011 of the Revised Code.

(F) "Employee" means any person holding a position subject to appointment, removal, promotion, or reduction by an appointing officer. "Employee" does not include an officer, employee, or governor-appointed director of the nonprofit corporation formed under section 187.01 of the Revised Code.

(G) "Civil service township" means any township with a population of ten thousand or more persons residing within the township and outside any municipal corporation, which has a police or fire department of ten or more full-time paid employees and which has a civil service commission established under division (B) of section 124.40 of the Revised Code.

(H) "Flexible hours employee" means an employee who may work more or less than eight hours on any given day so long as the

employee works forty hours in the same week. 1168

(I) "Classification series" means any group of classification 1169  
titles that have the identical name but different numerical 1170  
designations, or identical titles except for designated levels of 1171  
supervision, except for those classification series established by 1172  
the director of administrative services in accordance with 1173  
division (A) of section 124.14 of the Revised Code. 1174

(J) "Classification change" means a change in an employee's 1175  
classification in the job classification plan. 1176

(K) "Service of the state" or "civil service of the state" 1177  
includes all offices and positions of trust or employment with the 1178  
government of the state. "Service of the state" and "civil service 1179  
of the state" do not include offices and positions of trust or 1180  
employment with state-supported colleges and universities, 1181  
counties, cities, city health districts, city school districts, 1182  
general health districts, ~~and~~ or civil service townships of the 1183  
state, or with the nonprofit corporation formed under section 1184  
187.01 of the Revised Code. 1185

**Sec. 145.012.** (A) "Public employee," as defined in division 1186  
(A) of section 145.01 of the Revised Code, does not include any 1187  
person: 1188

(1) Who is employed by a private, temporary-help service and 1189  
performs services under the direction of a public employer or is 1190  
employed on a contractual basis as an independent contractor under 1191  
a personal service contract with a public employer; 1192

(2) Who is an emergency employee serving on a temporary basis 1193  
in case of fire, snow, earthquake, flood, or other similar 1194  
emergency; 1195

(3) Who is employed in a program established pursuant to the 1196  
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1197

1501;	1198
(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code;	1199 1200 1201 1202
(5) Who is employed as an election worker and paid less than five hundred dollars per calendar year for that service;	1203 1204
(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:	1205 1206 1207 1208 1209
(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;	1210 1211 1212
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	1213 1214 1215 1216
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.	1217 1218 1219
(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;	1220 1221 1222 1223 1224 1225
(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	1226 1227



(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code; 1228  
1229

(10) Who is a member of the unemployment compensation advisory council; 1230  
1231

(11) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code. 1232  
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(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for the mentally ill or criminally insane operated by the department of mental health, no resident in an institution for the mentally retarded operated by the department of developmental disabilities, no resident admitted as a patient of a veterans' home operated under Chapter 5907. of the Revised Code, and no resident of a county home shall be considered as a public employee for the purpose of establishing membership or calculating service credit or benefits under this chapter. Nothing in this division shall be construed to affect any service credit attained by any person who was a public employee before becoming an inmate, patient, or resident at any institution listed in this division, or the payment of any benefit for which such a person or such a person's beneficiaries otherwise would be eligible. 1235  
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**Sec. 149.011.** As used in this chapter, except as otherwise provided: 1250  
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(A) "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. "Public office" does not include the nonprofit corporation formed under section 187.01 of the Revised Code. 1252  
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(B) "State agency" includes every department, bureau, board, commission, office, or other organized body established by the constitution and laws of this state for the exercise of any function of state government, including any state-supported institution of higher education, the general assembly, any legislative agency, any court or judicial agency, or any political subdivision or agency of a political subdivision. "State agency" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(C) "Public money" includes all money received or collected by or due a public official, whether in accordance with or under authority of any law, ordinance, resolution, or order, under color of office, or otherwise. It also includes any money collected by any individual on behalf of a public office or as a purported representative or agent of the public office.

(D) "Public official" includes all officers, employees, or duly authorized representatives or agents of a public office.

(E) "Color of office" includes any act purported or alleged to be done under any law, ordinance, resolution, order, or other pretension to official right, power, or authority.

(F) "Archive" includes any public record that is transferred to the state archives or other designated archival institutions because of the historical information contained on it.

(G) "Records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Sec. 187.01. As used in this chapter, "JobsOhio" means the 1289  
nonprofit corporation formed under this section, and includes any 1290  
subsidiary of that corporation. In any section of law that refers 1291  
to the nonprofit corporation formed under this section, reference 1292  
to the corporation includes reference to any such subsidiary 1293  
unless otherwise specified or clearly appearing from the context. 1294

The governor is hereby authorized to form a nonprofit 1295  
corporation, to be named "JobsOhio," with the purposes of 1296  
promoting economic development, job creation, job retention, job 1297  
training, and the recruitment of business to this state. 1298

The articles of incorporation shall set forth the following: 1299

(A) The designation of the name of the corporation as 1300  
JobsOhio; 1301

(B) The creation of a board of directors consisting of the 1302  
governor and eight directors, to be appointed by the governor, who 1303  
satisfy the qualifications prescribed by section 187.02 of the 1304  
Revised Code; 1305

(C) A requirement that the governor make initial appointments 1306  
to the board within sixty days after the filing of the articles of 1307  
incorporation. Of the initial appointments made to the board, two 1308  
shall be for a term ending one year after the date the articles 1309  
were filed, two shall be for a term ending two years after the 1310  
date the articles were filed, and four shall be for a term ending 1311  
four years after the date the articles were filed. The articles 1312  
shall state that, following the initial appointments, the governor 1313  
shall appoint directors to terms of office of four years, with 1314  
each term of office ending on the same day of the same month as 1315  
did the term that it succeeds. If any director dies, resigns, or 1316  
the director's status changes such that any of the requirements of 1317  
division (C) of section 187.02 of the Revised Code are no longer 1318  
met, that director's seat on the board shall become immediately 1319

vacant. The governor shall forthwith fill the vacancy by 1320  
appointment for the remainder of the term of office of the vacated 1321  
seat. 1322

(D) The designation of the governor as the chairperson of the 1323  
board and procedures for electing directors to serve as officers 1324  
of the corporation and members of an executive committee; 1325

(E) A provision for the appointment of a chief investment 1326  
officer of the corporation by the recommendation of the board and 1327  
approval of the governor. The chief investment officer shall serve 1328  
at the pleasure of the governor and shall have the power to 1329  
execute contracts, spend corporation funds, and hire employees on 1330  
behalf of the corporation. 1331

(F) Provisions requiring the board to do all of the 1332  
following: 1333

(1) Adopt one or more resolutions providing for compensation 1334  
of the chief investment officer; 1335

(2) Approve an employee compensation plan recommended by the 1336  
chief investment officer; 1337

(3) Approve a contract with the director of development for 1338  
the corporation to assist the director and the department of 1339  
development with providing services or otherwise carrying out the 1340  
functions or duties of the department, including the operation and 1341  
management of programs, offices, divisions, or boards, as may be 1342  
determined by the director of development in consultation with the 1343  
governor; 1344

(4) Approve all major contracts for services recommended by 1345  
the chief investment officer; 1346

(5) Establish an annual strategic plan and standards of 1347  
measure to be used in evaluating the corporation's success in 1348  
executing the plan; 1349

(6) Establish a conflicts of interest policy that, at a 1350  
minimum, complies with section 187.06 of the Revised Code; 1351

(7) Hold a minimum of four board of directors meetings per 1352  
year at which a quorum of the board is physically present, and 1353  
such other meetings, at which directors' physical presence is not 1354  
required, as may be necessary. Meetings at which a quorum of the 1355  
board is required to be physically present are subject to 1356  
divisions (C), (D), and (E) of section 187.03 of the Revised Code. 1357

(8) Establish a records retention policy and present the 1358  
policy, and any subsequent changes to the policy, at a meeting of 1359  
the board of directors at which a quorum of the board is required 1360  
to be physically present pursuant to division (F)(7) of this 1361  
section; 1362

(9) Adopt standards of conduct for the directors. 1363

(G) A statement that directors shall not receive any 1364  
compensation from the corporation, except that governor-appointed 1365  
directors may be reimbursed for actual and necessary expenses 1366  
incurred in connection with services performed for the 1367  
corporation; 1368

(H) A provision authorizing the board to amend provisions of 1369  
the corporation's articles of incorporation or regulations, except 1370  
provisions required by this chapter; 1371

(I) Procedures by which the corporation would be dissolved 1372  
and by which all corporation rights, liabilities, and assets would 1373  
be distributed to the state or to another corporation organized 1374  
under this chapter. These procedures shall incorporate any 1375  
procedures set forth in this chapter for the dissolution of the 1376  
corporation. The articles shall state that no dissolution shall 1377  
take effect until the corporation has made adequate provision for 1378  
the payment of any outstanding bonds, notes, or other obligations. 1379

(J) A provision establishing an audit committee to be 1380

comprised of directors. The articles shall require that the audit 1381  
committee hire an independent certified public accountant to 1382  
perform a financial audit of the corporation at least once every 1383  
year. 1384

(K) A provision authorizing the governor, as chairperson of 1385  
the board, to remove a director for misconduct as may be defined 1386  
in the articles or regulations of the corporation. The removal of 1387  
a director under this division creates a vacancy on the board that 1388  
the governor shall fill by appointment for the remainder of the 1389  
term of office of the vacated seat. 1390

Sec. 187.02. (A) To qualify for appointment to the board of 1391  
directors of JobsOhio, an individual must satisfy all of the 1392  
following: 1393

(1) Has an understanding of generally accepted accounting 1394  
principles and financial statements; 1395

(2) Possesses the ability to assess the general application 1396  
of such principles in connection with the accounting for 1397  
estimates, accruals, and reserves; 1398

(3) Has experience preparing, auditing, analyzing, or 1399  
evaluating financial statements that present a breadth and level 1400  
of complexity of accounting issues that are generally comparable 1401  
to the breadth and complexity of issues that can reasonably be 1402  
expected to be presented by the JobsOhio corporation's financial 1403  
statements, or experience actively supervising one or more persons 1404  
engaged in such activities; 1405

(4) Has an understanding of internal controls and the 1406  
procedures for financial reporting; 1407

(5) Has an understanding of audit committee functions. 1408

(B) Specific experience demonstrating the qualifications 1409  
required by division (A) of this section may be evidenced by any 1410

of the following: 1411

(1) Education and experience as a principal financial 1412  
officer, principal accounting officer, controller, public 1413  
accountant or auditor, or experience in one or more positions that 1414  
involve the performance of similar functions; 1415

(2) Experience actively supervising a principal financial 1416  
officer, principal accounting officer, controller, public 1417  
accountant, auditor, or person performing similar functions; 1418

(3) Experience overseeing or assessing the performance of 1419  
companies or public accountants with respect to the preparation, 1420  
auditing, or evaluation of financial statements; 1421

(4) Other experience considered relevant by the governor 1422  
consistent with division (A) of this section. 1423

(C) Each individual appointed to the board of directors shall 1424  
be a citizen of the United States. At least six of the individuals 1425  
appointed to the board shall be residents of or domiciled in this 1426  
state. 1427

**Sec. 187.03.** (A) JobsOhio may perform such functions as 1428  
permitted and shall perform such duties as prescribed by law, but 1429  
shall not be considered a state or public department, agency, 1430  
office, body, institution, or instrumentality for purposes of 1431  
section 1.60 or Chapter 102., 121., 125., or 149. of the Revised 1432  
Code. JobsOhio and its board of directors are not subject to the 1433  
following sections of Chapter 1702. of the Revised Code: sections 1434  
1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1435  
1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1436  
1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1437  
1702.60, 1702.80, and 1702.99. Nothing in this division shall be 1438  
construed to impair the powers and duties of the Ohio ethics 1439  
commission described in section 102.06 of the Revised Code to 1440

investigate and enforce section 102.02 of the Revised Code with 1441  
regard to individuals required to file statements under division 1442  
(B)(2) of this section. 1443

(B)(1) With the exception of the governor, directors and 1444  
employees of JobsOhio are not employees or officials of the state 1445  
and, except as provided in division (B)(2) of this section, are 1446  
not subject to Chapter 102., 124., 145., or 4117. of the Revised 1447  
Code. 1448

(2) The chief investment officer, any other officer or 1449  
employee with significant administrative, supervisory, 1450  
contracting, or investment authority, and any governor-appointed 1451  
director of JobsOhio shall file, with the Ohio ethics commission, 1452  
a financial disclosure statement pursuant to section 102.02 of the 1453  
Revised Code that includes, in place of the information required 1454  
by divisions (A)(2), (7), (8), and (9) of that section, the 1455  
information required by divisions (A) and (B) of section 102.022 1456  
of the Revised Code. The governor shall comply with all applicable 1457  
requirements of section 102.02 of the Revised Code. 1458

(3) Actual or in-kind expenditures for the travel, meals, or 1459  
lodging of the governor or of any public official or employee 1460  
designated by the governor for the purpose of this division shall 1461  
not be considered a violation of section 102.03 of the Revised 1462  
Code if the expenditures are made by the corporation, or on behalf 1463  
of the corporation by any person, in connection with the 1464  
governor's performance of official duties as chairperson of the 1465  
board of directors of JobsOhio. The governor may designate any 1466  
person, including a person who is a public official or employee as 1467  
defined in section 102.01 of the Revised Code, for the purpose of 1468  
this division if such expenditures are made on behalf of the 1469  
person in connection with the governor's performance of official 1470  
duties as chairperson. A public official or employee so designated 1471



by the governor shall comply with all applicable requirements of 1472  
section 102.02 of the Revised Code. 1473

At the times and frequency agreed to under division (B)(2)(b) 1474  
of section 187.04 of the Revised Code, beginning in 2012, the 1475  
corporation shall file with the department of development a 1476  
written report of all such expenditures paid or incurred during 1477  
the preceding calendar year. The report shall state the dollar 1478  
value and purpose of each expenditure, the date of each 1479  
expenditure, the name of the person that paid or incurred each 1480  
expenditure, and the location, if any, where services or benefits 1481  
of an expenditure were received, provided that any such 1482  
information that may disclose proprietary information as defined 1483  
in division (C) of this section shall not be included in the 1484  
report. 1485

(4) The prohibition applicable to former public officials or 1486  
employees in division (A)(1) of section 102.03 of the Revised Code 1487  
does not apply to any person appointed to be a director or hired 1488  
as an employee of JobsOhio. 1489

(5) Notwithstanding division (A)(2) of section 145.01 of the 1490  
Revised Code, any person who is a former state employee shall no 1491  
longer be considered a public employee for purposes of Chapter 1492  
145. of the Revised Code upon commencement of employment with 1493  
JobsOhio. 1494

(6) Any director, officer, or employee of JobsOhio may 1495  
request an advisory opinion from the Ohio ethics commission with 1496  
regard to questions concerning the provisions of sections 102.02 1497  
and 102.022 of the Revised Code to which the person is subject. 1498

(C) Meetings of the board of directors at which a quorum of 1499  
the board is required to be physically present pursuant to 1500  
division (F) of section 187.01 of the Revised Code shall be open 1501  
to the public except, by a majority vote of the directors present 1502

at the meeting, such a meeting may be closed to the public only 1503  
for one or more of the following purposes: 1504

(1) To consider business strategy of the corporation; 1505

(2) To consider proprietary information belonging to 1506  
potential applicants or potential recipients of business 1507  
recruitment, retention, or creation incentives. For the purposes 1508  
of this division, "proprietary information" means marketing plans, 1509  
specific business strategy, production techniques and trade 1510  
secrets, financial projections, or personal financial statements 1511  
of applicants or members of the applicants' immediate family, 1512  
including, but not limited to, tax records or other similar 1513  
information not open to the public inspection. 1514

(3) To consider legal matters, including litigation, in which 1515  
the corporation is or may be involved; 1516

(4) To consider personnel matters related to an individual 1517  
employee of the corporation. 1518

(D) The board of directors shall establish a reasonable 1519  
method whereby any person may obtain the time and place of all 1520  
public meetings described in division (C) of this section. The 1521  
method shall provide that any person, upon request and payment of 1522  
a reasonable fee, may obtain reasonable advance notification of 1523  
all such meetings. 1524

(E) The board of directors shall promptly prepare, file, and 1525  
maintain minutes of all public meetings described in division (C) 1526  
of this section. 1527

(F) Not later than March 1, 2012, and the first day of March 1528  
of each year thereafter, the chief investment officer of JobsOhio 1529  
shall prepare and submit a report of the corporation's activities 1530  
for the preceding year to the governor, the speaker and minority 1531  
leader of the house of representatives, and the president and 1532  
minority leader of the senate. The annual report shall include the 1533

<u>following:</u>	1534
<u>(1) An analysis of the state's economy;</u>	1535
<u>(2) A description of the structure, operation, and financial</u> <u>status of the corporation;</u>	1536 1537
<u>(3) A description of the corporation's strategy to improve</u> <u>the state economy and the standards of measure used to evaluate</u> <u>its progress;</u>	1538 1539 1540
<u>(4) An evaluation of the performance of current strategies</u> <u>and major initiatives;</u>	1541 1542
<u>(5) An analysis of any statutory or administrative barriers</u> <u>to successful economic development, business recruitment, and job</u> <u>growth in the state identified by JobsOhio during the preceding</u> <u>year.</u>	1543 1544 1545 1546
 <u>Sec. 187.04. (A) The director of development, as soon as</u>	 1547
<u>practical after the effective date of this section, shall execute</u>	1548
<u>a contract with JobsOhio for the corporation to assist the</u>	1549
<u>director and the department of development with providing services</u>	1550
<u>or otherwise carrying out the functions or duties of the</u>	1551
<u>department, including the operation and management of programs,</u>	1552
<u>offices, divisions, or boards, as may be determined by the</u>	1553
<u>director in consultation with the governor. The approval or</u>	1554
<u>disapproval of awards shall remain functions of the department.</u>	1555
<u>All contracts for grants, loans, and tax incentives shall be</u>	1556
<u>between the department and the recipient and shall be enforced by</u>	1557
<u>the department. JobsOhio may not execute contracts obligating the</u>	1558
<u>department for loans, grants, tax credits, or incentive awards</u>	1559
<u>recommended by JobsOhio to the department. Prior to execution, all</u>	1560
<u>contracts between the director and JobsOhio are subject to</u>	1561
<u>controlling board approval.</u>	1562
 <u>The term of a contract entered into under this section shall</u>	 1563

not extend beyond a fiscal biennium of the general assembly, but 1564  
may be renewed or amended by the parties. 1565

(B) A contract entered into under this section shall include 1566  
all of the following: 1567

(1) Terms assigning to the corporation the duties of advising 1568  
and assisting the director of development in the director's 1569  
evaluation of the department and the formulation of 1570  
recommendations under section 187.05 of the Revised Code; 1571

(2) Terms designating records created or received by JobsOhio 1572  
that shall be made available to the public under the same 1573  
conditions as are public records under section 149.43 of the 1574  
Revised Code. Documents designated to be made available to the 1575  
public pursuant to the contract shall be kept on file with the 1576  
department of development. 1577

Among records to be designated under this division shall be 1578  
the following: 1579

(a) The corporation's federal income tax returns; 1580

(b) The report of expenditures described in division (B)(3) 1581  
of section 187.03 of the Revised Code. The records shall be filed 1582  
with the department at such times and frequency as agreed to by 1583  
the corporation and the department, which shall not be less 1584  
frequently than quarterly. 1585

(c) The annual total compensation paid to each officer and 1586  
employee of the corporation; 1587

(d) A copy of the audit report for each financial audit of 1588  
the corporation performed by an independent certified public 1589  
accountant pursuant to division (J) of section 187.01 of the 1590  
Revised Code. 1591

(e) Records of any fully executed incentive proposals, to be 1592  
filed annually; 1593

(f) Records pertaining to the monitoring of commitments made 1594  
by incentive recipients, to be filed annually; 1595

(g) A copy of the minutes of all public meetings described in 1596  
division (C) of section 187.03 of the Revised Code not otherwise 1597  
closed to the public. 1598

(3) The following statement acknowledging that JobsOhio is 1599  
not acting as an agent of the state: 1600

"JobsOhio shall have no power or authority to bind the state 1601  
or to assume or create an obligation or responsibility, expressed 1602  
or implied, on behalf of the state or in its name, nor shall 1603  
JobsOhio represent to any person that it has any such power or 1604  
authority, except as expressly provided in this contract." 1605

(C) Records created or received by JobsOhio are not public 1606  
records for the purposes of section 149.43 of the Revised Code, 1607  
regardless of who may have custody of the records, unless the 1608  
record is designated to be available to the public by the contract 1609  
under division (B)(2) of this section. 1610

(D) Any contract executed under authority of this section 1611  
shall not negate, impair, or otherwise adversely affect the 1612  
obligation of this state to pay debt charges on securities 1613  
executed by the director of development or issued by the treasurer 1614  
of state, Ohio public facilities commission, or any other issuing 1615  
authority under Chapter 122., 151., 165., or 166. of the Revised 1616  
Code to fund economic development programs of the state, or to 1617  
abide by any pledge or covenant relating to the payment of those 1618  
debt charges made in any related proceedings. As used in this 1619  
division, "debt charges," "proceedings," and "securities" have the 1620  
same meanings as in section 133.01 of the Revised Code. 1621

(E) Nothing in this section, other than the requirement of 1622  
controlling board approval, shall prohibit the department from 1623  
contracting with JobsOhio to perform any of the following 1624

<u>functions:</u>	1625
<u>(1) Promoting and advocating for the state;</u>	1626
<u>(2) Making recommendations to the department;</u>	1627
<u>(3) Performing research for the department;</u>	1628
<u>(4) Establishing and managing programs or offices on behalf</u>	1629
<u>of the department, by contract;</u>	1630
<u>(5) Negotiating on behalf of the state.</u>	1631
<u>(F) Nothing in this section, other than the requirement of</u>	1632
<u>controlling board approval, shall prohibit the department from</u>	1633
<u>compensating JobsOhio from funds currently appropriated to the</u>	1634
<u>department to perform the functions described in division (E) of</u>	1635
<u>this section.</u>	1636
<u>Sec. 187.05. The director of development, as soon as</u>	1637
<u>practical after the effective date of this section, shall, in</u>	1638
<u>consultation with the governor, evaluate all powers, functions,</u>	1639
<u>and duties of the department. Within six months after that</u>	1640
<u>effective date, the director shall submit a report to the general</u>	1641
<u>assembly recommending statutory changes necessary to improve the</u>	1642
<u>functioning and efficiency of the department and to transfer</u>	1643
<u>specified powers, functions, and duties of the department to other</u>	1644
<u>existing agencies of the state or to JobsOhio, or eliminate</u>	1645
<u>specified powers, functions, or duties. The recommendations shall</u>	1646
<u>be submitted in writing to the speaker and minority leader of the</u>	1647
<u>house of representatives and the president and minority leader of</u>	1648
<u>the senate.</u>	1649
<u>After submitting the report, the director, in consultation</u>	1650
<u>with the governor, shall continue to evaluate the department and</u>	1651
<u>make additional recommendations on such matters to the general</u>	1652
<u>assembly.</u>	1653

Sec. 187.06. (A) For purposes of this section, "interested individual" means a director or officer of JobsOhio who has, directly or indirectly, through business, investment, or family, any of the following:

(1) An ownership or investment interest in any person with which JobsOhio has a transaction or arrangement;

(2) A compensation arrangement with JobsOhio or with any person with which JobsOhio has a transaction or arrangement;

(3) A potential ownership or investment interest in, or compensation arrangement with, any person with which JobsOhio is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as material gifts or favors.

(B) The conflicts of interest policy adopted pursuant to section 187.01 of the Revised Code shall protect JobsOhio's interest when it is considering a transaction or arrangement that might benefit the private interest of a director or officer of JobsOhio or might directly benefit that individual in other than a de minimis manner. An interested individual shall disclose the existence of a financial interest to each member of the board of directors of JobsOhio. The interested individual shall be given an opportunity to disclose all material facts to the directors. After disclosure of the financial interest and all material facts, the board of directors shall decide if a conflict of interest exists. If the board decides by a majority vote of the disinterested directors that a conflict exists, the disinterested directors shall determine whether JobsOhio can obtain with reasonable efforts a more advantageous transaction or arrangement from a person that would not give rise to a conflict of interest. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest,

the board shall determine by a majority vote of the disinterested 1685  
directors whether the transaction or arrangement is in JobsOhio's 1686  
best interest, for its own benefit, and whether it is fair and 1687  
reasonable. 1688

(C) If the board of directors has reasonable cause to believe 1689  
a director or officer has failed to disclose an actual or possible 1690  
conflict of interest, it shall inform the individual of the basis 1691  
for such belief and provide the individual with an opportunity to 1692  
explain the alleged failure to disclose. If the board determines 1693  
the individual has failed to disclose an actual or possible 1694  
conflict of interest, it shall take appropriate disciplinary and 1695  
corrective action, including, but not limited to, initiating an 1696  
action for breach of fiduciary duty. 1697

(D) Minutes of board meetings considering possible or actual 1698  
conflicts of interest shall be kept. The minutes shall contain 1699  
both of the following: 1700

(1) The names of the individuals who disclosed, or were found 1701  
to have, a financial interest in connection with an actual or 1702  
possible conflict of interest, the nature of the financial 1703  
interest, any action taken to determine whether a conflict of 1704  
interest was present, and the board's decision as to whether a 1705  
conflict of interest existed; 1706

(2) The names of the individuals who were present for 1707  
discussions and votes relating to the transaction or arrangement, 1708  
the content of the discussion, including any alternatives to the 1709  
proposed transaction or arrangement, and a record of any votes 1710  
taken in connection with the proceedings. 1711

(E) An officer or employee of JobsOhio whose responsibility 1712  
includes compensation matters and who receives compensation, 1713  
directly or indirectly, from JobsOhio for services is precluded 1714  
from voting or providing information to a compensation committee, 1715



if any, on matters pertaining to that individual's compensation. 1716

(F) The conflicts of interest policy adopted pursuant to 1717  
section 187.01 of the Revised Code shall prohibit any director of 1718  
JobsOhio from soliciting or accepting employment with any person 1719  
that receives or has received an incentive or other assistance as 1720  
a result of a decision the director participated in as a director 1721  
of JobsOhio. 1722

(G) Each director or officer shall annually sign a statement 1723  
that affirms the individual: 1724

(1) Has received a copy of the conflicts of interest policy; 1725

(2) Has read and understands the policy; 1726

(3) Has agreed to comply with the policy; 1727

(4) Understands JobsOhio's statutory purpose and that it is a 1728  
nonprofit corporation. 1729

(H) To ensure JobsOhio operates in a manner consistent with 1730  
its statutory purpose or contractual obligations, periodic reviews 1731  
shall be conducted. The periodic reviews shall, at a minimum, 1732  
determine all of the following: 1733

(1) Whether compensation arrangements and benefits are 1734  
reasonable, based on competent survey information, and the result 1735  
of arm's length bargaining; 1736

(2) Whether JobsOhio's operations are consistent with its 1737  
articles of incorporation, regulations, and contractual 1738  
obligations, and are properly documented; 1739

(3) Whether transactions are fair to JobsOhio, reflect 1740  
reasonable investment or payments for goods and services, further 1741  
JobsOhio's statutory purpose or contractual obligations, and do 1742  
not result in direct private benefit to directors, officers, or 1743  
other persons, in other than a de minimis manner. 1744

Sec. 187.07. At no time shall any public money coming into 1745  
the possession of JobsOhio be commingled with other money of the 1746  
corporation, and any funds or accounts of the corporation that 1747  
hold public money shall be maintained and accounted for separately 1748  
and independently from any other funds or accounts of the 1749  
corporation. 1750

Sec. 187.08. If an officer or employee of JobsOhio receives 1751  
more than one thousand dollars of public money in the person's 1752  
capacity as such an officer or employee, the person, on the 1753  
business day next following the day of receipt, shall deposit the 1754  
money into the fund or account into which the money is required to 1755  
be deposited by law or the regulations of the corporation. If the 1756  
amount of public money received does not exceed one thousand 1757  
dollars, the person shall deposit the money on the business day 1758  
next following the day of receipt unless the board of directors of 1759  
JobsOhio adopts a policy permitting a different time period, not 1760  
to exceed three business days next following the day of receipt, 1761  
for making such deposits, and the person is able to safeguard the 1762  
moneys until the money is deposited. The policy shall include 1763  
provisions and procedures to safeguard public money until it is 1764  
deposited. 1765

Any officer or employee of JobsOhio who has custody or 1766  
control of public money received or held by the corporation 1767  
pursuant to the contract authorized under section 187.04 of the 1768  
Revised Code or because of the assumption of powers, functions, or 1769  
duties transferred to the corporation pursuant to the 1770  
recommendations under section 187.05 of the Revised Code is liable 1771  
for the public money to the same extent as a public official is 1772  
liable for public money under section 9.39 of the Revised Code. 1773

Sec. 187.09. Any action brought by or on behalf of JobsOhio 1774

against a director or former director in that individual's 1775  
capacity as a director shall be brought in the court of common 1776  
pleas of Franklin county. 1777

Sec. 187.10. (A) No person, with purpose to corrupt a 1778  
director, officer, or employee of JobsOhio, shall promise, offer, 1779  
or give any valuable thing or valuable benefit. 1780

(B) Whoever violates this section is guilty of the offense of 1781  
bribery, as set forth in section 2921.02 of the Revised Code. 1782

Sec. 187.11. JobsOhio may indemnify, to the fullest extent 1783  
permitted by law, its board of directors, board members, and 1784  
officers and employees from liability incurred in the performance 1785  
of duties or functions of JobsOhio. For purposes of this section, 1786  
JobsOhio may procure policies of insurance for civil liability. 1787

Sec. 187.12. (A) JobsOhio shall not make a contribution to 1788  
any campaign committee, political party, legislative campaign 1789  
fund, political action committee, or political contributing entity 1790  
for any purpose whatsoever. 1791

(B) As used in this section, "contribution," "campaign 1792  
committee," "political party," "legislative campaign fund," 1793  
"political action committee," and "political contributing entity" 1794  
have the same meanings as in section 3517.01 of the Revised Code. 1795

Sec. 2921.01. As used in sections 2921.01 to 2921.45 of the 1796  
Revised Code: 1797

(A) "Public official" means any elected or appointed officer, 1798  
or employee, or agent of the state or any political subdivision, 1799  
whether in a temporary or permanent capacity, and includes, but is 1800  
not limited to, legislators, judges, and law enforcement officers. 1801  
"Public official" does not include an employee, officer, or 1802

governor-appointed member of the board of directors of the 1803  
nonprofit corporation formed under section 187.01 of the Revised 1804  
Code. 1805

(B) "Public servant" means any of the following: 1806

(1) Any public official; 1807

(2) Any person performing ad hoc a governmental function, 1808  
including, but not limited to, a juror, member of a temporary 1809  
commission, master, arbitrator, advisor, or consultant; 1810

(3) A person who is a candidate for public office, whether or 1811  
not the person is elected or appointed to the office for which the 1812  
person is a candidate. A person is a candidate for purposes of 1813  
this division if the person has been nominated according to law 1814  
for election or appointment to public office, or if the person has 1815  
filed a petition or petitions as required by law to have the 1816  
person's name placed on the ballot in a primary, general, or 1817  
special election, or if the person campaigns as a write-in 1818  
candidate in any primary, general, or special election. 1819

"Public servant" does not include an employee, officer, or 1820  
governor-appointed member of the board of directors of the 1821  
nonprofit corporation formed under section 187.01 of the Revised 1822  
Code. 1823

(C) "Party official" means any person who holds an elective 1824  
or appointive post in a political party in the United States or 1825  
this state, by virtue of which the person directs, conducts, or 1826  
participates in directing or conducting party affairs at any level 1827  
of responsibility. 1828

(D) "Official proceeding" means any proceeding before a 1829  
legislative, judicial, administrative, or other governmental 1830  
agency or official authorized to take evidence under oath, and 1831  
includes any proceeding before a referee, hearing examiner, 1832  
commissioner, notary, or other person taking testimony or a 1833

deposition in connection with an official proceeding. 1834

(E) "Detention" means arrest; confinement in any vehicle 1835  
subsequent to an arrest; confinement in any public or private 1836  
facility for custody of persons charged with or convicted of crime 1837  
in this state or another state or under the laws of the United 1838  
States or alleged or found to be a delinquent child or unruly 1839  
child in this state or another state or under the laws of the 1840  
United States; hospitalization, institutionalization, or 1841  
confinement in any public or private facility that is ordered 1842  
pursuant to or under the authority of section 2945.37, 2945.371, 1843  
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 1844  
Code; confinement in any vehicle for transportation to or from any 1845  
facility of any of those natures; detention for extradition or 1846  
deportation; except as provided in this division, supervision by 1847  
any employee of any facility of any of those natures that is 1848  
incidental to hospitalization, institutionalization, or 1849  
confinement in the facility but that occurs outside the facility; 1850  
supervision by an employee of the department of rehabilitation and 1851  
correction of a person on any type of release from a state 1852  
correctional institution; or confinement in any vehicle, airplane, 1853  
or place while being returned from outside of this state into this 1854  
state by a private person or entity pursuant to a contract entered 1855  
into under division (E) of section 311.29 of the Revised Code or 1856  
division (B) of section 5149.03 of the Revised Code. For a person 1857  
confined in a county jail who participates in a county jail 1858  
industry program pursuant to section 5147.30 of the Revised Code, 1859  
"detention" includes time spent at an assigned work site and going 1860  
to and from the work site. 1861

(F) "Detention facility" means any public or private place 1862  
used for the confinement of a person charged with or convicted of 1863  
any crime in this state or another state or under the laws of the 1864  
United States or alleged or found to be a delinquent child or 1865

unruly child in this state or another state or under the laws of 1866  
the United States. 1867

(G) "Valuable thing or valuable benefit" includes, but is not 1868  
limited to, a contribution. This inclusion does not indicate or 1869  
imply that a contribution was not included in those terms before 1870  
September 17, 1986. 1871

(H) "Campaign committee," "contribution," "political action 1872  
committee," "legislative campaign fund," "political party," and 1873  
"political contributing entity" have the same meanings as in 1874  
section 3517.01 of the Revised Code. 1875

(I) "Provider agreement" and "medical assistance program" 1876  
have the same meanings as in section 2913.40 of the Revised Code. 1877

**Sec. 4117.01.** As used in this chapter: 1878

(A) "Person," in addition to those included in division (C) 1879  
of section 1.59 of the Revised Code, includes employee 1880  
organizations, public employees, and public employers. 1881

(B) "Public employer" means the state or any political 1882  
subdivision of the state located entirely within the state, 1883  
including, without limitation, any municipal corporation with a 1884  
population of at least five thousand according to the most recent 1885  
federal decennial census; county; township with a population of at 1886  
least five thousand in the unincorporated area of the township 1887  
according to the most recent federal decennial census; school 1888  
district; governing authority of a community school established 1889  
under Chapter 3314. of the Revised Code; state institution of 1890  
higher learning; public or special district; state agency, 1891  
authority, commission, or board; or other branch of public 1892  
employment. "Public employer" does not include the nonprofit 1893  
corporation formed under section 187.01 of the Revised Code. 1894

(C) "Public employee" means any person holding a position by 1895

appointment or employment in the service of a public employer, 1896  
including any person working pursuant to a contract between a 1897  
public employer and a private employer and over whom the national 1898  
labor relations board has declined jurisdiction on the basis that 1899  
the involved employees are employees of a public employer, except: 1900

(1) Persons holding elective office; 1901

(2) Employees of the general assembly and employees of any 1902  
other legislative body of the public employer whose principal 1903  
duties are directly related to the legislative functions of the 1904  
body; 1905

(3) Employees on the staff of the governor or the chief 1906  
executive of the public employer whose principal duties are 1907  
directly related to the performance of the executive functions of 1908  
the governor or the chief executive; 1909

(4) Persons who are members of the Ohio organized militia, 1910  
while training or performing duty under section 5919.29 or 5923.12 1911  
of the Revised Code; 1912

(5) Employees of the state employment relations board, 1913  
including those employees of the state employment relations board 1914  
utilized by the state personnel board of review in the exercise of 1915  
the powers and the performance of the duties and functions of the 1916  
state personnel board of review; 1917

(6) Confidential employees; 1918

(7) Management level employees; 1919

(8) Employees and officers of the courts, assistants to the 1920  
attorney general, assistant prosecuting attorneys, and employees 1921  
of the clerks of courts who perform a judicial function; 1922

(9) Employees of a public official who act in a fiduciary 1923  
capacity, appointed pursuant to section 124.11 of the Revised 1924  
Code; 1925

(10) Supervisors;	1926
(11) Students whose primary purpose is educational training,	1927
including graduate assistants or associates, residents, interns,	1928
or other students working as part-time public employees less than	1929
fifty per cent of the normal year in the employee's bargaining	1930
unit;	1931
(12) Employees of county boards of election;	1932
(13) Seasonal and casual employees as determined by the state	1933
employment relations board;	1934
(14) Part-time faculty members of an institution of higher	1935
education;	1936
(15) Participants in a work activity, developmental activity,	1937
or alternative work activity under sections 5107.40 to 5107.69 of	1938
the Revised Code who perform a service for a public employer that	1939
the public employer needs but is not performed by an employee of	1940
the public employer if the participant is not engaged in paid	1941
employment or subsidized employment pursuant to the activity;	1942
(16) Employees included in the career professional service of	1943
the department of transportation under section 5501.20 of the	1944
Revised Code;	1945
(17) Employees of community-based correctional facilities and	1946
district community-based correctional facilities created under	1947
sections 2301.51 to 2301.58 of the Revised Code who are not	1948
subject to a collective bargaining agreement on June 1, 2005+.	1949
(D) "Employee organization" means any labor or bona fide	1950
organization in which public employees participate and that exists	1951
for the purpose, in whole or in part, of dealing with public	1952
employers concerning grievances, labor disputes, wages, hours,	1953
terms, and other conditions of employment.	1954
(E) "Exclusive representative" means the employee	1955



organization certified or recognized as an exclusive 1956  
representative under section 4117.05 of the Revised Code. 1957

(F) "Supervisor" means any individual who has authority, in 1958  
the interest of the public employer, to hire, transfer, suspend, 1959  
lay off, recall, promote, discharge, assign, reward, or discipline 1960  
other public employees; to responsibly direct them; to adjust 1961  
their grievances; or to effectively recommend such action, if the 1962  
exercise of that authority is not of a merely routine or clerical 1963  
nature, but requires the use of independent judgment, provided 1964  
that: 1965

(1) Employees of school districts who are department 1966  
chairpersons or consulting teachers shall not be deemed 1967  
supervisors; 1968

(2) With respect to members of a police or fire department, 1969  
no person shall be deemed a supervisor except the chief of the 1970  
department or those individuals who, in the absence of the chief, 1971  
are authorized to exercise the authority and perform the duties of 1972  
the chief of the department. Where prior to June 1, 1982, a public 1973  
employer pursuant to a judicial decision, rendered in litigation 1974  
to which the public employer was a party, has declined to engage 1975  
in collective bargaining with members of a police or fire 1976  
department on the basis that those members are supervisors, those 1977  
members of a police or fire department do not have the rights 1978  
specified in this chapter for the purposes of future collective 1979  
bargaining. The state employment relations board shall decide all 1980  
disputes concerning the application of division (F)(2) of this 1981  
section. 1982

(3) With respect to faculty members of a state institution of 1983  
higher education, heads of departments or divisions are 1984  
supervisors; however, no other faculty member or group of faculty 1985  
members is a supervisor solely because the faculty member or group 1986  
of faculty members participate in decisions with respect to 1987

courses, curriculum, personnel, or other matters of academic 1988  
policy; 1989

(4) No teacher as defined in section 3319.09 of the Revised 1990  
Code shall be designated as a supervisor or a management level 1991  
employee unless the teacher is employed under a contract governed 1992  
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 1993  
is assigned to a position for which a license deemed to be for 1994  
administrators under state board rules is required pursuant to 1995  
section 3319.22 of the Revised Code. 1996

(G) "To bargain collectively" means to perform the mutual 1997  
obligation of the public employer, by its representatives, and the 1998  
representatives of its employees to negotiate in good faith at 1999  
reasonable times and places with respect to wages, hours, terms, 2000  
and other conditions of employment and the continuation, 2001  
modification, or deletion of an existing provision of a collective 2002  
bargaining agreement, with the intention of reaching an agreement, 2003  
or to resolve questions arising under the agreement. "To bargain 2004  
collectively" includes executing a written contract incorporating 2005  
the terms of any agreement reached. The obligation to bargain 2006  
collectively does not mean that either party is compelled to agree 2007  
to a proposal nor does it require the making of a concession. 2008

(H) "Strike" means continuous concerted action in failing to 2009  
report to duty; willful absence from one's position; or stoppage 2010  
of work in whole from the full, faithful, and proper performance 2011  
of the duties of employment, for the purpose of inducing, 2012  
influencing, or coercing a change in wages, hours, terms, and 2013  
other conditions of employment. "Strike" does not include a 2014  
stoppage of work by employees in good faith because of dangerous 2015  
or unhealthful working conditions at the place of employment that 2016  
are abnormal to the place of employment. 2017

(I) "Unauthorized strike" includes, but is not limited to, 2018  
concerted action during the term or extended term of a collective 2019

bargaining agreement or during the pendency of the settlement 2020  
procedures set forth in section 4117.14 of the Revised Code in 2021  
failing to report to duty; willful absence from one's position; 2022  
stoppage of work; slowdown, or abstinence in whole or in part from 2023  
the full, faithful, and proper performance of the duties of 2024  
employment for the purpose of inducing, influencing, or coercing a 2025  
change in wages, hours, terms, and other conditions of employment. 2026  
"Unauthorized strike" includes any such action, absence, stoppage, 2027  
slowdown, or abstinence when done partially or intermittently, 2028  
whether during or after the expiration of the term or extended 2029  
term of a collective bargaining agreement or during or after the 2030  
pendency of the settlement procedures set forth in section 4117.14 2031  
of the Revised Code. 2032

(J) "Professional employee" means any employee engaged in 2033  
work that is predominantly intellectual, involving the consistent 2034  
exercise of discretion and judgment in its performance and 2035  
requiring knowledge of an advanced type in a field of science or 2036  
learning customarily acquired by a prolonged course in an 2037  
institution of higher learning or a hospital, as distinguished 2038  
from a general academic education or from an apprenticeship; or an 2039  
employee who has completed the courses of specialized intellectual 2040  
instruction and is performing related work under the supervision 2041  
of a professional person to become qualified as a professional 2042  
employee. 2043

(K) "Confidential employee" means any employee who works in 2044  
the personnel offices of a public employer and deals with 2045  
information to be used by the public employer in collective 2046  
bargaining; or any employee who works in a close continuing 2047  
relationship with public officers or representatives directly 2048  
participating in collective bargaining on behalf of the employer. 2049

(L) "Management level employee" means an individual who 2050  
formulates policy on behalf of the public employer, who 2051

responsibly directs the implementation of policy, or who may 2052  
reasonably be required on behalf of the public employer to assist 2053  
in the preparation for the conduct of collective negotiations, 2054  
administer collectively negotiated agreements, or have a major 2055  
role in personnel administration. Assistant superintendents, 2056  
principals, and assistant principals whose employment is governed 2057  
by section 3319.02 of the Revised Code are management level 2058  
employees. With respect to members of a faculty of a state 2059  
institution of higher education, no person is a management level 2060  
employee because of the person's involvement in the formulation or 2061  
implementation of academic or institution policy. 2062

(M) "Wages" means hourly rates of pay, salaries, or other 2063  
forms of compensation for services rendered. 2064

(N) "Member of a police department" means a person who is in 2065  
the employ of a police department of a municipal corporation as a 2066  
full-time regular police officer as the result of an appointment 2067  
from a duly established civil service eligibility list or under 2068  
section 737.15 or 737.16 of the Revised Code, a full-time deputy 2069  
sheriff appointed under section 311.04 of the Revised Code, a 2070  
township constable appointed under section 509.01 of the Revised 2071  
Code, or a member of a township police district police department 2072  
appointed under section 505.49 of the Revised Code. 2073

(O) "Members of the state highway patrol" means highway 2074  
patrol troopers and radio operators appointed under section 2075  
5503.01 of the Revised Code. 2076

(P) "Member of a fire department" means a person who is in 2077  
the employ of a fire department of a municipal corporation or a 2078  
township as a fire cadet, full-time regular firefighter, or 2079  
promoted rank as the result of an appointment from a duly 2080  
established civil service eligibility list or under section 2081  
505.38, 709.012, or 737.22 of the Revised Code. 2082

(Q) "Day" means calendar day. 2083

**Section 2.** That existing sections 1.60, 102.01, 102.02, 2084  
102.022, 117.01, 121.01, 121.22, 121.41, 121.60, 121.67, 122.011, 2085  
124.01, 145.012, 149.011, 2921.01, and 4117.01 of the Revised Code 2086  
are hereby repealed. 2087

**Section 3.** The Supreme Court of Ohio shall have exclusive, 2088  
original jurisdiction over any claim asserting that any one or 2089  
more sections of the Revised Code amended or enacted by this act, 2090  
or any portion of one or more of those sections, or any rule 2091  
adopted under one or more of those sections, violates any 2092  
provision of the Ohio Constitution; and over any claim asserting 2093  
that any action taken pursuant to those sections by the Governor 2094  
or the nonprofit corporation formed under section 187.01 of the 2095  
Revised Code violates any provision of the Ohio Constitution or 2096  
any provision of the Revised Code. Any such claim shall be filed 2097  
as otherwise required by the Court's rules of practice not later 2098  
than the sixtieth day after the effective date of this act. If any 2099  
claim over which the Supreme Court is granted exclusive, original 2100  
jurisdiction by this section is filed in any lower court, the 2101  
claim shall be dismissed by the court on the ground that the court 2102  
lacks jurisdiction to review it. 2103

**Section 4.** Section 145.012 of the Revised Code is presented 2104  
in this act as a composite of the section as amended by both Am. 2105  
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 2106  
General Assembly, applying the principle stated in division (B) of 2107  
section 1.52 of the Revised Code that amendments are to be 2108  
harmonized if reasonably capable of simultaneous operation, finds 2109  
that the composite is the resulting version of the section in 2110  
effect prior to the effective date of the section as presented in 2111  
this act. 2112

**Section 5.** The Director of Development, in consultation with 2113  
the Director of Budget and Management, shall find within the 2114  
Department of Development's total unexpended and unencumbered 2115  
fiscal year 2011 General Revenue Fund appropriation an amount not 2116  
to exceed \$1,000,000 in order to establish and operate the 2117  
JobsOhio corporation established in Chapter 187. of the Revised 2118  
Code. The Director of Development shall identify appropriation 2119  
items within the General Revenue Fund that are to be reduced for 2120  
this purpose, and any reduction in appropriations to these items 2121  
pursuant to this section shall not collectively exceed \$1,000,000. 2122  
The amounts identified by the Director are hereby appropriated in 2123  
General Revenue Fund appropriation item 195527, JobsOhio, for 2124  
transition and start-up costs of the JobsOhio corporation. Nothing 2125  
in this section shall be construed as increasing or decreasing the 2126  
Department of Development's total fiscal year 2011 General Revenue 2127  
Fund appropriation. 2128

The Department of Development shall prepare and, not later 2129  
than six months after the effective date of this section, submit 2130  
to the Controlling Board a report detailing the use of the funds 2131  
appropriated under this section. The Department of Development 2132  
shall submit to the Controlling Board a report not later than 2133  
every six months thereafter detailing the use of the funds 2134  
appropriated under this section, until those funds have all been 2135  
used. 2136

**Section 6.** Sections 1, 2, 3, 4, 5, and 6 of this act are not 2137  
subject to the referendum because they are or they relate to an 2138  
appropriation for current expenses within the meaning of Ohio 2139  
Constitution, Article II, Section 1d, and section 1.471 of the 2140  
Revised Code, and therefore those sections take effect immediately 2141  
when this act becomes law. 2142