

As Reported by the Senate Judiciary--Civil Justice Committee

126th General Assembly

Regular Session

2005-2006

Sub. H. B. No. 9

**Representatives Oelslager, Flowers, Buehrer, White, Trakas, Aslanides,
Beatty, Blessing, Book, Carano, Cassell, Chandler, Collier, DeBose,
Domenick, Evans, C., Evans, D., Fende, Fessler, Garrison, Hagan, Hartnett,
Harwood, Healy, Key, Law, Mason, McGregor, R., Otterman, Patton, T.,
Peterson, Redfern, Reidelbach, Sayre, Schneider, Seitz, Setzer, Skindell,
Willamowski, Williams, Woodard, Yuko**

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A B I L L

To amend sections 149.011, 149.31, 149.38, 149.39, 1
149.41, 149.42, 149.43, 321.46, 2923.129, 2
3319.321, and 4123.88 and to enact sections 3
109.43, 149.411, and 149.412 of the Revised Code 4
and to amend Section 1 of Sub. H.B. 101 of the 5
126th General Assembly to revise the Public 6
Records Law, to create a library records 7
commission in each public library and a special 8
taxing district records commission in each special 9
taxing district, to allow county treasurers to use 10
certain public records training to satisfy part of 11
their continuing education requirement, to extend 12
the Local Government Public Notice Task Force 13
until May 1, 2008, and to revise the records 14
commissions laws. 15

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

Section 1. That sections 149.011, 149.31, 149.38, 149.39, 16

149.41, 149.42, 149.43, 321.46, 2923.129, 3319.321, and 4123.88 be 17
amended and sections 109.43, 149.411, and 149.412 of the Revised 18
Code be enacted to read as follows: 19

Sec. 109.43. (A) As used in this section: 20

(1) "Designee" means a designee of the elected official in 21
the public office if that elected official is the only elected 22
official in the public office involved or a designee of all of the 23
elected officials in the public office if the public office 24
involved includes more than one elected official. 25

(2) "Elected official" means an official elected to a local 26
or statewide office. "Elected official" does not include the chief 27
justice or a justice of the supreme court, a judge of a court of 28
appeals, court of common pleas, municipal court, or county court, 29
or a clerk of any of those courts. 30

(3) "Public office" has the same meaning as in section 31
149.011 of the Revised Code. 32

(4) "Public record" has the same meaning as in section 149.43 33
of the Revised Code. 34

(B) The attorney general shall develop, provide, and certify 35
training programs and seminars for all elected officials or their 36
appropriate designees in order to enhance the officials' knowledge 37
of the duty to provide access to public records as required by 38
section 149.43 of the Revised Code. The training shall be three 39
hours for every term of office for which the elected official was 40
appointed or elected to the public office involved. The training 41
shall provide elected officials or their appropriate designees 42
with guidance in developing and updating their offices' policies 43
as required under section 149.43 of the Revised Code. The 44
successful completion by an elected official or by an elected 45
official's appropriate designee of the training requirements 46

established by the attorney general under this section shall
satisfy the education requirements imposed on elected officials or
their appropriate designees under division (E) of section 149.43
of the Revised Code. Prior to providing the training programs and
seminars under this section to satisfy the education requirements
imposed on elected officials or their appropriate designees under
division (E) of section 149.43 of the Revised Code, the attorney
general shall ensure that the training programs and seminars are
accredited by the commission on continuing legal education
established by the supreme court.

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(C) The attorney general shall not charge any elected
official or the appropriate designee of any elected official any
fee for attending the training programs and seminars that the
attorney general conducts under this section. The attorney general
may allow the attendance of any other interested persons at any of
the training programs or seminars that the attorney general
conducts under this section and shall not charge the person any
fee for attending the training program or seminar.

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(D) In addition to developing, providing, and certifying
training programs and seminars as required under division (B) of
this section, the attorney general may contract with one or more
other state agencies, political subdivisions, or other public or
private entities to conduct the training programs and seminars for
elected officials or their appropriate designees under this
section. The contract may provide for the attendance of any other
interested persons at any of the training programs or seminars
conducted by the contracting state agency, political subdivision,
or other public or private entity. The contracting state agency,
political subdivision, or other public or private entity may
charge an elected official, an elected official's appropriate
designee, or an interested person a registration fee for attending
the training program or seminar conducted by that contracting

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agency, political subdivision, or entity pursuant to a contract 79
entered into under this division. The attorney general shall 80
determine a reasonable amount for the registration fee based on 81
the actual and necessary expenses associated with the training 82
programs and seminars. If the contracting state agency, political 83
subdivision, or other public or private entity charges an elected 84
official or an elected official's appropriate designee a 85
registration fee for attending the training program or seminar 86
conducted pursuant to a contract entered into under this division 87
by that contracting agency, political subdivision, or entity, the 88
public office for which the elected official was appointed or 89
elected to represent may use the public office's own funds to pay 90
for the cost of the registration fee. 91

(E) The attorney general shall develop and provide to all 92
public offices a model public records policy for responding to 93
public records requests in compliance with section 149.43 of the 94
Revised Code in order to provide guidance to public offices in 95
developing their own public record policies for responding to 96
public records requests in compliance with that section. 97

(F) The attorney general may provide any other appropriate 98
training or educational programs about Ohio's "Sunshine Laws," 99
sections 121.22 and 149.43 of the Revised Code, as may be 100
developed and offered by the attorney general or by the attorney 101
general in collaboration with one or more other state agencies, 102
political subdivisions, or other public or private entities. 103

(G) The auditor of state, in the course of an annual or 104
biennial audit of a public office pursuant to Chapter 117. of the 105
Revised Code, shall audit the public office for compliance with 106
this section and division (E) of section 149.43 of the Revised 107
Code. 108

Sec. 149.011. As used in this chapter, except as otherwise 109

<u>provided:</u>	110
(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.	111 112 113 114
(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.	115 116 117 118 119 120 121
(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.	122 123 124 125 126 127
(D) "Public official" includes all officers, employees, or duly authorized representatives or agents of a public office.	128 129
(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.	130 131 132
(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.	133 134 135
(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,	136 137 138 139 140

which serves to document the organization, functions, policies, 141
decisions, procedures, operations, or other activities of the 142
office. 143

Sec. 149.31. (A) The Ohio historical society, in addition to 144
its other functions, shall function as the state archives 145
administration for the state and its political subdivisions. 146

It shall be the function of the state archives administration 147
to preserve government archives, documents, and records of 148
historical value that may come into its possession from public or 149
private sources. 150

The archives administration shall evaluate, preserve, 151
arrange, service repair, or make other disposition of, ~~such as~~ 152
including transfer to public libraries, county historical 153
societies, state universities, or other public or quasi-public 154
institutions, agencies, or corporations, ~~of~~ those public records 155
of the state and its political subdivisions that may come into its 156
possession under this section. ~~Such~~ Those public records shall be 157
transferred by written agreement only, and only to public or 158
quasi-public institutions, agencies, or corporations capable of 159
meeting accepted archival standards for housing and use. 160

The archives administration shall be headed by a trained 161
archivist designated by the Ohio historical society, and shall 162
make its services available to county, ~~city~~ municipal, township, 163
~~and~~ school district, library, and special taxing district records 164
commissions upon request. The archivist shall be designated as the 165
"state archivist." 166

(B) The archives administration may purchase or procure for 167
itself, or authorize the board of trustees of an archival 168
institution to purchase or procure, from an insurance company 169
licensed to do business in this state policies of insurance 170

insuring the administration or the members of the board and their 171
officers, employees, and agents against liability on account of 172
damage or injury to persons and property resulting from any act or 173
omission of the board members, officers, employees, and agents in 174
their official capacity. 175

(C) Notwithstanding any other provision of the Revised Code 176
to the contrary, the archives administration may establish a fee 177
schedule, which may include the cost of labor, for researching, 178
retrieving, copying, and mailing copies of public records in the 179
state archives. Revisions to the fee schedule shall be subject to 180
approval by the board of trustees of the Ohio historical society. 181

Sec. 149.38. (A) There is hereby created in each county a 182
county records commission, composed of ~~the president~~ a member of 183
the board of county commissioners as chairperson, the prosecuting 184
attorney, the auditor, the recorder, and the clerk of the court of 185
common pleas. The commission shall appoint a secretary, who may or 186
may not be a member of the commission and who shall serve at the 187
pleasure of the commission. The commission may employ an archivist 188
or records manager to serve under its direction. The commission 189
shall meet at least once every six months, and upon call of the 190
chairperson. 191

(B) The functions of the county records commission shall be 192
to provide rules for retention and disposal of records of the 193
county and to review applications for one-time ~~records~~ disposal of of 194
obsolete records and schedules of records retention and ~~disposal~~ 195
disposition submitted by county offices. ~~Records may be disposed~~ 196
~~of by the~~ The commission may dispose of records pursuant to the 197
procedure outlined in this section. The commission, at any time, 198
may review any schedule it has previously approved and, for good 199
cause shown, may revise that schedule, subject to division (D) of 200
this section. 201

(C) When the county records commission has approved any 202
county ~~records~~ application for one-time disposal, ~~a copy of a list~~ 203
~~of these~~ obsolete records ~~shall be sent~~ or any schedule of records 204
retention and disposition, the commission shall send that 205
application or schedule to the Ohio historical society for its 206
review. The Ohio historical society shall review the application 207
or schedule within a period of not more than sixty days after its 208
receipt of it. Upon completion of its review, the Ohio historical 209
society shall forward the application for one-time disposal of 210
obsolete records or the schedule of records retention and 211
disposition to the auditor of state. ~~If the auditor of state~~ 212
~~disapproves the action by the commission in whole or in part, the~~ 213
~~auditor of state shall so inform the commission for the auditor's~~ 214
approval or disapproval. The auditor shall approve or disapprove 215
the application or schedule within a period of not more than sixty 216
days, and those records shall not be destroyed after receipt of 217
it. Before public records are to be disposed of, the commission 218
shall inform the Ohio historical society of the disposal through 219
the submission of a certificate of records disposal and shall give 220
the society the opportunity for a period of ~~sixty~~ fifteen business 221
days to select for its custody ~~such~~ those records ~~as that~~ it 222
considers to be of continuing historical value. ~~When the Ohio~~ 223
~~historical society is so informed that public records are to be~~ 224
~~disposed of~~ Upon the expiration of the fifteen-business-day 225
period, the county records commission also shall notify the public 226
libraries, county historical society, state universities, and any 227
other public or quasi-public institutions, agencies, or 228
corporations in the county that have provided the commission with 229
their name and address for these notification purposes, that the 230
commission has informed the Ohio historical society ~~has been so~~ 231
~~informed~~ of the records disposal and that the notified entities, 232
upon written agreement with the Ohio historical society pursuant 233
to section 149.31 of the Revised Code, may select records of 234

continuing historical value, including records that may be 235
distributed to any of the notified entities under section 149.31 236
of the Revised Code. 237

(D) The rules of the county records commission shall include 238
a rule that requires any receipts, checks, vouchers, or other 239
similar records pertaining to expenditures from the delinquent tax 240
and assessment collection fund created in section 321.261 of the 241
Revised Code, from the real estate assessment fund created in 242
section 325.31 of the Revised Code, or from amounts allocated for 243
the furtherance of justice to the county sheriff under section 244
325.071 of the Revised Code or to the prosecuting attorney under 245
section 325.12 of the Revised Code to be retained for at least 246
four years. 247

(E) No person shall knowingly violate the rule adopted under 248
division (D) of this section. Whoever violates that rule is guilty 249
of a misdemeanor of the first degree. 250

Sec. 149.39. There is hereby created in each municipal 251
corporation a records commission composed of the chief executive 252
or ~~his~~ the chief executive's appointed representative, as ~~chairman~~ 253
chairperson, and the chief fiscal officer, the chief legal 254
officer, and a citizen appointed by the chief executive. The 255
commission shall appoint a secretary, who may or may not be a 256
member of the commission and who shall serve at the pleasure of 257
the commission. The commission may employ an archivist or records 258
manager to serve under its direction. The commission shall meet at 259
least once every six months, and upon call of the ~~chairman~~ 260
chairperson. 261

The functions of the commission shall be to provide rules for 262
retention and disposal of records of the municipal corporation and 263
to review applications for one-time disposal of obsolete records 264
~~disposal~~ and schedules of records retention and disposition 265

submitted by municipal offices. ~~Records may be disposed of by the~~ 266
The commission may dispose of records pursuant to the procedure 267
outlined in this section. The commission ~~may~~ at any time may 268
review any schedule it has previously approved, and for good cause 269
shown may revise that schedule. 270

When the municipal records ~~have been~~ commission has approved 271
any application for one-time disposal, ~~a list of such obsolete~~ 272
records ~~shall be sent~~ or any schedule of records retention and 273
disposition, the commission shall send that application or 274
schedule to the Ohio historical society for its review. The Ohio 275
historical society shall review the application or schedule within 276
a period of not more than sixty days after its receipt of it. Upon 277
completion of its review, the Ohio historical society shall 278
forward the application for one-time disposal of obsolete records 279
or the schedule of records retention and disposition to the 280
auditor of state. ~~If he disapproves of the action by the municipal~~ 281
~~commission, in whole or in part, he shall so inform the commission~~ 282
for the auditor's approval or disapproval. The auditor shall 283
approve or disapprove the application or schedule within a period 284
of not more than sixty days and ~~these records shall not be~~ 285
~~destroyed~~ after receipt of it. Before public records are to be 286
disposed of, the commission shall inform the Ohio historical 287
society ~~shall be informed and given~~ of the disposal through the 288
submission of a certificate of records disposal and shall give the 289
society the opportunity for a period of ~~sixty~~ fifteen business 290
days to select for its custody ~~such~~ those public records ~~as~~ that 291
it considers to be of continuing historical value. 292

Sec. 149.41. There is hereby created in each city, local, 293
joint vocational, and exempted village school district a school 294
district records commission and in each educational service center 295
an educational service center records commission. Each records 296
commission shall be composed of the president, the treasurer of 297

the board of education or governing board of the educational 298
service center, and the superintendent of schools in each such 299
district or educational service center. The commission shall meet 300
at least once every twelve months. 301

The function of the commission shall be to review 302
applications for one-time disposal of obsolete records ~~disposal~~ 303
and schedules of records retention and disposition submitted by 304
any employee of the school district or educational service center. 305
~~Records may be disposed of by the~~ The commission may dispose of 306
records pursuant to the procedure outlined in this section. The 307
commission ~~may~~ at any time may review any schedule it has 308
previously approved, and for good cause shown may revise that 309
schedule. 310

When the school district records commission or the 311
educational service center records ~~have been~~ commission has 312
approved any application for one-time disposal, ~~a list of such~~ 313
obsolete records shall be sent or any schedule of records 314
retention and disposition, the appropriate commission shall send 315
that application or schedule to the Ohio historical society for 316
its review. The Ohio historical society shall review the 317
application or schedule within a period of not more than sixty 318
days after its receipt of it. Upon completion of its review, the 319
Ohio historical society shall forward the application for one-time 320
disposal of obsolete records or the schedule of records retention 321
and disposition to the auditor of state. ~~If he disapproves the~~ 322
~~action by the commission, in whole or in part, he shall so inform~~ 323
~~the commission~~ for the auditor's approval or disapproval. The 324
auditor shall approve or disapprove the application or schedule 325
within a period of not more than sixty days ~~and these records~~ 326
~~shall not be destroyed~~ after receipt of it. Before public records 327
are to be disposed of, the appropriate commission shall inform the 328
Ohio historical society ~~shall be informed and given~~ of the 329

disposal through the submission of a certificate of records 330
disposal and shall give the society the opportunity for a period 331
of ~~sixty~~ fifteen business days to select for its custody such 332
those public records as that it considers to be of continuing 333
historical value. The society may not review or select for its 334
custody either of the following: 335

(A) Records containing personally identifiable information 336
concerning any pupil attending a public school other than 337
directory information, as defined in section 3319.321 of the 338
Revised Code, without the written consent of the parent, guardian, 339
or custodian of each such pupil who is less than eighteen years of 340
age, or without the written consent of each such pupil who is 341
eighteen years of age or older; 342

(B) Records the release of which would, according to the 343
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 344
20 U.S.C.A. 1232g, disqualify a school or other educational 345
institution from receiving federal funds. 346

Sec. 149.411. There is hereby created in each county free 347
public library, municipal free public library, township free 348
public library, county library district, and regional library 349
district a library records commission composed of the members and 350
the clerk of the board of library trustees of the appropriate 351
public library or library district. The commission shall meet at 352
least once every twelve months. 353

The functions of the commission shall be to review 354
applications for one-time disposal of obsolete records and 355
schedules of records retention and disposition submitted by any 356
employee of the library. The commission may dispose of records 357
pursuant to the procedure outlined in this section. The commission 358
at any time may review any schedule it has previously approved and 359
for good cause shown may revise that schedule. 360

When the appropriate library records commission has approved 361
any library application for one-time disposal of obsolete records 362
or any schedule of records retention and disposition, the 363
commission shall send that application or schedule to the Ohio 364
historical society for its review. The Ohio historical society 365
shall review the application or schedule within a period of not 366
more than sixty days after its receipt of it. Upon completion of 367
its review, the Ohio historical society shall forward the 368
application for one-time disposal of obsolete records or the 369
schedule of records retention and disposition to the auditor of 370
state for the auditor's approval or disapproval. The auditor shall 371
approve or disapprove the application or schedule within a period 372
of not more than sixty days after receipt of it. Before public 373
records are to be disposed of, the commission shall inform the 374
Ohio historical society of the disposal through the submission of 375
a certificate of records disposal and shall give the society the 376
opportunity for a period of fifteen business days to select for 377
its custody those public records that it considers to be of 378
continuing historical value. The Ohio historical society may not 379
review or select for its custody any records pursuant to section 380
149.432 of the Revised Code. 381

Sec. 149.412. There is hereby created in each special taxing 382
district that is a public office as defined in section 149.011 of 383
the Revised Code and that is not specifically designated in 384
section 149.38, 149.39, 149.41, 149.411, or 149.42 of the Revised 385
Code a special taxing district records commission composed of, at 386
a minimum, the chairperson, a fiscal representative, and a legal 387
representative of the governing board of the special taxing 388
district. The commission shall meet at least once every twelve 389
months and upon the call of the chairperson. 390

The functions of the commission shall be to review 391

applications for one-time disposal of obsolete records and 392
schedules of records retention and disposition submitted by any 393
employee of the special taxing district. The commission may 394
dispose of records pursuant to the procedure outlined in this 395
section. The commission at any time may review any schedule it has 396
previously approved and for good cause shown may revise that 397
schedule. 398

When the special taxing district records commission has 399
approved any special taxing district application for one-time 400
disposal of obsolete records or any schedule of records retention 401
and disposition, the commission shall send that application or 402
schedule to the Ohio historical society for its review. The Ohio 403
historical society shall review the application or schedule within 404
a period of not more than sixty days after its receipt of it. Upon 405
completion of its review, the Ohio historical society shall 406
forward the application for one-time disposal of obsolete records 407
or the schedule of records retention and disposition to the 408
auditor of state for the auditor's approval or disapproval. The 409
auditor shall approve or disapprove the application or schedule 410
within a period of not more than sixty days after receipt of it. 411
Before public records are to be disposed of, the commission shall 412
inform the Ohio historical society of the disposal through the 413
submission of a certificate of records disposal and shall give the 414
society the opportunity for a period of fifteen business days to 415
select for its custody those public records that it considers to 416
be of continuing historical value. 417

Sec. 149.42. There is hereby created in each township a 418
township records commission, composed of the chairperson of the 419
board of township trustees and the fiscal officer of the township. 420
The commission shall meet at least once every twelve months, and 421
upon call of the chairperson. 422

The function of the commission shall be to review 423
applications for one-time disposal of obsolete records ~~disposal~~ 424
and schedules of records retention and disposition submitted by 425
township offices. ~~Records may be disposed of by the~~ The commission 426
may dispose of records pursuant to the procedure outlined in this 427
section. The commission ~~may~~ at any time may review any schedule it 428
has previously approved, and for good cause shown may revise that 429
schedule. 430

When the township records ~~have been~~ commission has approved 431
any township application for one-time disposal, ~~a list of the~~ 432
obsolete records shall be sent or any schedule of records 433
retention and disposition, the commission shall send that 434
application or schedule to the Ohio historical society for its 435
review. The Ohio historical society shall review the application 436
or schedule within a period of not more than sixty days after its 437
receipt of it. Upon completion of its review, the Ohio historical 438
society shall forward the application for one-time disposal of 439
obsolete records or the schedule of records retention and 440
disposition to the auditor of state. ~~If the auditor of state~~ 441
~~disapproves of the action by the commission, in whole or in part,~~ 442
~~the auditor of state shall so inform the commission~~ for the 443
auditor's approval or disapproval. The auditor shall approve or 444
disapprove the application or schedule within a period of not more 445
than sixty days, and these records shall not be destroyed after 446
receipt of it. Before public records are to be disposed of, the 447
commission shall inform the Ohio historical society ~~shall be~~ 448
~~informed and given~~ of the disposal through the submission of a 449
certificate of records disposal and shall give the society the 450
opportunity for a period of ~~sixty~~ fifteen business days to select 451
for its custody those public records that it considers to be of 452
continuing historical value. 453

Sec. 149.43. (A) As used in this section:	454
(1) "Public record" means records kept by any public office,	455
including, but not limited to, state, county, city, village,	456
township, and school district units, and records pertaining to the	457
delivery of educational services by an alternative school in Ohio	458
<u>this state</u> kept by a <u>the</u> nonprofit or for profit entity operating	459
such <u>the</u> alternative school pursuant to section 3313.533 of the	460
Revised Code. "Public record" does not mean any of the following:	461
(a) Medical records;	462
(b) Records pertaining to probation and parole proceedings or	463
to proceedings related to the imposition of community control	464
sanctions and post-release control sanctions;	465
(c) Records pertaining to actions under section 2151.85 and	466
division (C) of section 2919.121 of the Revised Code and to	467
appeals of actions arising under those sections;	468
(d) Records pertaining to adoption proceedings, including the	469
contents of an adoption file maintained by the department of	470
health under section 3705.12 of the Revised Code;	471
(e) Information in a record contained in the putative father	472
registry established by section 3107.062 of the Revised Code,	473
regardless of whether the information is held by the department of	474
job and family services or, pursuant to section 3111.69 of the	475
Revised Code, the office of child support in the department or a	476
child support enforcement agency;	477
(f) Records listed in division (A) of section 3107.42 of the	478
Revised Code or specified in division (A) of section 3107.52 of	479
the Revised Code;	480
(g) Trial preparation records;	481
(h) Confidential law enforcement investigatory records;	482

(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	483 484
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	485 486
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	487 488 489 490
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	491 492 493 494
(m) Intellectual property records;	495
(n) Donor profile records;	496
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	497 498
(p) Peace officer, firefighter, or EMT residential and familial information;	499 500
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	501 502 503 504 505
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	506 507
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	508 509 510 511 512

(t) Records provided to and statements made by the executive 513
director of a public children services agency or a prosecuting 514
attorney acting pursuant to section 5153.171 of the Revised Code 515
other than the information released under that section; 516

(u) Test materials, examinations, or evaluation tools used in 517
an examination for licensure as a nursing home administrator that 518
the board of examiners of nursing home administrators administers 519
under section 4751.04 of the Revised Code or contracts under that 520
section with a private or government entity to administer; 521

(v) Records the release of which is prohibited by state or 522
federal law; 523

(w) Proprietary information of or relating to any person that 524
is submitted to or compiled by the Ohio venture capital authority 525
created under section 150.01 of the Revised Code; 526

(x) Information reported and evaluations conducted pursuant 527
to section 3701.072 of the Revised Code; 528

(y) Financial statements and data any person submits for any 529
purpose to the Ohio housing finance agency or the controlling 530
board in connection with applying for, receiving, or accounting 531
for financial assistance from the agency, and information that 532
identifies any individual who benefits directly or indirectly from 533
financial assistance from the agency. 534

(2) "Confidential law enforcement investigatory record" means 535
any record that pertains to a law enforcement matter of a 536
criminal, quasi-criminal, civil, or administrative nature, but 537
only to the extent that the release of the record would create a 538
high probability of disclosure of any of the following: 539

(a) The identity of a suspect who has not been charged with 540
the offense to which the record pertains, or of an information 541
source or witness to whom confidentiality has been reasonably 542

promised;	543
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	544 545 546 547
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	548 549
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	550 551 552
(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.	553 554 555 556 557
(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.	558 559 560 561 562
(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.	563 564 565 566 567 568 569 570 571
(6) "Donor profile record" means all records about donors or	572

potential donors to a public institution of higher education 573
except the names and reported addresses of the actual donors and 574
the date, amount, and conditions of the actual donation. 575

(7) "Peace officer, firefighter, or EMT residential and 576
familial information" means either of the following: 577

(a) Any information maintained in a personnel record of a 578
peace officer, firefighter, or EMT that discloses any of the 579
following: 580

(i) The address of the actual personal residence of a peace 581
officer, firefighter, or EMT, except for the state or political 582
subdivision in which the peace officer, firefighter, or EMT 583
resides; 584

(ii) Information compiled from referral to or participation 585
in an employee assistance program; 586

(iii) The social security number, the residential telephone 587
number, any bank account, debit card, charge card, or credit card 588
number, or the emergency telephone number of, or any medical 589
information pertaining to, a peace officer, firefighter, or EMT; 590

(iv) The name of any beneficiary of employment benefits, 591
including, but not limited to, life insurance benefits, provided 592
to a peace officer, firefighter, or EMT by the peace officer's, 593
firefighter's, or EMT's employer; 594

(v) The identity and amount of any charitable or employment 595
benefit deduction made by the peace officer's, firefighter's, or 596
EMT's employer from the peace officer's, firefighter's, or EMT's 597
compensation unless the amount of the deduction is required by 598
state or federal law; 599

(vi) The name, the residential address, the name of the 600
employer, the address of the employer, the social security number, 601
the residential telephone number, any bank account, debit card, 602

charge card, or credit card number, or the emergency telephone
number of the spouse, a former spouse, or any child of a peace
officer, firefighter, or EMT. 603
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(b) Any record that identifies a person's occupation as a
peace officer, firefighter, or EMT other than statements required
to include the disclosure of that fact under the campaign finance
law. 606
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As used in divisions (A)(7) and (B)~~(5)~~(9) of this section,
"peace officer" has the same meaning as in section 109.71 of the
Revised Code and also includes the superintendent and troopers of
the state highway patrol; it does not include the sheriff of a
county or a supervisory employee who, in the absence of the
sheriff, is authorized to stand in for, exercise the authority of,
and perform the duties of the sheriff. 610
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As used in divisions (A)(7) and (B)~~(5)~~(9) of this section,
"firefighter" means any regular, paid or volunteer, member of a
lawfully constituted fire department of a municipal corporation,
township, fire district, or village. 617
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As used in divisions (A)(7) and (B)~~(5)~~(9) of this section,
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide
emergency medical services for a public emergency medical service
organization. "Emergency medical service organization,"
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in
section 4765.01 of the Revised Code. 621
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(8) "Information pertaining to the recreational activities of
a person under the age of eighteen" means information that is kept
in the ordinary course of business by a public office, that
pertains to the recreational activities of a person under the age
of eighteen years, and that discloses any of the following: 627
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(a) The address or telephone number of a person under the age
of eighteen or the address or telephone number of that person's 632
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parent, guardian, custodian, or emergency contact person; 634

(b) The social security number, birth date, or photographic 635
image of a person under the age of eighteen; 636

(c) Any medical record, history, or information pertaining to 637
a person under the age of eighteen; 638

(d) Any additional information sought or required about a 639
person under the age of eighteen for the purpose of allowing that 640
person to participate in any recreational activity conducted or 641
sponsored by a public office or to use or obtain admission 642
privileges to any recreational facility owned or operated by a 643
public office. 644

(9) "Community control sanction" has the same meaning as in 645
section 2929.01 of the Revised Code. 646

(10) "Post-release control sanction" has the same meaning as 647
in section 2967.01 of the Revised Code. 648

(11) "Redaction" means obscuring or deleting any information 649
that is exempt from the duty to permit public inspection or 650
copying from an item that otherwise meets the definition of a 651
"record" in section 149.011 of the Revised Code. 652

(12) "Designee" and "elected official" have the same meanings 653
as in section 109.43 of the Revised Code. 654

(B)(1) ~~Subject~~ Upon request and subject to division (B)~~(4)~~(8) 655
of this section, all public records responsive to the request 656
shall be promptly prepared and made available for inspection to 657
any person at all reasonable times during regular business hours. 658
Subject to division (B)~~(4)~~(8) of this section, upon request, a 659
public office or person responsible for public records shall make 660
copies of the requested public record available at cost, and 661
within a reasonable period of time. ~~In order to facilitate broader 662
access to public records, public offices shall maintain public 663~~

~~records in a manner that they can be made available for inspection~~ 664
~~in accordance with this division. If a public record contains~~ 665
~~information that is exempt from the duty to permit public~~ 666
~~inspection or to copy the public record, the public office or the~~ 667
~~person responsible for the public record shall make available all~~ 668
~~of the information within the public record that is not exempt.~~ 669
~~When making that public record available for public inspection or~~ 670
~~copying that public record, the public office or the person~~ 671
~~responsible for the public record shall notify the requester of~~ 672
~~any redaction or make the redaction plainly visible. A redaction~~ 673
~~shall be deemed a denial of a request to inspect or copy the~~ 674
~~redacted information, except if federal or state law authorizes or~~ 675
~~requires a public office to make the redaction.~~ 676

(2) To facilitate broader access to public records, a public 677
office or the person responsible for public records shall organize 678
and maintain public records in a manner that they can be made 679
available for inspection or copying in accordance with division 680
(B) of this section. A public office also shall have available a 681
copy of its current records retention schedule at a location 682
readily available to the public. If a requester makes an ambiguous 683
or overly broad request or has difficulty in making a request for 684
copies or inspection of public records under this section such 685
that the public office or the person responsible for the requested 686
public record cannot reasonably identify what public records are 687
being requested, the public office or the person responsible for 688
the requested public record may deny the request but shall provide 689
the requester with an opportunity to revise the request by 690
informing the requester of the manner in which records are 691
maintained by the public office and accessed in the ordinary 692
course of the public office's or person's duties. 693

(3) If a request is ultimately denied, in part or in whole, 694
the public office or the person responsible for the requested 695

public record shall provide the requester with an explanation, 696
including legal authority, setting forth why the request was 697
denied. If the initial request was provided in writing, the 698
explanation also shall be provided to the requester in writing. 699
The explanation shall not preclude the public office or the person 700
responsible for the requested public record from relying upon 701
additional reasons or legal authority in defending an action 702
commenced under division (C) of this section. 703

(4) Unless specifically required or authorized by state or 704
federal law or in accordance with division (B) of this section, no 705
public office or person responsible for public records may limit 706
or condition the availability of public records by requiring 707
disclosure of the requester's identity or the intended use of the 708
requested public record. Any requirement that the requester 709
disclose the requestor's identity or the intended use of the 710
requested public record constitutes a denial of the request. 711

(5) A public office or person responsible for public records 712
may ask a requester to make the request in writing, may ask for 713
the requester's identity, and may inquire about the intended use 714
of the information requested, but may do so only after disclosing 715
to the requester that a written request is not mandatory and that 716
the requester may decline to reveal the requester's identity or 717
the intended use and when a written request or disclosure of the 718
identity or intended use would benefit the requester by enhancing 719
the ability of the public office or person responsible for public 720
records to identify, locate, or deliver the public records sought 721
by the requester. 722

~~(2)~~(6) If any person chooses to obtain a copy of a public 723
record in accordance with division (B)~~(1)~~ of this section, the 724
public office or person responsible for the public record may 725
require that person to pay in advance the cost involved in 726
providing the copy of the public record in accordance with the 727

choice made by the person seeking the copy under this division. 728
The public office or the person responsible for the public record 729
shall permit that person to choose to have the public record 730
duplicated upon paper, upon the same medium upon which the public 731
office or person responsible for the public record keeps it, or 732
upon any other medium upon which the public office or person 733
responsible for the public record determines that it reasonably 734
can be duplicated as an integral part of the normal operations of 735
the public office or person responsible for the public record. 736
When the person seeking the copy makes a choice under this 737
division, the public office or person responsible for the public 738
record shall provide a copy of it in accordance with the choice 739
made by the person seeking the copy. Nothing in this section 740
requires a public office or person responsible for the public 741
record to allow the person seeking a copy of the public record to 742
make the copies of the public record. 743

~~(3)~~(7) Upon a request made in accordance with division (B)~~(1)~~ 744
of this section and subject to division (B)(6) of this section, a 745
public office or person responsible for public records shall 746
transmit a copy of a public record to any person by United States 747
mail or by any other means of delivery or transmission within a 748
reasonable period of time after receiving the request for the 749
copy. The public office or person responsible for the public 750
record may require the person making the request to pay in advance 751
the cost of postage if the copy is transmitted by United States 752
mail or the cost of delivery if the copy is transmitted other than 753
by United States mail, and to pay in advance the costs incurred 754
for other supplies used in the mailing, delivery, or transmission. 755

Any public office may adopt a policy and procedures that it 756
will follow in transmitting, within a reasonable period of time 757
after receiving a request, copies of public records by United 758
States mail or by any other means of delivery or transmission 759

pursuant to this division. A public office that adopts a policy 760
and procedures under this division shall comply with them in 761
performing its duties under this division. 762

In any policy and procedures adopted under this division, a 763
public office may limit the number of records requested by a 764
person that the office will transmit by United States mail to ten 765
per month, unless the person certifies to the office in writing 766
that the person does not intend to use or forward the requested 767
records, or the information contained in them, for commercial 768
purposes. For purposes of this division, "commercial" shall be 769
narrowly construed and does not include reporting or gathering 770
news, reporting or gathering information to assist citizen 771
oversight or understanding of the operation or activities of 772
government, or nonprofit educational research. 773

~~(4)~~(8) A public office or person responsible for public 774
records is not required to permit a person who is incarcerated 775
pursuant to a criminal conviction or a juvenile adjudication to 776
inspect or to obtain a copy of any public record concerning a 777
criminal investigation or prosecution or concerning what would be 778
a criminal investigation or prosecution if the subject of the 779
investigation or prosecution were an adult, unless the request to 780
inspect or to obtain a copy of the record is for the purpose of 781
acquiring information that is subject to release as a public 782
record under this section and the judge who imposed the sentence 783
or made the adjudication with respect to the person, or the 784
judge's successor in office, finds that the information sought in 785
the public record is necessary to support what appears to be a 786
justiciable claim of the person. 787

~~(5)~~(9) Upon written request made and signed by a journalist 788
on or after December 16, 1999, a public office, or person 789
responsible for public records, having custody of the records of 790
the agency employing a specified peace officer, firefighter, or 791

EMT shall disclose to the journalist the address of the actual 792
personal residence of the peace officer, firefighter, or EMT and, 793
if the peace officer's, firefighter's, or EMT's spouse, former 794
spouse, or child is employed by a public office, the name and 795
address of the employer of the peace officer's, firefighter's, or 796
EMT's spouse, former spouse, or child. The request shall include 797
the journalist's name and title and the name and address of the 798
journalist's employer and shall state that disclosure of the 799
information sought would be in the public interest. 800

As used in this division ~~(B)(5) of this section~~, "journalist" 801
means a person engaged in, connected with, or employed by any news 802
medium, including a newspaper, magazine, press association, news 803
agency, or wire service, a radio or television station, or a 804
similar medium, for the purpose of gathering, processing, 805
transmitting, compiling, editing, or disseminating information for 806
the general public. 807

(C)(1) If a person allegedly is aggrieved by the failure of a 808
public office or the person responsible for public records to 809
promptly prepare a public record and to make it available to the 810
person for inspection in accordance with division (B) of this 811
section, ~~or if a person who has requested a copy of a public~~ 812
~~record allegedly is aggrieved by the~~ any other failure of a public 813
office ~~or the person responsible for the public record to make a~~ 814
~~copy available to the person allegedly aggrieved~~ or the person 815
responsible for public records to comply with an obligation in 816
accordance with division (B) of this section, the person allegedly 817
aggrieved may commence a mandamus action to obtain a judgment that 818
orders the public office or the person responsible for the public 819
record to comply with division (B) of this section ~~and~~, that 820
awards court costs and reasonable attorney's fees to the person 821
that instituted the mandamus action, and, if applicable, that 822
includes an order fixing statutory damages under division (C)(1) 823

of this section. The mandamus action may be commenced in the court 824
of common pleas of the county in which division (B) of this 825
section allegedly was not complied with, in the supreme court 826
pursuant to its original jurisdiction under Section 2 of Article 827
IV, Ohio Constitution, or in the court of appeals for the 828
appellate district in which division (B) of this section allegedly 829
was not complied with pursuant to its original jurisdiction under 830
Section 3 of Article IV, Ohio Constitution. 831

If a requestor transmits a written request by hand delivery 832
or certified mail to inspect or receive copies of any public 833
record in a manner that fairly describes the public record or 834
class of public records to the public office or person responsible 835
for the requested public records, except as otherwise provided in 836
this section, the requestor shall be entitled to recover the 837
amount of statutory damages set forth in this division if a court 838
determines that the public office or the person responsible for 839
public records failed to comply with an obligation in accordance 840
with division (B) of this section. 841

The amount of statutory damages shall be fixed at one hundred 842
dollars for each business day during which the public office or 843
person responsible for the requested public records failed to 844
comply with an obligation in accordance with division (B) of this 845
section, beginning with the day on which the requester files a 846
mandamus action to recover statutory damages, up to a maximum of 847
one thousand dollars. The award of statutory damages shall not be 848
construed as a penalty, but as compensation for injury arising 849
from lost use of the requested information. The existence of this 850
injury shall be conclusively presumed. The award of statutory 851
damages shall be in addition to all other remedies authorized by 852
this section. 853

The court may reduce an award of statutory damages or not 854
award statutory damages if the court determines both of the 855

following: 856

(a) That, based on the ordinary application of statutory law 857
and case law as it existed at the time of the conduct or 858
threatened conduct of the public office or person responsible for 859
the requested public records that allegedly constitutes a failure 860
to comply with an obligation in accordance with division (B) of 861
this section and that was the basis of the mandamus action, a 862
well-informed public office or person responsible for the 863
requested public records reasonably would believe that the conduct 864
or threatened conduct of the public office or person responsible 865
for the requested public records did not constitute a failure to 866
comply with an obligation in accordance with division (B) of this 867
section; 868

(b) That a well-informed public office or person responsible 869
for the requested public records reasonably would believe that the 870
conduct or threatened conduct of the public office or person 871
responsible for the requested public records would serve the 872
public policy that underlies the authority that is asserted as 873
permitting that conduct or threatened conduct. 874

(2)(a) If the court issues a writ of mandamus that orders the 875
public office or the person responsible for the public record to 876
comply with division (B) of this section and determines that the 877
circumstances described in division (C)(1) of this section exist, 878
the court shall determine and award to the relator all court 879
costs. 880

(b) If the court renders a judgment that orders the public 881
office or the person responsible for the public record to comply 882
with division (B) of this section, the court may award reasonable 883
attorney's fees subject to reduction as described in division 884
(C)(2)(c) of this section. The court shall award reasonable 885
attorney's fees, subject to reduction as described in division 886

(C)(2)(c) of this section when either of the following applies: 887

(i) The public office or the person responsible for the 888
public records failed to respond affirmatively or negatively to 889
the public records request in accordance with the time allowed 890
under division (B) of this section. 891

(ii) The public office or the person responsible for the 892
public records promised to permit the relator to inspect or 893
receive copies of the public records requested within a specified 894
period of time but failed to fulfill that promise within that 895
specified period of time. 896

(c) Court costs and reasonable attorney's fees awarded under 897
this section shall be construed as remedial and not punitive. 898
Reasonable attorney's fees shall include reasonable fees incurred 899
to produce proof of the reasonableness and amount of the fees and 900
to otherwise litigate entitlement to the fees. The court may 901
reduce an award of attorney's fees to the relator or not award 902
attorney's fees to the relator if the court determines both of the 903
following: 904

(i) That, based on the ordinary application of statutory law 905
and case law as it existed at the time of the conduct or 906
threatened conduct of the public office or person responsible for 907
the requested public records that allegedly constitutes a failure 908
to comply with an obligation in accordance with division (B) of 909
this section and that was the basis of the mandamus action, a 910
well-informed public office or person responsible for the 911
requested public records reasonably would believe that the conduct 912
or threatened conduct of the public office or person responsible 913
for the requested public records did not constitute a failure to 914
comply with an obligation in accordance with division (B) of this 915
section; 916

(ii) That a well-informed public office or person responsible 917

for the requested public records reasonably would believe that the
conduct or threatened conduct of the public office or person
responsible for the requested public records as described in
division (C)(2)(c)(i) of this section would serve the public
policy that underlies the authority that is asserted as permitting
that conduct or threatened conduct.

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(D) Chapter 1347. of the Revised Code does not limit the
provisions of this section.

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(E)(1) To ensure that all employees of public offices are
appropriately educated about a public office's obligations under
division (B) of this section, all elected officials or their
appropriate designees shall attend training approved by the
attorney general as provided in section 109.43 of the Revised
Code. In addition, all public offices shall adopt a public records
policy in compliance with this section for responding to public
records requests. In adopting a public records policy under this
division, a public office may obtain guidance from the model
public records policy developed and provided to the public office
by the attorney general under section 109.43 of the Revised Code.
Except as otherwise provided in this section, the policy may not
limit the number of public records that the public office will
make available to a single person, may not limit the number of
public records that it will make available during a fixed period
of time, and may not establish a fixed period of time before it
will respond to a request for inspection or copying of public
records, unless that period is less than eight hours.

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(2) The public office shall distribute the public records
policy adopted by the public office under division (E)(1) of this
section to the employee of the public office who is the records
custodian or records manager or otherwise has custody of the
records of that office. The public office shall require that
employee to acknowledge receipt of the copy of the public records

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policy. The public office shall create a poster that describes its 950
public records policy and shall post the poster in a conspicuous 951
place in the public office and in all locations where the public 952
office has branch offices. The public office may post its public 953
records policy on the internet web site of the public office if 954
the public office maintains an internet web site. A public office 955
that has established a manual or handbook of its general policies 956
and procedures for all employees of the public office shall 957
include the public records policy of the public office in the 958
manual or handbook. 959

~~(E)~~(F)(1) The bureau of motor vehicles may adopt rules 960
pursuant to Chapter 119. of the Revised Code to reasonably limit 961
the number of bulk commercial special extraction requests made by 962
a person for the same records or for updated records during a 963
calendar year. The rules may include provisions for charges to be 964
made for bulk commercial special extraction requests for the 965
actual cost of the bureau, plus special extraction costs, plus ten 966
per cent. The bureau may charge for expenses for redacting 967
information, the release of which is prohibited by law. 968

(2) As used in ~~divisions (B)(3) and (E)~~ division (F)(1) of 969
this section: 970

(a) "Actual cost" means the cost of depleted supplies, 971
records storage media costs, actual mailing and alternative 972
delivery costs, or other transmitting costs, and any direct 973
equipment operating and maintenance costs, including actual costs 974
paid to private contractors for copying services. 975

(b) "Bulk commercial special extraction request" means a 976
request for copies of a record for information in a format other 977
than the format already available, or information that cannot be 978
extracted without examination of all items in a records series, 979
class of records, or data base by a person who intends to use or 980

forward the copies for surveys, marketing, solicitation, or resale 981
for commercial purposes. "Bulk commercial special extraction 982
request" does not include a request by a person who gives 983
assurance to the bureau that the person making the request does 984
not intend to use or forward the requested copies for surveys, 985
marketing, solicitation, or resale for commercial purposes. 986

(c) "Commercial" means profit-seeking production, buying, or 987
selling of any good, service, or other product. 988

(d) "Special extraction costs" means the cost of the time 989
spent by the lowest paid employee competent to perform the task, 990
the actual amount paid to outside private contractors employed by 991
the bureau, or the actual cost incurred to create computer 992
programs to make the special extraction. "Special extraction 993
costs" include any charges paid to a public agency for computer or 994
records services. 995

(3) For purposes of divisions ~~(E)~~(F)(1) and (2) of this 996
section, "~~commercial~~ surveys, marketing, solicitation, or resale 997
for commercial purposes" shall be narrowly construed and does not 998
include reporting or gathering news, reporting or gathering 999
information to assist citizen oversight or understanding of the 1000
operation or activities of government, or nonprofit educational 1001
research. 1002

Sec. 321.46. (A) To enhance the background and working 1003
knowledge of county treasurers in governmental accounting, 1004
portfolio reporting and compliance, investments, and cash 1005
management, the auditor of state and the treasurer of state shall 1006
conduct education programs for persons elected for the first time 1007
to the office of county treasurer and shall hold biennial 1008
continuing education programs for persons who continue to hold the 1009
office of county treasurer. Education programs for newly elected 1010
county treasurers shall be held between the first day of December 1011

and the first Monday of September next following that person's 1012
election to the office of county treasurer. Similar initial 1013
training may also be provided to any county treasurer who is 1014
appointed to fill a vacancy or who is elected at a special 1015
election. 1016

(B)(1) The auditor of state shall determine the manner and 1017
content of the education programs in the subject areas of 1018
governmental accounting and portfolio reporting and compliance. In 1019
those areas, newly elected county treasurers shall take at least 1020
thirteen hours of education before taking office. 1021

(2) The treasurer of state shall determine the manner and 1022
content of the education programs in the subject areas of 1023
investments and cash management. In those areas, newly elected 1024
county treasurers shall take at least thirteen hours of education 1025
before taking office. 1026

(3)(a) After completing one year in office, a county 1027
treasurer shall take not less than twenty-four hours of continuing 1028
education during each biennial cycle. For purposes of division 1029
(B)(3)(a) of this section, a biennial cycle for continuing 1030
education shall be every two calendar years after the treasurer's 1031
first year in office. The treasurer of state shall determine the 1032
manner and content of the education programs in the subject areas 1033
of investments, cash management, the collection of taxes, ethics, 1034
and any other subject area that the treasurer of state determines 1035
is reasonably related to the duties of the office of the county 1036
treasurer. The auditor of state shall determine the manner and 1037
content of the education programs in the subject areas of 1038
governmental accounting, portfolio reporting and compliance, 1039
office management, and any other subject area that the auditor of 1040
state determines is reasonably related to the duties of the office 1041
of the county treasurer. 1042

(b) A county treasurer who accumulates more than twenty-four 1043

hours of continuing education in a biennial cycle described in 1044
division (B)(3)(a) of this section may credit the hours in excess 1045
of twenty-four hours to the next biennial cycle. However, 1046
regardless of the total number of hours earned, no more than six 1047
hours in the education programs determined by the treasurer of 1048
state pursuant to division (B)(3)(a) of this section and six hours 1049
in the education programs determined by the auditor of state 1050
pursuant to that division shall be carried over to the next 1051
biennial cycle. 1052

(c) A county treasurer who participates in a training program 1053
or seminar established under section 109.43 of the Revised Code 1054
may apply the three hours of training to the twenty-four hours of 1055
continuing education required in a biennial cycle under division 1056
(B)(3)(a) of this section. 1057

(C) The auditor of state and the treasurer of state may each 1058
charge counties a registration fee that will meet actual and 1059
necessary expenses of the training of county treasurers, including 1060
instructor fees, site acquisition costs, and the cost of course 1061
materials. The necessary personal expenses of county treasurers as 1062
a result of attending the training programs shall be borne by the 1063
counties the treasurers represent. 1064

(D) The auditor of state and the treasurer of state may allow 1065
any other interested person to attend any of the education 1066
programs that are held pursuant to this section, provided that 1067
before attending any such education program, the interested person 1068
shall pay to either the auditor of state or the treasurer of 1069
state, as appropriate, the full registration fee set for the 1070
education program. 1071

(E)(1) If a county treasurer fails to complete the initial 1072
education programs required by this section before taking office, 1073
the treasurer's authority to invest county funds and to manage the 1074

county portfolio immediately is suspended, and this authority is 1075
transferred to the county's investment advisory committee until 1076
full compliance with the initial education programs is determined 1077
by the treasurer of state. 1078

(2) If a county treasurer fails to complete continuing 1079
education programs as required by this section, the county 1080
treasurer is subject to divisions (B) to (E) of section 321.47 of 1081
the Revised Code, including possible suspension of the treasurer's 1082
authority to invest county funds and to manage the county 1083
portfolio and transfer of this authority to the county's 1084
investment advisory committee. 1085

(F)(1) Notwithstanding divisions (B) and (E) of this section, 1086
a county treasurer who fails to complete the initial or continuing 1087
education programs required by this section shall invest only in 1088
the Ohio subdivisions fund pursuant to division (A)(6) of section 1089
135.35 of the Revised Code, in no load money market mutual funds 1090
pursuant to division (A)(5) of section 135.35 of the Revised Code, 1091
or in time certificates of deposit or savings or deposit accounts 1092
pursuant to division (A)(3) of section 135.35 of the Revised Code. 1093

(2) A county treasurer who has failed to complete the initial 1094
education programs required by this section and invests in other 1095
than the investments permitted by division (F)(1) of this section 1096
immediately shall have the county treasurer's authority to invest 1097
county funds and to manage the county portfolio suspended, and 1098
this authority shall be transferred to the county's investment 1099
advisory committee until full compliance with the initial 1100
education programs is determined by the treasurer of state. 1101

(3) If a county treasurer fails to complete continuing 1102
education programs required by this section and invests in other 1103
than the investments permitted by division (F)(1) of this section, 1104
the county treasurer is subject to divisions (B) to (E) of section 1105

321.47 of the Revised Code, including possible suspension of the
treasurer's authority to invest county funds and to manage the
county portfolio and transfer of this authority to the county's
investment advisory committee.

(G)(1) There is hereby created in the state treasury the
county treasurer education fund, to be used by the treasurer of
state for actual and necessary expenses of education programs held
pursuant to this section and section 135.22 of the Revised Code.
All registration fees collected by the treasurer of state under
this section and section 135.22 of the Revised Code shall be paid
into that fund.

(2) All registration fees collected by the auditor of state
under this section shall be paid into the auditor of state
training program fund established under section 117.44 of the
Revised Code.

(H) The treasurer of state, with the advice and consent of
the auditor of state, may adopt reasonable rules not inconsistent
with this section for the implementation of this section.

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the
bureau of criminal identification and investigation, the employees
of the bureau, the Ohio peace officer training commission, or the
employees of the commission make a good faith effort in performing
the duties imposed upon the sheriff, the superintendent, the
bureau's employees, the commission, or the commission's employees
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the
Revised Code, in addition to the personal immunity provided by
section 9.86 of the Revised Code or division (A)(6) of section
2744.03 of the Revised Code and the governmental immunity of
sections 2744.02 and 2744.03 of the Revised Code and in addition
to any other immunity possessed by the bureau, the commission, and
their employees, the sheriff, the sheriff's office, the county in

which the sheriff has jurisdiction, the bureau, the superintendent 1137
of the bureau, the bureau's employees, the commission, and the 1138
commission's employees are immune from liability in a civil action 1139
for injury, death, or loss to person or property that allegedly 1140
was caused by or related to any of the following: 1141

(a) The issuance, renewal, suspension, or revocation of a 1142
license to carry a concealed handgun or the issuance, suspension, 1143
or revocation of a temporary emergency license to carry a 1144
concealed handgun; 1145

(b) The failure to issue, renew, suspend, or revoke a license 1146
to carry a concealed handgun or the failure to issue, suspend, or 1147
revoke a temporary emergency license to carry a concealed handgun; 1148

(c) Any action or misconduct with a handgun committed by a 1149
licensee. 1150

(2) Any action of a sheriff relating to the issuance, 1151
renewal, suspension, or revocation of a license to carry a 1152
concealed handgun or the issuance, suspension, or revocation of a 1153
temporary emergency license to carry a concealed handgun shall be 1154
considered to be a governmental function for purposes of Chapter 1155
2744. of the Revised Code. 1156

(3) An entity that or instructor who provides a competency 1157
certification of a type described in division (B)(3) of section 1158
2923.125 of the Revised Code is immune from civil liability that 1159
might otherwise be incurred or imposed for any death or any injury 1160
or loss to person or property that is caused by or related to a 1161
person to whom the entity or instructor has issued the competency 1162
certificate if all of the following apply: 1163

(a) The alleged liability of the entity or instructor relates 1164
to the training provided in the course, class, or program covered 1165
by the competency certificate. 1166

(b) The entity or instructor makes a good faith effort in 1167

determining whether the person has satisfactorily completed the 1168
course, class, or program and makes a good faith effort in 1169
assessing the person in the competency examination conducted 1170
pursuant to division (G)(2) of section 2923.125 of the Revised 1171
Code. 1172

(c) The entity or instructor did not issue the competency 1173
certificate with malicious purpose, in bad faith, or in a wanton 1174
or reckless manner. 1175

(4) An entity that or instructor who provides a renewed 1176
competency certification of a type described in division (G)(4) of 1177
section 2923.125 of the Revised Code is immune from civil 1178
liability that might otherwise be incurred or imposed for any 1179
death or any injury or loss to person or property that is caused 1180
by or related to a person to whom the entity or instructor has 1181
issued the renewed competency certificate if all of the following 1182
apply: 1183

(a) The entity or instructor makes a good faith effort in 1184
assessing the person in the competency examination conducted 1185
pursuant to division (G)(2) of section 2923.125 of the Revised 1186
Code. 1187

(b) The entity or instructor did not issue the renewed 1188
competency certificate with malicious purpose, in bad faith, or in 1189
a wanton or reckless manner. 1190

(5) A law enforcement agency that employs a peace officer is 1191
immune from liability in a civil action to recover damages for 1192
injury, death, or loss to person or property allegedly caused by 1193
any act of that peace officer if the act occurred while the peace 1194
officer carried a concealed handgun and was off duty and if the 1195
act allegedly involved the peace officer's use of the concealed 1196
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 1197
Code apply to any civil action involving a peace officer's use of 1198

a concealed handgun in the performance of the peace officer's 1199
official duties while the peace officer is off duty. 1200

(B)(1) Notwithstanding section 149.43 of the Revised Code, 1201
except as provided in division (B)(2) of this section, the records 1202
that a sheriff keeps relative to the issuance, renewal, 1203
suspension, or revocation of a license to carry a concealed 1204
handgun or the issuance, suspension, or revocation of a temporary 1205
emergency license to carry a concealed handgun, including, but not 1206
limited to, completed applications for the issuance or renewal of 1207
a license, completed affidavits submitted regarding an application 1208
for a temporary emergency license, reports of criminal records 1209
checks and incompetency records checks under section 311.41 of the 1210
Revised Code, and applicants' social security numbers and 1211
fingerprints that are obtained under division (A) of section 1212
311.41 of the Revised Code, are confidential and are not public 1213
records. Except as provided in division (B)(2) of this section, no 1214
person shall release or otherwise disseminate records that are 1215
confidential under this division unless required to do so pursuant 1216
to a court order. 1217

(2) ~~Upon a written request made to a sheriff and signed by a~~ 1218
~~(a) A journalist,~~ on or after ~~the effective date of this section~~ 1219
~~April 8, 2004, the~~ may submit to a sheriff ~~shall disclose to the~~ 1220
~~journalist~~ a signed, written request to view the name, county of 1221
residence, and date of birth of each person to whom the sheriff 1222
has issued a license or replacement license to carry a concealed 1223
handgun, renewed a license to carry a concealed handgun, or issued 1224
a temporary emergency license or replacement temporary emergency 1225
license to carry a concealed handgun under section 2923.125 or 1226
2923.1213 of the Revised Code, or a signed, written request to 1227
view the name, county of residence, and date of birth of each 1228
person for whom the sheriff has suspended or revoked a license to 1229
carry a concealed handgun or a temporary emergency license to 1230

carry a concealed handgun under section 2923.128 of the Revised Code. 1231
The request shall include the journalist's name and title, 1232
shall include the name and address of the journalist's employer, 1233
and shall state that disclosure of the information sought would be 1234
in the public interest. If a journalist submits a signed, written 1235
request to the sheriff to view the information described in this 1236
division, the sheriff shall grant the journalist's request. The 1237
journalist shall not copy the name, county of residence, or date 1238
of birth of each person to or for whom the sheriff has issued, 1239
suspended, or revoked a license described in this division. 1240

(b) As used in division (B)(2) of this section, "journalist" 1241
means a person engaged in, connected with, or employed by any news 1242
medium, including a newspaper, magazine, press association, news 1243
agency, or wire service, a radio or television station, or a 1244
similar medium, for the purpose of gathering, processing, 1245
transmitting, compiling, editing, or disseminating information for 1246
the general public. 1247

(C) Each sheriff shall report to the Ohio peace officer 1248
training commission the number of licenses to carry a concealed 1249
handgun that the sheriff issued, renewed, suspended, revoked, or 1250
denied during the previous quarter of the calendar year, the 1251
number of applications for those licenses for which processing was 1252
suspended in accordance with division (D)(3) of section 2923.125 1253
of the Revised Code during the previous quarter of the calendar 1254
year, and the number of temporary emergency licenses to carry a 1255
concealed handgun that the sheriff issued, suspended, revoked, or 1256
denied during the previous quarter of the calendar year. The 1257
sheriff shall not include in the report the name or any other 1258
identifying information of an applicant or licensee. The sheriff 1259
shall report that information in a manner that permits the 1260
commission to maintain the statistics described in division (D) of 1261
section 109.731 of the Revised Code and to timely prepare the 1262

statistical report described in that division. The information 1263
that is received by the commission under this division is a public 1264
record kept by the commission for the purposes of section 149.43 1265
of the Revised Code. 1266

(D) Law enforcement agencies may use the information a 1267
sheriff makes available through the use of the law enforcement 1268
automated data system pursuant to division (H) of section 2923.125 1269
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 1270
for law enforcement purposes only. The information is confidential 1271
and is not a public record. A person who releases or otherwise 1272
disseminates this information obtained through the law enforcement 1273
automated data system in a manner not described in this division 1274
is guilty of a violation of section 2913.04 of the Revised Code. 1275

(E) Whoever violates division (B) of this section is guilty 1276
of illegal release of confidential concealed handgun license 1277
records, a felony of the fifth degree. In addition to any 1278
penalties imposed under Chapter 2929. of the Revised Code for a 1279
violation of division (B) of this section or a violation of 1280
section 2913.04 of the Revised Code described in division (D) of 1281
this section, if the offender is a sheriff, an employee of a 1282
sheriff, or any other public officer or employee, and if the 1283
violation was willful and deliberate, the offender shall be 1284
subject to a civil fine of one thousand dollars. Any person who is 1285
harmed by a violation of division (B) or (C) of this section or a 1286
violation of section 2913.04 of the Revised Code described in 1287
division (D) of this section has a private cause of action against 1288
the offender for any injury, death, or loss to person or property 1289
that is a proximate result of the violation and may recover court 1290
costs and attorney's fees related to the action. 1291

Sec. 3319.321. (A) No person shall release, or permit access 1292
to, the ~~names or other personally identifiable~~ directory 1293

information concerning any students attending a public school to 1294
any person or group for use in a profit-making plan or activity. 1295
Notwithstanding division (B)(4) of section 149.43 of the Revised 1296
Code, a person may require disclosure of the requestor's identity 1297
or the intended use of the directory information concerning any 1298
students attending a public school to ascertain whether the 1299
directory information is for use in a profit-making plan or 1300
activity. 1301

(B) No person shall release, or permit access to, personally 1302
identifiable information other than directory information 1303
concerning any student attending a public school, for purposes 1304
other than those identified in division (C), (E), (G), or (H) of 1305
this section, without the written consent of the parent, guardian, 1306
or custodian of each such student who is less than eighteen years 1307
of age, or without the written consent of each such student who is 1308
eighteen years of age or older. 1309

(1) For purposes of this section, "directory information" 1310
includes a student's name, address, telephone listing, date and 1311
place of birth, major field of study, participation in officially 1312
recognized activities and sports, weight and height of members of 1313
athletic teams, dates of attendance, date of graduation, and 1314
awards received. 1315

(2)(a) Except as provided in division (B)(2)(b) of this 1316
section, no school district board of education shall impose any 1317
restriction on the presentation of directory information that it 1318
has designated as subject to release in accordance with the 1319
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 1320
20 U.S.C. 1232q, as amended, to representatives of the armed 1321
forces, business, industry, charitable institutions, other 1322
employers, and institutions of higher education unless such 1323
restriction is uniformly imposed on each of these types of 1324
representatives, except that if a student eighteen years of age or 1325

older or a student's parent, guardian, or custodian has informed 1326
the board that any or all such information should not be released 1327
without such person's prior written consent, the board shall not 1328
release that information without such person's prior written 1329
consent. 1330

(b) The names and addresses of students in grades ten through 1331
twelve shall be released to a recruiting officer for any branch of 1332
the United States armed forces who requests such information, 1333
except that such data shall not be released if the student or 1334
student's parent, guardian, or custodian submits to the board a 1335
written request not to release such data. Any data received by a 1336
recruiting officer shall be used solely for the purpose of 1337
providing information to students regarding military service and 1338
shall not be released to any person other than individuals within 1339
the recruiting services of the armed forces. 1340

(3) Except for directory information and except as provided 1341
in division (E), (G), or (H) of this section, information covered 1342
by this section that is released shall only be transferred to a 1343
third or subsequent party on the condition that such party will 1344
not permit any other party to have access to such information 1345
without written consent of the parent, guardian, or custodian, or 1346
of the student who is eighteen years of age or older. 1347

(4) Except as otherwise provided in this section, any parent 1348
of a student may give the written parental consent required under 1349
this section. Where parents are separated or divorced, the written 1350
parental consent required under this section may be obtained from 1351
either parent, subject to any agreement between such parents or 1352
court order governing the rights of such parents. In the case of a 1353
student whose legal guardian is in an institution, a person 1354
independent of the institution who has no other conflicting 1355
interests in the case shall be appointed by the board of education 1356
of the school district in which the institution is located to give 1357

the written parental consent required under this section. 1358

(5)(a) A parent of a student who is not the student's 1359
residential parent, upon request, shall be permitted access to any 1360
records or information concerning the student under the same terms 1361
and conditions under which access to the records or information is 1362
available to the residential parent of that student, provided that 1363
the access of the parent who is not the residential parent is 1364
subject to any agreement between the parents, to division (F) of 1365
this section, and, to the extent described in division (B)(5)(b) 1366
of this section, is subject to any court order issued pursuant to 1367
section 3109.051 of the Revised Code and any other court order 1368
governing the rights of the parents. 1369

(b) If the residential parent of a student has presented the 1370
keeper of a record or information that is related to the student 1371
with a copy of an order issued under division (H)(1) of section 1372
3109.051 of the Revised Code that limits the terms and conditions 1373
under which the parent who is not the residential parent of the 1374
student is to have access to records and information pertaining to 1375
the student or with a copy of any other court order governing the 1376
rights of the parents that so limits those terms and conditions, 1377
and if the order pertains to the record or information in 1378
question, the keeper of the record or information shall provide 1379
access to the parent who is not the residential parent only to the 1380
extent authorized in the order. If the residential parent has 1381
presented the keeper of the record or information with such an 1382
order, the keeper of the record shall permit the parent who is not 1383
the residential parent to have access to the record or information 1384
only in accordance with the most recent such order that has been 1385
presented to the keeper by the residential parent or the parent 1386
who is not the residential parent. 1387

(C) Nothing in this section shall limit the administrative 1388
use of public school records by a person acting exclusively in the 1389

person's capacity as an employee of a board of education or of the
state or any of its political subdivisions, any court, or the
federal government, and nothing in this section shall prevent the
transfer of a student's record to an educational institution for a
legitimate educational purpose. However, except as provided in
this section, public school records shall not be released or made
available for any other purpose. Fingerprints, photographs, or
records obtained pursuant to section 3313.96 or 3319.322 of the
Revised Code, or pursuant to division (E) of this section, or any
medical, psychological, guidance, counseling, or other information
that is derived from the use of the fingerprints, photographs, or
records, shall not be admissible as evidence against the minor who
is the subject of the fingerprints, photographs, or records in any
proceeding in any court. The provisions of this division regarding
the administrative use of records by an employee of the state or
any of its political subdivisions or of a court or the federal
government shall be applicable only when the use of the
information is required by a state statute adopted before November
19, 1974, or by federal law.

(D) A board of education may require, subject to division (E)
of this section, a person seeking to obtain copies of public
school records to pay the cost of reproduction and, in the case of
data released under division (B)(2)(b) of this section, to pay for
any mailing costs, which payment shall not exceed the actual cost
to the school.

(E) A principal or chief administrative officer of a public
school, or any employee of a public school who is authorized to
handle school records, shall provide access to a student's records
to a law enforcement officer who indicates that the officer is
conducting an investigation and that the student is or may be a
missing child, as defined in section 2901.30 of the Revised Code.
Free copies of information in the student's record shall be

provided, upon request, to the law enforcement officer, if prior 1422
approval is given by the student's parent, guardian, or legal 1423
custodian. Information obtained by the officer shall be used 1424
solely in the investigation of the case. The information may be 1425
used by law enforcement agency personnel in any manner that is 1426
appropriate in solving the case, including, but not limited to, 1427
providing the information to other law enforcement officers and 1428
agencies and to the bureau of criminal identification and 1429
investigation for purposes of computer integration pursuant to 1430
section 2901.30 of the Revised Code. 1431

(F) No person shall release to a parent of a student who is 1432
not the student's residential parent or to any other person, or 1433
permit a parent of a student who is not the student's residential 1434
parent or permit any other person to have access to, any 1435
information about the location of any elementary or secondary 1436
school to which a student has transferred or information that 1437
would enable the parent who is not the student's residential 1438
parent or the other person to determine the location of that 1439
elementary or secondary school, if the elementary or secondary 1440
school to which the student has transferred and that requested the 1441
records of the student under section 3313.672 of the Revised Code 1442
informs the elementary or secondary school from which the 1443
student's records are obtained that the student is under the care 1444
of a shelter for victims of domestic violence, as defined in 1445
section 3113.33 of the Revised Code. 1446

(G) A principal or chief administrative officer of a public 1447
school, or any employee of a public school who is authorized to 1448
handle school records, shall comply with any order issued pursuant 1449
to division (D)(1) of section 2151.14 of the Revised Code, any 1450
request for records that is properly made pursuant to division 1451
(D)(3)(a) of section 2151.14 or division (A) of section 2151.141 1452
of the Revised Code, and any determination that is made by a court 1453

pursuant to division (D)(3)(b) of section 2151.14 or division 1454
(B)(1) of section 2151.141 of the Revised Code. 1455

(H) Notwithstanding any provision of this section, a 1456
principal of a public school, to the extent permitted by the 1457
"Family Educational Rights and Privacy Act of 1974," shall make 1458
the report required in section 3319.45 of the Revised Code that a 1459
pupil committed any violation listed in division (A) of section 1460
3313.662 of the Revised Code on property owned or controlled by, 1461
or at an activity held under the auspices of, the board of 1462
education, regardless of whether the pupil was sixteen years of 1463
age or older. The principal is not required to obtain the consent 1464
of the pupil who is the subject of the report or the consent of 1465
the pupil's parent, guardian, or custodian before making a report 1466
pursuant to section 3319.45 of the Revised Code. 1467

Sec. 4123.88. (A) No person shall orally or in writing, 1468
directly or indirectly, or through any agent or other person 1469
fraudulently hold the person's self out or represent the person's 1470
self or any of the person's partners or associates as authorized 1471
by a claimant or employer to take charge of, or represent the 1472
claimant or employer in respect of, any claim or matter in 1473
connection therewith before the bureau of workers' compensation or 1474
the industrial commission or its district or staff hearing 1475
officers. No person shall directly or indirectly solicit 1476
authority, or pay or give anything of value to another person to 1477
solicit authority, or accept or receive pay or anything of value 1478
from another person for soliciting authority, from a claimant or 1479
employer to take charge of, or represent the claimant or employer 1480
in respect of, any claim or appeal which is or may be filed with 1481
the bureau or commission. No person shall, without prior authority 1482
from the bureau, a member of the commission, the claimant, or the 1483
employer, examine or directly or indirectly cause or employ 1484

another person to examine any claim file or any other file 1485
pertaining thereto. No person shall forge an authorization for the 1486
purpose of examining or cause another person to examine any such 1487
file. No district or staff hearing officer or other employee of 1488
the bureau or commission, notwithstanding the provisions of 1489
section 4123.27 of the Revised Code, shall divulge any information 1490
in respect of any claim or appeal which is or may be filed with a 1491
district or staff hearing officer, the bureau, or commission to 1492
any person other than members of the commission or to the superior 1493
of the employee except upon authorization of the administrator of 1494
workers' compensation or a member of the commission or upon 1495
authorization of the claimant or employer. 1496

(B) The records described or referred to in division (A) of 1497
this section are not public records as defined in division (A)(1) 1498
of section 149.43 of the Revised Code. Any information directly or 1499
indirectly identifying the address or telephone number of a 1500
claimant, regardless of whether the claimant's claim is active or 1501
closed, is not a public record. No person shall solicit or obtain 1502
any such information from any such employee without first having 1503
obtained an authorization therefor as provided in this section. 1504

(C) Except as otherwise specified in division (D) of this 1505
section, information kept by the commission or the bureau pursuant 1506
to this section is for the exclusive use and information of the 1507
commission and the bureau in the discharge of their official 1508
duties, and shall not be open to the public nor be used in any 1509
court in any action or proceeding pending therein, unless the 1510
commission or the bureau is a party to the action or proceeding. 1511
The information, however, may be tabulated and published by the 1512
commission or the bureau in statistical form for the use and 1513
information of other state agencies and the public. 1514

(D)(1) Upon receiving a written request made and signed by a 1515
journalist, the commission or the bureau shall disclose to the 1516

journalist the address or addresses and telephone number or 1517
numbers of claimants, regardless of whether their claims are 1518
active or closed, and the dependents of those claimants. 1519

(2) A journalist is permitted to request the information 1520
described in division (D)(1) of this section for multiple workers 1521
or dependents in one written request. 1522

(3) A journalist shall include all of the following in the 1523
written request: 1524

(a) The journalist's name, title, and signature; 1525

(b) The name and title of the journalist's employer; 1526

(c) A statement that the disclosure of the information sought 1527
is in the public interest. 1528

(4) Neither the commission nor the bureau may inquire as to 1529
the specific public interest served by the disclosure of 1530
information requested by a journalist under division (D) of this 1531
section. 1532

(E) As used in this section, "journalist" has the same 1533
meaning as in division (B)~~(5)~~(9) of section 149.43 of the Revised 1534
Code. 1535

Section 2. That existing sections 149.011, 149.31, 149.38, 1536
149.39, 149.41, 149.42, 149.43, 321.46, 2923.129, 3319.321, and 1537
4123.88 of the Revised Code are hereby repealed. 1538

Section 3. That Section 1 of Sub. H.B. 101 of the 126th 1539
General Assembly be amended to read as follows: 1540

Sec. 1. (A) There is hereby created the Local Government 1541
Public Notice Task Force consisting of the following twenty-two 1542
members: 1543

- (1) Two members of the House of Representatives, appointed by 1544
the Speaker of the House of Representatives, with at least one 1545
member being appointed from a recommendation of the Minority 1546
Leader of the House of Representatives; 1547
- (2) Two members of the Senate, appointed by the President of 1548
the Senate, with at least one member being appointed from a 1549
~~recommendation~~ recommendation of the Minority Leader of the Senate; 1550
- (3) One member representing the Governor's office, appointed 1551
by the Governor; 1552
- (4) One member representing municipal government, appointed 1553
by the Speaker of the House of Representatives from a list of 1554
names provided by the Ohio Municipal League; 1555
- (5) One member representing township government, appointed by 1556
the President of the Senate from a list of names provided by the 1557
Ohio Township Association; 1558
- (6) One member representing county government, appointed by 1559
the Speaker of the House of Representatives from a list of names 1560
provided by the County Commissioners' Association of Ohio; 1561
- (7) One member representing county recorders, one member 1562
representing prosecuting attorneys, one member representing 1563
sheriffs, one member representing county coroners, one member 1564
representing county engineers, one member representing county 1565
auditors, one member representing county treasurers, and one 1566
member representing clerks of the courts of common pleas. The 1567
members representing county recorders, prosecuting attorneys, 1568
sheriffs, and county coroners shall be appointed by the President 1569
of the Senate from a list of names provided by an organization 1570
representing those county officers. The members representing 1571
county engineers, county auditors, county treasurers, and clerks 1572
of the courts of common pleas shall be appointed by the Speaker of 1573
the House of Representatives from a list of names provided by an 1574

organization representing those county officers. 1575

(8) One member representing the Attorney General's office, 1576
appointed by the Attorney General; 1577

(9) One member representing the Ohio Legal Daily Coalition, 1578
appointed by the Governor; 1579

(10) One member representing a daily newspaper with a 1580
circulation of more than one hundred thousand, one member 1581
representing a daily newspaper with a circulation of twenty 1582
thousand to one hundred thousand, one member representing a daily 1583
newspaper with a circulation of under twenty thousand, and one 1584
member representing weekly newspapers, appointed by the Governor 1585
from a list of names provided by the Ohio Newspaper Association. 1586

(B) Appointments to the Task Force shall be made not later 1587
than thirty days after ~~the effective date of this act~~ May 17, 1588
2006. A member of the House of Representatives appointed by and 1589
designated by the Speaker of the House of Representatives shall be 1590
the chairperson of the Task Force, and a member of the Senate 1591
appointed by and designated by the President of the Senate shall 1592
serve as the vice-chairperson of the Task Force. 1593

The members of the Task Force shall serve without 1594
compensation. The Task Force shall meet as often as necessary to 1595
carry out its official duties and responsibilities. The 1596
Legislative Service Commission shall provide staff assistance to 1597
the Task Force. 1598

(C) The Task Force shall study the public notice requirements 1599
in the Revised Code for local governments and determine if the 1600
public notices are still needed and if there are other ways to 1601
fulfill those requirements, such as by the use of media or 1602
technology other than those currently mandated. The Task Force 1603
shall determine if any changes would enhance public availability 1604
and provide cost savings to local governments. 1605

Not later than ~~one year after the effective date of this act~~ 1606
May 1, 2008, the Task Force shall prepare and submit a report of 1607
its findings and recommendations on whether or not to change local 1608
government public notice requirements to the Governor, the 1609
President and Minority Leader of the Senate, and the Speaker and 1610
Minority Leader of the House of Representatives. On submission of 1611
that report, the Task Force shall cease to exist. 1612

(D) Sections 101.82 to 101.87 of the Revised Code do not 1613
apply to the Task Force. 1614

Section 4. That existing Section 1 of Sub. H.B. 101 of the 1615
126th General Assembly is hereby repealed. 1616

Section 5. Sections 1 and 2 of this act take effect six 1617
months after the effective date of this act. 1618

Section 6. Section 149.43 of the Revised Code is presented in 1619
this act as a composite of the section as amended by Am. Sub. H.B. 1620
303, Am. Sub. H.B. 431, and Sub. S.B. 222, all of the 125th 1621
General Assembly. The General Assembly, applying the principle 1622
stated in division (B) of section 1.52 of the Revised Code that 1623
amendments are to be harmonized if reasonably capable of 1624
simultaneous operation, finds that the composite is the resulting 1625
version of the section in effect prior to the effective date of 1626
this act. 1627