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Representative Duffey

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

**Senators Faber, Patton, Daniels, Gillmor, Hughes, Seitz, Jones, Bacon,
Schaffer, Beagle, Cates, Hite, Lehner, Obhof, Oelslager, Widener, Niehaus,
Manning**

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A B I L L

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

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

Section 1. That sections 1.60, 102.01, 102.02, 102.022, 11
117.01, 121.01, 121.22, 121.41, 121.60, 121.67, 122.011, 124.01, 12

145.012, 149.011, 2921.01, and 4117.01 be amended and sections 13
187.01, 187.02, 187.03, 187.04, 187.05, 187.06, 187.07, 187.08, 14
187.09, 187.10, 187.11, and 187.12 of the Revised Code be enacted 15
to read as follows: 16

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

Sec. 102.01. As used in this chapter: 23

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

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

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

department, division, institution, board, commission, authority, 43
or other instrumentality of the state or a county, municipal 44
corporation, township, or other governmental entity that functions 45
exclusively for cultural, educational, historical, humanitarian, 46
advisory, or research purposes; that does not expend more than ten 47
thousand dollars per calendar year, excluding salaries and wages 48
of employees; and whose members are uncompensated. "Public agency" 49
does not include the nonprofit corporation formed under section 50
187.01 of the Revised Code. 51

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

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

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

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

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

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

(G) "Anything of value" has the same meaning as provided in 72
section 1.03 of the Revised Code and includes, but is not limited 73

to, a contribution as defined in section 3517.01 of the Revised Code. 74
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(H) "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official's or employee's office or position of employment. 76
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(I) "Employer" means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent. 88
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(J) "Executive agency decision," "executive agency lobbyist," and "executive agency lobbying activity" have the same meanings as in section 121.60 of the Revised Code. 90
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(K) "Legislation," "legislative agent," "financial transaction," and "actively advocate" have the same meanings as in section 101.70 of the Revised Code. 93
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(L) "Expenditure" has the same meaning as in section 101.70 of the Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Revised Code when used in relation to activities of an executive agency lobbyist. 96
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Sec. 102.02. (A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described 101
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in this division on a form prescribed by the appropriate 104
commission: every person who is elected to or is a candidate for a 105
state, county, or city office and every person who is appointed to 106
fill a vacancy for an unexpired term in such an elective office; 107
all members of the state board of education; the director, 108
assistant directors, deputy directors, division chiefs, or persons 109
of equivalent rank of any administrative department of the state; 110
the president or other chief administrative officer of every state 111
institution of higher education as defined in section 3345.011 of 112
the Revised Code; the executive director and the members of the 113
capitol square review and advisory board appointed or employed 114
pursuant to section 105.41 of the Revised Code; all members of the 115
Ohio casino control commission, the executive director of the 116
commission, all professional employees of the commission, and all 117
technical employees of the commission who perform an internal 118
audit function; the individuals set forth in division (B)(2) of 119
section 187.03 of the Revised Code; the chief executive officer 120
and the members of the board of each state retirement system; each 121
employee of a state retirement board who is a state retirement 122
system investment officer licensed pursuant to section 1707.163 of 123
the Revised Code; the members of the Ohio retirement study council 124
appointed pursuant to division (C) of section 171.01 of the 125
Revised Code; employees of the Ohio retirement study council, 126
other than employees who perform purely administrative or clerical 127
functions; the administrator of workers' compensation and each 128
member of the bureau of workers' compensation board of directors; 129
the bureau of workers' compensation director of investments; the 130
chief investment officer of the bureau of workers' compensation; 131
the director appointed by the workers' compensation council; all 132
members of the board of commissioners on grievances and discipline 133
of the supreme court and the ethics commission created under 134
section 102.05 of the Revised Code; every business manager, 135
treasurer, or superintendent of a city, local, exempted village, 136

joint vocational, or cooperative education school district or an 137
educational service center; every person who is elected to or is a 138
candidate for the office of member of a board of education of a 139
city, local, exempted village, joint vocational, or cooperative 140
education school district or of a governing board of an 141
educational service center that has a total student count of 142
twelve thousand or more as most recently determined by the 143
department of education pursuant to section 3317.03 of the Revised 144
Code; every person who is appointed to the board of education of a 145
municipal school district pursuant to division (B) or (F) of 146
section 3311.71 of the Revised Code; all members of the board of 147
directors of a sanitary district that is established under Chapter 148
6115. of the Revised Code and organized wholly for the purpose of 149
providing a water supply for domestic, municipal, and public use, 150
and that includes two municipal corporations in two counties; 151
every public official or employee who is paid a salary or wage in 152
accordance with schedule C of section 124.15 or schedule E-2 of 153
section 124.152 of the Revised Code; members of the board of 154
trustees and the executive director of the southern Ohio 155
agricultural and community development foundation; all members 156
appointed to the Ohio livestock care standards board under section 157
904.02 of the Revised Code; and every other public official or 158
employee who is designated by the appropriate ethics commission 159
pursuant to division (B) of this section. 160

The disclosure statement shall include all of the following: 161

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

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 166
and except as otherwise provided in section 102.022 of the Revised 167
Code, identification of every source of income, other than income 168

from a legislative agent identified in division (A)(2)(b) of this 169
section, received during the preceding calendar year, in the 170
person's own name or by any other person for the person's use or 171
benefit, by the person filing the statement, and a brief 172
description of the nature of the services for which the income was 173
received. If the person filing the statement is a member of the 174
general assembly, the statement shall identify the amount of every 175
source of income received in accordance with the following ranges 176
of amounts: zero or more, but less than one thousand dollars; one 177
thousand dollars or more, but less than ten thousand dollars; ten 178
thousand dollars or more, but less than twenty-five thousand 179
dollars; twenty-five thousand dollars or more, but less than fifty 180
thousand dollars; fifty thousand dollars or more, but less than 181
one hundred thousand dollars; and one hundred thousand dollars or 182
more. Division (A)(2)(a) of this section shall not be construed to 183
require a person filing the statement who derives income from a 184
business or profession to disclose the individual items of income 185
that constitute the gross income of that business or profession, 186
except for those individual items of income that are attributable 187
to the person's or, if the income is shared with the person, the 188
partner's, solicitation of services or goods or performance, 189
arrangement, or facilitation of services or provision of goods on 190
behalf of the business or profession of clients, including 191
corporate clients, who are legislative agents. A person who files 192
the statement under this section shall disclose the identity of 193
and the amount of income received from a person who the public 194
official or employee knows or has reason to know is doing or 195
seeking to do business of any kind with the public official's or 196
employee's agency. 197

(b) If the person filing the statement is a member of the 198
general assembly, the statement shall identify every source of 199
income and the amount of that income that was received from a 200
legislative agent during the preceding calendar year, in the 201

person's own name or by any other person for the person's use or 202
benefit, by the person filing the statement, and a brief 203
description of the nature of the services for which the income was 204
received. Division (A)(2)(b) of this section requires the 205
disclosure of clients of attorneys or persons licensed under 206
section 4732.12 of the Revised Code, or patients of persons 207
certified under section 4731.14 of the Revised Code, if those 208
clients or patients are legislative agents. Division (A)(2)(b) of 209
this section requires a person filing the statement who derives 210
income from a business or profession to disclose those individual 211
items of income that constitute the gross income of that business 212
or profession that are received from legislative agents. 213

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

section does not require an attorney, physician, or other 235
professional subject to a confidentiality requirement as described 236
in division (A)(2)(c) of this section to disclose in the brief 237
description of the nature of services required by division 238
(A)(2)(a) of this section any information pertaining to specific 239
professional services rendered for a client, patient, or other 240
recipient of professional services that would reveal details of 241
the subject matter for which legal, medical, or professional 242
advice was sought or would reveal an otherwise privileged 243
communication involving the client, patient, or other recipient of 244
professional services. 245

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

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

(5) The names of all persons residing or transacting business 267
in the state to whom the person filing the statement owes, in the 268
person's own name or in the name of any other person, more than 269
one thousand dollars. Division (A)(5) of this section shall not be 270
construed to require the disclosure of debts owed by the person 271
resulting from the ordinary conduct of a business or profession or 272
debts on the person's residence or real property used primarily 273
for personal recreation, except that the superintendent of 274
financial institutions shall disclose the names of all 275
state-chartered savings and loan associations and of all service 276
corporations subject to regulation under division (E)(2) of 277
section 1151.34 of the Revised Code to whom the superintendent in 278
the superintendent's own name or in the name of any other person 279
owes any money, and that the superintendent and any deputy 280
superintendent of banks shall disclose the names of all 281
state-chartered banks and all bank subsidiary corporations subject 282
to regulation under section 1109.44 of the Revised Code to whom 283
the superintendent or deputy superintendent owes any money. 284

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

(7) Except as otherwise provided in section 102.022 of the 296
Revised Code, the source of each gift of over seventy-five 297
dollars, or of each gift of over twenty-five dollars received by a 298

member of the general assembly from a legislative agent, received 299
by the person in the person's own name or by any other person for 300
the person's use or benefit during the preceding calendar year, 301
except gifts received by will or by virtue of section 2105.06 of 302
the Revised Code, or received from spouses, parents, grandparents, 303
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 304
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 305
fathers-in-law, mothers-in-law, or any person to whom the person 306
filing the statement stands in loco parentis, or received by way 307
of distribution from any inter vivos or testamentary trust 308
established by a spouse or by an ancestor; 309

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

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

section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

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

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on. A person who holds elective office shall file the statement on or before the fifteenth day of April of each year unless the person is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office. Other persons shall file an annual statement on or before the fifteenth day of April or, if appointed or employed after that

date, within ninety days after appointment or employment. No 363
person shall be required to file with the appropriate ethics 364
commission more than one statement or pay more than one filing fee 365
for any one calendar year. 366

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

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

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

Except for disclosure statements filed by members of the 391
board of trustees and the executive director of the southern Ohio 392
agricultural and community development foundation, disclosure 393
statements filed under this division with the Ohio ethics 394

commission by members of boards, commissions, or bureaus of the 395
state for which no compensation is received other than reasonable 396
and necessary expenses shall be kept confidential. Disclosure 397
statements filed with the Ohio ethics commission under division 398
(A) of this section by business managers, treasurers, and 399
superintendents of city, local, exempted village, joint 400
vocational, or cooperative education school districts or 401
educational service centers shall be kept confidential, except 402
that any person conducting an audit of any such school district or 403
educational service center pursuant to section 115.56 or Chapter 404
117. of the Revised Code may examine the disclosure statement of 405
any business manager, treasurer, or superintendent of that school 406
district or educational service center. Disclosure statements 407
filed with the Ohio ethics commission under division (A) of this 408
section by the individuals set forth in division (B)(2) of section 409
187.03 of the Revised Code shall be kept confidential. The Ohio 410
ethics commission shall examine each disclosure statement required 411
to be kept confidential to determine whether a potential conflict 412
of interest exists for the person who filed the disclosure 413
statement. A potential conflict of interest exists if the private 414
interests of the person, as indicated by the person's disclosure 415
statement, might interfere with the public interests the person is 416
required to serve in the exercise of the person's authority and 417
duties in the person's office or position of employment. If the 418
commission determines that a potential conflict of interest 419
exists, it shall notify the person who filed the disclosure 420
statement and shall make the portions of the disclosure statement 421
that indicate a potential conflict of interest subject to public 422
inspection in the same manner as is provided for other disclosure 423
statements. Any portion of the disclosure statement that the 424
commission determines does not indicate a potential conflict of 425
interest shall be kept confidential by the commission and shall 426
not be made subject to public inspection, except as is necessary 427

for the enforcement of Chapters 102. and 2921. of the Revised Code 428
and except as otherwise provided in this division. 429

(C) No person shall knowingly fail to file, on or before the 430
applicable filing deadline established under this section, a 431
statement that is required by this section. 432

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

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

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

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

vocational, or cooperative education 459
school district or 460
educational service center \$20 461

(3) No judge of a court of record or candidate for judge of a 462
court of record, and no referee or magistrate serving a court of 463
record, shall be required to pay the fee required under division 464
(E)(1) or (2) or (F) of this section. 465

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

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

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

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

(3) The joint legislative ethics committee shall deposit all 489

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

(H) Division (A) of this section does not apply to a person 493
elected or appointed to the office of precinct, ward, or district 494
committee member under Chapter 3517. of the Revised Code; a 495
presidential elector; a delegate to a national convention; village 496
or township officials and employees; any physician or psychiatrist 497
who is paid a salary or wage in accordance with schedule C of 498
section 124.15 or schedule E-2 of section 124.152 of the Revised 499
Code and whose primary duties do not require the exercise of 500
administrative discretion; or any member of a board, commission, 501
or bureau of any county or city who receives less than one 502
thousand dollars per year for serving in that position. 503

Sec. 102.022. Each person who is an officer or employee of a 504
political subdivision, who receives compensation of less than 505
sixteen thousand dollars a year for holding an office or position 506
of employment with that political subdivision, and who is required 507
to file a statement under section 102.02 of the Revised Code, ~~and;~~ 508
each member of the board of trustees of a state institution of 509
higher education as defined in section 3345.011 of the Revised 510
Code who is required to file a statement under section 102.02 of 511
the Revised Code; and each individual set forth in division (B)(2) 512
of section 187.03 of the Revised Code who is required to file a 513
statement under section 102.02 of the Revised Code, shall include 514
in that statement, in place of the information required by 515
divisions (A)(2), (7), (8), and (9) of that section, the following 516
information: 517

(A) Exclusive of reasonable expenses, identification of every 518
source of income over five hundred dollars received during the 519
preceding calendar year, in the officer's or employee's own name 520

or by any other person for the officer's or employee's use or 521
benefit, by the person filing the statement, and a brief 522
description of the nature of the services for which the income was 523
received. This division shall not be construed to require the 524
disclosure of clients of attorneys or persons licensed under 525
section 4732.12 or 4732.15 of the Revised Code or patients of 526
persons certified under section 4731.14 of the Revised Code. This 527
division shall not be construed to require a person filing the 528
statement who derives income from a business or profession to 529
disclose the individual items of income that constitute the gross 530
income of the business or profession. 531

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

Sec. 117.01. As used in this chapter: 543

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

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

(C) "Public money" means any money received, collected by, or 551

due a public official under color of office, as well as any money 552
collected by any individual on behalf of a public office or as a 553
purported representative or agent of the public office. 554

(D) "Public office" means any state agency, public 555
institution, political subdivision, other organized body, office, 556
agency, institution, or entity established by the laws of this 557
state for the exercise of any function of government. "Public 558
office" does not include the nonprofit corporation formed under 559
section 187.01 of the Revised Code. 560

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

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

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

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

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

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

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

(3) Any other type of examination, analysis, or inspection of 579
a public office or of a private institution, association, board, 580
or corporation receiving public money that is conducted according 581

to generally accepted or governmental auditing standards 582
established by rule pursuant to section 117.19 of the Revised 583
Code. 584

Sec. 121.01. As used in sections 121.01 to 121.20 of the 585
Revised Code: 586

(A) "Department" means the several departments of state 587
administration enumerated in section 121.02 of the Revised Code. 588

(B) "Division" means a part of a department established as 589
provided in section 121.07 of the Revised Code for the convenient 590
performance of one or more of the functions committed to a 591
department. 592

(C) "Departments, offices, and institutions" include every 593
organized body, office, and agency established by the constitution 594
and laws of the state for the exercise of any function of the 595
state government, and every institution or organization which 596
receives any support from the state. "Departments, offices, and 597
institutions" does not include the nonprofit corporation formed 598
under section 187.01 of the Revised Code. 599

Sec. 121.22. (A) This section shall be liberally construed to 600
require public officials to take official action and to conduct 601
all deliberations upon official business only in open meetings 602
unless the subject matter is specifically excepted by law. 603

(B) As used in this section: 604

(1) "Public body" means any of the following: 605

(a) Any board, commission, committee, council, or similar 606
decision-making body of a state agency, institution, or authority, 607
and any legislative authority or board, commission, committee, 608
council, agency, authority, or similar decision-making body of any 609
county, township, municipal corporation, school district, or other 610

political subdivision or local public institution; 611

(b) Any committee or subcommittee of a body described in 612
division (B)(1)(a) of this section; 613

(c) A court of jurisdiction of a sanitary district organized 614
wholly for the purpose of providing a water supply for domestic, 615
municipal, and public use when meeting for the purpose of the 616
appointment, removal, or reappointment of a member of the board of 617
directors of such a district pursuant to section 6115.10 of the 618
Revised Code, if applicable, or for any other matter related to 619
such a district other than litigation involving the district. As 620
used in division (B)(1)(c) of this section, "court of 621
jurisdiction" has the same meaning as "court" in section 6115.01 622
of the Revised Code. 623

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

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

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

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

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

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

The minutes of a regular or special meeting of any public 640

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

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

(1) A grand jury; 646

(2) An audit conference conducted by the auditor of state or 647
independent certified public accountants with officials of the 648
public office that is the subject of the audit; 649

(3) The adult parole authority when its hearings are 650
conducted at a correctional institution for the sole purpose of 651
interviewing inmates to determine parole or pardon; 652

(4) The organized crime investigations commission established 653
under section 177.01 of the Revised Code; 654

(5) Meetings of a child fatality review board established 655
under section 307.621 of the Revised Code and meetings conducted 656
pursuant to sections 5153.171 to 5153.173 of the Revised Code; 657

(6) The state medical board when determining whether to 658
suspend a certificate without a prior hearing pursuant to division 659
(G) of either section 4730.25 or 4731.22 of the Revised Code; 660

(7) The board of nursing when determining whether to suspend 661
a license or certificate without a prior hearing pursuant to 662
division (B) of section 4723.281 of the Revised Code; 663

(8) The state board of pharmacy when determining whether to 664
suspend a license without a prior hearing pursuant to division (D) 665
of section 4729.16 of the Revised Code; 666

(9) The state chiropractic board when determining whether to 667
suspend a license without a hearing pursuant to section 4734.37 of 668
the Revised Code; 669

(10) The executive committee of the emergency response 670

commission when determining whether to issue an enforcement order 671
or request that a civil action, civil penalty action, or criminal 672
action be brought to enforce Chapter 3750. of the Revised Code; 673

(11) The board of directors of the nonprofit corporation 674
formed under section 187.01 of the Revised Code or any committee 675
thereof, and the board of directors of any subsidiary of that 676
corporation or a committee thereof. 677

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

(1) Marketing plans; 688

(2) Specific business strategy; 689

(3) Production techniques and trade secrets; 690

(4) Financial projections; 691

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

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

(F) Every public body, by rule, shall establish a reasonable 700

method whereby any person may determine the time and place of all 701
regularly scheduled meetings and the time, place, and purpose of 702
all special meetings. A public body shall not hold a special 703
meeting unless it gives at least twenty-four hours' advance notice 704
to the news media that have requested notification, except in the 705
event of an emergency requiring immediate official action. In the 706
event of an emergency, the member or members calling the meeting 707
shall notify the news media that have requested notification 708
immediately of the time, place, and purpose of the meeting. 709

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

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

(1) To consider the appointment, employment, dismissal, 723
discipline, promotion, demotion, or compensation of a public 724
employee or official, or the investigation of charges or 725
complaints against a public employee, official, licensee, or 726
regulated individual, unless the public employee, official, 727
licensee, or regulated individual requests a public hearing. 728
Except as otherwise provided by law, no public body shall hold an 729
executive session for the discipline of an elected official for 730
conduct related to the performance of the elected official's 731
official duties or for the elected official's removal from office. 732

If a public body holds an executive session pursuant to division 733
(G)(1) of this section, the motion and vote to hold that executive 734
session shall state which one or more of the approved purposes 735
listed in division (G)(1) of this section are the purposes for 736
which the executive session is to be held, but need not include 737
the name of any person to be considered at the meeting. 738

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

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

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

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

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

(6) Details relative to the security arrangements and 767
emergency response protocols for a public body or a public office, 768
if disclosure of the matters discussed could reasonably be 769
expected to jeopardize the security of the public body or public 770
office; 771

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

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

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

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

(I)(1) Any person may bring an action to enforce this 796
section. An action under division (I)(1) of this section shall be 797
brought within two years after the date of the alleged violation 798
or threatened violation. Upon proof of a violation or threatened 799
violation of this section in an action brought by any person, the 800
court of common pleas shall issue an injunction to compel the 801
members of the public body to comply with its provisions. 802

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

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

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

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

court costs and reasonable attorney's fees, as determined by the court. 828
829

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section. 830
831
832

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general. 833
834
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(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing: 838
839
840
841

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

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

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code. 846
847
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(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance. 849
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(3) A veterans service commission shall vote on the grant or 857

denial of financial assistance under sections 5901.01 to 5901.15 858
of the Revised Code only in an open meeting of the commission. The 859
minutes of the meeting shall indicate the name, address, and 860
occupation of the applicant, whether the assistance was granted or 861
denied, the amount of the assistance if assistance is granted, and 862
the votes for and against the granting of assistance. 863

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

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

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

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

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

(1) The general assembly; 877

(2) Any court; 878

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

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

(F) "State officer" means any person who is elected or 886

appointed to a public office in a state agency. 887

(G) "Wrongful act or omission" means an act or omission, 888
committed in the course of office holding or employment, that is 889
not in accordance with the requirements of law or such standards 890
of proper governmental conduct as are commonly accepted in the 891
community and thereby subverts, or tends to subvert, the process 892
of government. 893

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

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

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

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

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

(3) The purchase, sale, or gift of services or any other 910
thing of value. "Expenditure" does not include a contribution, 911
gift, or grant to a foundation or other charitable organization 912
that is exempt from federal income taxation under subsection 913
501(c)(3) of the Internal Revenue Code. "Expenditure" does not 914
include the purchase, sale, or gift of services or any other thing 915
of value that is available to the general public on the same terms 916

as it is available to the persons listed in this division, or an offer or sale of securities to any person listed in this division that is governed by regulation D, 17 C.F.R. 230.501 to 230.508, adopted under the authority of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and following, or that is governed by a comparable provision under state law.

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

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

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

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

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

"Financial transaction" does not include any transaction or activity described in division (E) of this section if it is available to the general public on the same terms, or if it is an offer or sale of securities to any person listed in division (E)(2) of this section that is governed by regulation D, 17 C.F.R.

230.501 to 230.508, adopted under the authority of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and following, or that is governed by a comparable provision under state law.

(F) "Executive agency" means the office of an elected executive official, a department created under section 121.02 of the Revised Code, or any other state agency, department, board, or commission controlled or directed by an elected executive official or otherwise subject to an elected executive official's authority. For the purposes of sections 121.60 to 121.69 of the Revised Code only, "executive agency" includes the nonprofit corporation formed under section 187.01 of the Revised Code. "Executive agency" does not include any court, the general assembly, or the controlling board.

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

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

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

(H) "Executive agency lobbyist" means any person engaged to influence executive agency decisions or to conduct executive

agency lobbying activity as one of the person's main purposes on a 979
regular and substantial basis. "Executive agency lobbyist" does 980
not include an elected or appointed officer or employee of a 981
federal or state agency, state college, state university, or 982
political subdivision who attempts to influence or affect 983
executive agency decisions in a fiduciary capacity as a 984
representative of the officer's or employee's agency, college, 985
university, or political subdivision. 986

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

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

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

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

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

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

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

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

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

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

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

any elected officer of this state and "staff member" means any 1041
staff as defined in section 101.70 or in section 121.60 of the 1042
Revised Code. 1043

Sec. 122.011. (A) The department of development shall develop 1044
and promote plans and programs designed to assure that state 1045
resources are efficiently used, economic growth is properly 1046
balanced, community growth is developed in an orderly manner, and 1047
local governments are coordinated with each other and the state, 1048
and for such purposes may do all of the following: 1049

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

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

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

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

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

(6) Cooperate with and provide technical assistance to state 1069
departments, political subdivisions, regional and local planning 1070

commissions, tourist associations, councils of government, 1071
community development groups, community action agencies, and other 1072
appropriate organizations for carrying out the functions and 1073
duties of the department or for the solution of community 1074
problems; 1075

(7) Coordinate the activities of state agencies that have an 1076
impact on carrying out the functions and duties of the department; 1077

(8) Encourage and assist the efforts of and cooperate with 1078
local governments to develop mutual and cooperative solutions to 1079
their common problems that relate to carrying out the purposes of 1080
this section; 1081

(9) Study existing structure, operations, and financing of 1082
regional or local government and those state activities that 1083
involve significant relations with regional or local governmental 1084
units, recommend to the governor and to the general assembly such 1085
changes in these provisions and activities as will improve the 1086
operations of regional or local government, and conduct other 1087
studies of legal provisions that affect problems related to 1088
carrying out the purposes of this section; 1089

(10) Create and operate a division of community development 1090
to develop and administer programs and activities that are 1091
authorized by federal statute or the Revised Code; 1092

(11) Until October 15, 2007, establish fees and charges, in 1093
consultation with the director of agriculture, for purchasing 1094
loans from financial institutions and providing loan guarantees 1095
under the family farm loan program created under sections 901.80 1096
to 901.83 of the Revised Code; 1097

(12) Provide loan servicing for the loans purchased and loan 1098
guarantees provided under section 901.80 of the Revised Code as 1099
that section existed prior to October 15, 2007; 1100

(13) Until October 15, 2007, and upon approval by the 1101

controlling board under division (A)(3) of section 901.82 of the Revised Code of the release of money to be used for purchasing a loan or providing a loan guarantee, request the release of that money in accordance with division (B) of section 166.03 of the Revised Code for use for the purposes of the fund created by section 166.031 of the Revised Code.

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

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

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

Sec. 124.01. Except as otherwise provided in this chapter, as

used in this chapter: 1133

(A) "Civil service" includes all offices and positions of 1134
trust or employment in the service of the state and in the service 1135
of the counties, cities, city health districts, general health 1136
districts, and city school districts of the state. 1137

(B) "State service" includes all offices and positions in the 1138
service of the state and the counties and general health districts 1139
of the state. "State service" does not include offices and 1140
positions in the service of the cities, city health districts, and 1141
city school districts of the state. 1142

(C) "Classified service" means the competitive classified 1143
civil service of the state, the several counties, cities, city 1144
health districts, general health districts, and city school 1145
districts of the state, and civil service townships. 1146

(D) "Appointing authority" means the officer, commission, 1147
board, or body having the power of appointment to, or removal 1148
from, positions in any office, department, commission, board, or 1149
institution. 1150

(E) "Commission" means the municipal civil service commission 1151
of any city, except that, when in reference to the commission that 1152
serves a city school district, "commission" means the civil 1153
service commission determined under section 124.011 of the Revised 1154
Code. 1155

(F) "Employee" means any person holding a position subject to 1156
appointment, removal, promotion, or reduction by an appointing 1157
officer. "Employee" does not include an officer, employee, or 1158
governor-appointed director of the nonprofit corporation formed 1159
under section 187.01 of the Revised Code. 1160

(G) "Civil service township" means any township with a 1161
population of ten thousand or more persons residing within the 1162
township and outside any municipal corporation, which has a police 1163

or fire department of ten or more full-time paid employees and 1164
which has a civil service commission established under division 1165
(B) of section 124.40 of the Revised Code. 1166

(H) "Flexible hours employee" means an employee who may work 1167
more or less than eight hours on any given day so long as the 1168
employee works forty hours in the same week. 1169

(I) "Classification series" means any group of classification 1170
titles that have the identical name but different numerical 1171
designations, or identical titles except for designated levels of 1172
supervision, except for those classification series established by 1173
the director of administrative services in accordance with 1174
division (A) of section 124.14 of the Revised Code. 1175

(J) "Classification change" means a change in an employee's 1176
classification in the job classification plan. 1177

(K) "Service of the state" or "civil service of the state" 1178
includes all offices and positions of trust or employment with the 1179
government of the state. "Service of the state" and "civil service 1180
of the state" do not include offices and positions of trust or 1181
employment with state-supported colleges and universities, 1182
counties, cities, city health districts, city school districts, 1183
general health districts, ~~and~~ or civil service townships of the 1184
state, or with the nonprofit corporation formed under section 1185
187.01 of the Revised Code. 1186

Sec. 145.012. (A) "Public employee," as defined in division 1187
(A) of section 145.01 of the Revised Code, does not include any 1188
person: 1189

(1) Who is employed by a private, temporary-help service and 1190
performs services under the direction of a public employer or is 1191
employed on a contractual basis as an independent contractor under 1192
a personal service contract with a public employer; 1193

(2) Who is an emergency employee serving on a temporary basis	1194
in case of fire, snow, earthquake, flood, or other similar	1195
emergency;	1196
(3) Who is employed in a program established pursuant to the	1197
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	1198
1501;	1199
(4) Who is an appointed member of either the motor vehicle	1200
salvage dealers board or the motor vehicle dealer's board whose	1201
rate and method of payment are determined pursuant to division (J)	1202
of section 124.15 of the Revised Code;	1203
(5) Who is employed as an election worker and paid less than	1204
five hundred dollars per calendar year for that service;	1205
(6) Who is employed as a firefighter in a position requiring	1206
satisfactory completion of a firefighter training course approved	1207
under former section 3303.07 or section 4765.55 of the Revised	1208
Code or conducted under section 3737.33 of the Revised Code except	1209
for the following:	1210
(a) Any firefighter who has elected under section 145.013 of	1211
the Revised Code to remain a contributing member of the public	1212
employees retirement system;	1213
(b) Any firefighter who was eligible to transfer from the	1214
public employees retirement system to the Ohio police and fire	1215
pension fund under section 742.51 or 742.515 of the Revised Code	1216
and did not elect to transfer;	1217
(c) Any firefighter who has elected under section 742.516 of	1218
the Revised Code to transfer from the Ohio police and fire pension	1219
fund to the public employees retirement system.	1220
(7) Who is a member of the board of health of a city or	1221
general health district, which pursuant to sections 3709.051 and	1222
3709.07 of the Revised Code includes a combined health district,	1223

and whose compensation for attendance at meetings of the board is 1224
set forth in division (B) of section 3709.02 or division (B) of 1225
section 3709.05 of the Revised Code, as appropriate; 1226

(8) Who participates in an alternative retirement plan 1227
established under Chapter 3305. of the Revised Code; 1228

(9) Who is a member of the board of directors of a sanitary 1229
district established under Chapter 6115. of the Revised Code; 1230

(10) Who is a member of the unemployment compensation 1231
advisory council; 1232

(11) Who is an employee, officer, or governor-appointed 1233
member of the board of directors of the nonprofit corporation 1234
formed under section 187.01 of the Revised Code. 1235

(B) No inmate of a correctional institution operated by the 1236
department of rehabilitation and correction, no patient in a 1237
hospital for the mentally ill or criminally insane operated by the 1238
department of mental health, no resident in an institution for the 1239
mentally retarded operated by the department of developmental 1240
disabilities, no resident admitted as a patient of a veterans' 1241
home operated under Chapter 5907. of the Revised Code, and no 1242
resident of a county home shall be considered as a public employee 1243
for the purpose of establishing membership or calculating service 1244
credit or benefits under this chapter. Nothing in this division 1245
shall be construed to affect any service credit attained by any 1246
person who was a public employee before becoming an inmate, 1247
patient, or resident at any institution listed in this division, 1248
or the payment of any benefit for which such a person or such a 1249
person's beneficiaries otherwise would be eligible. 1250

Sec. 149.011. As used in this chapter, except as otherwise 1251
provided: 1252

(A) "Public office" includes any state agency, public 1253

institution, political subdivision, or other organized body, 1254
office, agency, institution, or entity established by the laws of 1255
this state for the exercise of any function of government. "Public 1256
office" does not include the nonprofit corporation formed under 1257
section 187.01 of the Revised Code. 1258

(B) "State agency" includes every department, bureau, board, 1259
commission, office, or other organized body established by the 1260
constitution and laws of this state for the exercise of any 1261
function of state government, including any state-supported 1262
institution of higher education, the general assembly, any 1263
legislative agency, any court or judicial agency, or any political 1264
subdivision or agency of a political subdivision. "State agency" 1265
does not include the nonprofit corporation formed under section 1266
187.01 of the Revised Code. 1267

(C) "Public money" includes all money received or collected 1268
by or due a public official, whether in accordance with or under 1269
authority of any law, ordinance, resolution, or order, under color 1270
of office, or otherwise. It also includes any money collected by 1271
any individual on behalf of a public office or as a purported 1272
representative or agent of the public office. 1273

(D) "Public official" includes all officers, employees, or 1274
duly authorized representatives or agents of a public office. 1275

(E) "Color of office" includes any act purported or alleged 1276
to be done under any law, ordinance, resolution, order, or other 1277
pretension to official right, power, or authority. 1278

(F) "Archive" includes any public record that is transferred 1279
to the state archives or other designated archival institutions 1280
because of the historical information contained on it. 1281

(G) "Records" includes any document, device, or item, 1282
regardless of physical form or characteristic, including an 1283
electronic record as defined in section 1306.01 of the Revised 1284

Code, created or received by or coming under the jurisdiction of 1285
any public office of the state or its political subdivisions, 1286
which serves to document the organization, functions, policies, 1287
decisions, procedures, operations, or other activities of the 1288
office. 1289

Sec. 187.01. As used in this chapter, "JobsOhio" means the 1290
nonprofit corporation formed under this section, and includes any 1291
subsidiary of that corporation. In any section of law that refers 1292
to the nonprofit corporation formed under this section, reference 1293
to the corporation includes reference to any such subsidiary 1294
unless otherwise specified or clearly appearing from the context. 1295

The governor is hereby authorized to form a nonprofit 1296
corporation, to be named "JobsOhio," with the purposes of 1297
promoting economic development, job creation, job retention, job 1298
training, and the recruitment of business to this state. 1299

The articles of incorporation shall set forth the following: 1300

(A) The designation of the name of the corporation as 1301
JobsOhio; 1302

(B) The creation of a board of directors consisting of the 1303
governor and eight directors, to be appointed by the governor, who 1304
satisfy the qualifications prescribed by section 187.02 of the 1305
Revised Code; 1306

(C) A requirement that the governor make initial appointments 1307
to the board within sixty days after the filing of the articles of 1308
incorporation. Of the initial appointments made to the board, two 1309
shall be for a term ending one year after the date the articles 1310
were filed, two shall be for a term ending two years after the 1311
date the articles were filed, and four shall be for a term ending 1312
four years after the date the articles were filed. The articles 1313
shall state that, following the initial appointments, the governor 1314

shall appoint directors to terms of office of four years, with 1315
each term of office ending on the same day of the same month as 1316
did the term that it succeeds. If any director dies, resigns, or 1317
the director's status changes such that any of the requirements of 1318
division (C) of section 187.02 of the Revised Code are no longer 1319
met, that director's seat on the board shall become immediately 1320
vacant. The governor shall forthwith fill the vacancy by 1321
appointment for the remainder of the term of office of the vacated 1322
seat. 1323

(D) The designation of the governor as the chairperson of the 1324
board and procedures for electing directors to serve as officers 1325
of the corporation and members of an executive committee; 1326

(E) A provision for the appointment of a chief investment 1327
officer of the corporation by the recommendation of the board and 1328
approval of the governor. The chief investment officer shall serve 1329
at the pleasure of the governor and shall have the power to 1330
execute contracts, spend corporation funds, and hire employees on 1331
behalf of the corporation. 1332

(F) Provisions requiring the board to do all of the 1333
following: 1334

(1) Adopt one or more resolutions providing for compensation 1335
of the chief investment officer; 1336

(2) Approve an employee compensation plan recommended by the 1337
chief investment officer; 1338

(3) Approve a contract with the director of development for 1339
the corporation to assist the director and the department of 1340
development with providing services or otherwise carrying out the 1341
functions or duties of the department, including the operation and 1342
management of programs, offices, divisions, or boards, as may be 1343
determined by the director of development in consultation with the 1344
governor; 1345

<u>(4) Approve all major contracts for services recommended by</u>	1346
<u>the chief investment officer;</u>	1347
<u>(5) Establish an annual strategic plan and standards of</u>	1348
<u>measure to be used in evaluating the corporation's success in</u>	1349
<u>executing the plan;</u>	1350
<u>(6) Establish a conflicts of interest policy that, at a</u>	1351
<u>minimum, complies with section 187.06 of the Revised Code;</u>	1352
<u>(7) Hold a minimum of four board of directors meetings per</u>	1353
<u>year at which a quorum of the board is physically present, and</u>	1354
<u>such other meetings, at which directors' physical presence is not</u>	1355
<u>required, as may be necessary. Meetings at which a quorum of the</u>	1356
<u>board is required to be physically present are subject to</u>	1357
<u>divisions (C), (D), and (E) of section 187.03 of the Revised Code.</u>	1358
<u>(8) Establish a records retention policy and present the</u>	1359
<u>policy, and any subsequent changes to the policy, at a meeting of</u>	1360
<u>the board of directors at which a quorum of the board is required</u>	1361
<u>to be physically present pursuant to division (F)(7) of this</u>	1362
<u>section;</u>	1363
<u>(9) Adopt standards of conduct for the directors.</u>	1364
<u>(G) A statement that directors shall not receive any</u>	1365
<u>compensation from the corporation, except that governor-appointed</u>	1366
<u>directors may be reimbursed for actual and necessary expenses</u>	1367
<u>incurred in connection with services performed for the</u>	1368
<u>corporation;</u>	1369
<u>(H) A provision authorizing the board to amend provisions of</u>	1370
<u>the corporation's articles of incorporation or regulations, except</u>	1371
<u>provisions required by this chapter;</u>	1372
<u>(I) Procedures by which the corporation would be dissolved</u>	1373
<u>and by which all corporation rights, liabilities, and assets would</u>	1374
<u>be distributed to the state or to another corporation organized</u>	1375

under this chapter. These procedures shall incorporate any 1376
procedures set forth in this chapter for the dissolution of the 1377
corporation. The articles shall state that no dissolution shall 1378
take effect until the corporation has made adequate provision for 1379
the payment of any outstanding bonds, notes, or other obligations. 1380

(J) A provision establishing an audit committee to be 1381
comprised of directors. The articles shall require that the audit 1382
committee hire an independent certified public accountant to 1383
perform a financial audit of the corporation at least once every 1384
year. 1385

(K) A provision authorizing the governor, as chairperson of 1386
the board, to remove a director for misconduct as may be defined 1387
in the articles or regulations of the corporation. The removal of 1388
a director under this division creates a vacancy on the board that 1389
the governor shall fill by appointment for the remainder of the 1390
term of office of the vacated seat. 1391

Sec. 187.02. (A) To qualify for appointment to the board of 1392
directors of JobsOhio, an individual must satisfy all of the 1393
following: 1394

(1) Has an understanding of generally accepted accounting 1395
principles and financial statements; 1396

(2) Possesses the ability to assess the general application 1397
of such principles in connection with the accounting for 1398
estimates, accruals, and reserves; 1399

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

<u>engaged in such activities;</u>	1406
<u>(4) Has an understanding of internal controls and the</u>	1407
<u>procedures for financial reporting;</u>	1408
<u>(5) Has an understanding of audit committee functions.</u>	1409
<u>(B) Specific experience demonstrating the qualifications</u>	1410
<u>required by division (A) of this section may be evidenced by any</u>	1411
<u>of the following:</u>	1412
<u>(1) Education and experience as a principal financial</u>	1413
<u>officer, principal accounting officer, controller, public</u>	1414
<u>accountant or auditor, or experience in one or more positions that</u>	1415
<u>involve the performance of similar functions;</u>	1416
<u>(2) Experience actively supervising a principal financial</u>	1417
<u>officer, principal accounting officer, controller, public</u>	1418
<u>accountant, auditor, or person performing similar functions;</u>	1419
<u>(3) Experience overseeing or assessing the performance of</u>	1420
<u>companies or public accountants with respect to the preparation,</u>	1421
<u>auditing, or evaluation of financial statements;</u>	1422
<u>(4) Other experience considered relevant by the governor</u>	1423
<u>consistent with division (A) of this section.</u>	1424
<u>(C) Each individual appointed to the board of directors shall</u>	1425
<u>be a citizen of the United States. At least six of the individuals</u>	1426
<u>appointed to the board shall be residents of or domiciled in this</u>	1427
<u>state.</u>	1428
<u>Sec. 187.03. (A) JobsOhio may perform such functions as</u>	1429
<u>permitted and shall perform such duties as prescribed by law, but</u>	1430
<u>shall not be considered a state or public department, agency,</u>	1431
<u>office, body, institution, or instrumentality for purposes of</u>	1432
<u>section 1.60 or Chapter 102., 121., 125., or 149. of the Revised</u>	1433
<u>Code. JobsOhio and its board of directors are not subject to the</u>	1434
<u>following sections of Chapter 1702. of the Revised Code: sections</u>	1435

1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1436
1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1437
1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1438
1702.60, 1702.80, and 1702.99. Nothing in this division shall be 1439
construed to impair the powers and duties of the Ohio ethics 1440
commission described in section 102.06 of the Revised Code to 1441
investigate and enforce section 102.02 of the Revised Code with 1442
regard to individuals required to file statements under division 1443
(B)(2) of this section. 1444

(B)(1) With the exception of the governor, directors and 1445
employees of JobsOhio are not employees or officials of the state 1446
and, except as provided in division (B)(2) of this section, are 1447
not subject to Chapter 102., 124., 145., or 4117. of the Revised 1448
Code. 1449

(2) The chief investment officer, any other officer or 1450
employee with significant administrative, supervisory, 1451
contracting, or investment authority, and any governor-appointed 1452
director of JobsOhio shall file, with the Ohio ethics commission, 1453
a financial disclosure statement pursuant to section 102.02 of the 1454
Revised Code that includes, in place of the information required 1455
by divisions (A)(2), (7), (8), and (9) of that section, the 1456
information required by divisions (A) and (B) of section 102.022 1457
of the Revised Code. The governor shall comply with all applicable 1458
requirements of section 102.02 of the Revised Code. 1459

(3) Actual or in-kind expenditures for the travel, meals, or 1460
lodging of the governor or of any public official or employee 1461
designated by the governor for the purpose of this division shall 1462
not be considered a violation of section 102.03 of the Revised 1463
Code if the expenditures are made by the corporation, or on behalf 1464
of the corporation by any person, in connection with the 1465
governor's performance of official duties as chairperson of the 1466

board of directors of JobsOhio. The governor may designate any 1467
person, including a person who is a public official or employee as 1468
defined in section 102.01 of the Revised Code, for the purpose of 1469
this division if such expenditures are made on behalf of the 1470
person in connection with the governor's performance of official 1471
duties as chairperson. A public official or employee so designated 1472
by the governor shall comply with all applicable requirements of 1473
section 102.02 of the Revised Code. 1474

At the times and frequency agreed to under division (B)(2)(b) 1475
of section 187.04 of the Revised Code, beginning in 2012, the 1476
corporation shall file with the department of development a 1477
written report of all such expenditures paid or incurred during 1478
the preceding calendar year. The report shall state the dollar 1479
value and purpose of each expenditure, the date of each 1480
expenditure, the name of the person that paid or incurred each 1481
expenditure, and the location, if any, where services or benefits 1482
of an expenditure were received, provided that any such 1483
information that may disclose proprietary information as defined 1484
in division (C) of this section shall not be included in the 1485
report. 1486

(4) The prohibition applicable to former public officials or 1487
employees in division (A)(1) of section 102.03 of the Revised Code 1488
does not apply to any person appointed to be a director or hired 1489
as an employee of JobsOhio. 1490

(5) Notwithstanding division (A)(2) of section 145.01 of the 1491
Revised Code, any person who is a former state employee shall no 1492
longer be considered a public employee for purposes of Chapter 1493
145. of the Revised Code upon commencement of employment with 1494
JobsOhio. 1495

(6) Any director, officer, or employee of JobsOhio may 1496
request an advisory opinion from the Ohio ethics commission with 1497
regard to questions concerning the provisions of sections 102.02 1498

and 102.022 of the Revised Code to which the person is subject. 1499

(C) Meetings of the board of directors at which a quorum of 1500
the board is required to be physically present pursuant to 1501
division (F) of section 187.01 of the Revised Code shall be open 1502
to the public except, by a majority vote of the directors present 1503
at the meeting, such a meeting may be closed to the public only 1504
for one or more of the following purposes: 1505

(1) To consider business strategy of the corporation; 1506

(2) To consider proprietary information belonging to 1507
potential applicants or potential recipients of business 1508
recruitment, retention, or creation incentives. For the purposes 1509
of this division, "proprietary information" means marketing plans, 1510
specific business strategy, production techniques and trade 1511
secrets, financial projections, or personal financial statements 1512
of applicants or members of the applicants' immediate family, 1513
including, but not limited to, tax records or other similar 1514
information not open to the public inspection. 1515

(3) To consider legal matters, including litigation, in which 1516
the corporation is or may be involved; 1517

(4) To consider personnel matters related to an individual 1518
employee of the corporation. 1519

(D) The board of directors shall establish a reasonable 1520
method whereby any person may obtain the time and place of all 1521
public meetings described in division (C) of this section. The 1522
method shall provide that any person, upon request and payment of 1523
a reasonable fee, may obtain reasonable advance notification of 1524
all such meetings. 1525

(E) The board of directors shall promptly prepare, file, and 1526
maintain minutes of all public meetings described in division (C) 1527
of this section. 1528

(F) Not later than March 1, 2012, and the first day of March 1529
of each year thereafter, the chief investment officer of JobsOhio 1530
shall prepare and submit a report of the corporation's activities 1531
for the preceding year to the governor, the speaker and minority 1532
leader of the house of representatives, and the president and 1533
minority leader of the senate. The annual report shall include the 1534
following: 1535

(1) An analysis of the state's economy; 1536

(2) A description of the structure, operation, and financial 1537
status of the corporation; 1538

(3) A description of the corporation's strategy to improve 1539
the state economy and the standards of measure used to evaluate 1540
its progress; 1541

(4) An evaluation of the performance of current strategies 1542
and major initiatives; 1543

(5) An analysis of any statutory or administrative barriers 1544
to successful economic development, business recruitment, and job 1545
growth in the state identified by JobsOhio during the preceding 1546
year. 1547

Sec. 187.04. (A) The director of development, as soon as 1548
practical after the effective date of this section, shall execute 1549
a contract with JobsOhio for the corporation to assist the 1550
director and the department of development with providing services 1551
or otherwise carrying out the functions or duties of the 1552
department, including the operation and management of programs, 1553
offices, divisions, or boards, as may be determined by the 1554
director in consultation with the governor. The approval or 1555
disapproval of awards shall remain functions of the department. 1556
All contracts for grants, loans, and tax incentives shall be 1557
between the department and the recipient and shall be enforced by 1558

the department. JobsOhio may not execute contracts obligating the 1559
department for loans, grants, tax credits, or incentive awards 1560
recommended by JobsOhio to the department. Prior to execution, all 1561
contracts between the director and JobsOhio are subject to 1562
controlling board approval. 1563

The term of a contract entered into under this section shall 1564
not extend beyond a fiscal biennium of the general assembly, but 1565
may be renewed or amended by the parties. 1566

(B) A contract entered into under this section shall include 1567
all of the following: 1568

(1) Terms assigning to the corporation the duties of advising 1569
and assisting the director of development in the director's 1570
evaluation of the department and the formulation of 1571
recommendations under section 187.05 of the Revised Code; 1572

(2) Terms designating records created or received by JobsOhio 1573
that shall be made available to the public under the same 1574
conditions as are public records under section 149.43 of the 1575
Revised Code. Documents designated to be made available to the 1576
public pursuant to the contract shall be kept on file with the 1577
department of development. 1578

Among records to be designated under this division shall be 1579
the following: 1580

(a) The corporation's federal income tax returns; 1581

(b) The report of expenditures described in division (B)(3) 1582
of section 187.03 of the Revised Code. The records shall be filed 1583
with the department at such times and frequency as agreed to by 1584
the corporation and the department, which shall not be less 1585
frequently than quarterly. 1586

(c) The annual total compensation paid to each officer and 1587
employee of the corporation; 1588

(d) A copy of the audit report for each financial audit of the corporation performed by an independent certified public accountant pursuant to division (J) of section 187.01 of the Revised Code. 1589
1590
1591
1592

(e) Records of any fully executed incentive proposals, to be filed annually; 1593
1594

(f) Records pertaining to the monitoring of commitments made by incentive recipients, to be filed annually; 1595
1596

(g) A copy of the minutes of all public meetings described in division (C) of section 187.03 of the Revised Code not otherwise closed to the public. 1597
1598
1599

(3) The following statement acknowledging that JobsOhio is not acting as an agent of the state: 1600
1601

"JobsOhio shall have no power or authority to bind the state or to assume or create an obligation or responsibility, expressed or implied, on behalf of the state or in its name, nor shall JobsOhio represent to any person that it has any such power or authority, except as expressly provided in this contract." 1602
1603
1604
1605
1606

(C) Records created or received by JobsOhio are not public records for the purposes of section 149.43 of the Revised Code, regardless of who may have custody of the records, unless the record is designated to be available to the public by the contract under division (B)(2) of this section. 1607
1608
1609
1610
1611

(D) Any contract executed under authority of this section shall not negate, impair, or otherwise adversely affect the obligation of this state to pay debt charges on securities executed by the director of development or issued by the treasurer of state, Ohio public facilities commission, or any other issuing authority under Chapter 122., 151., 165., or 166. of the Revised Code to fund economic development programs of the state, or to abide by any pledge or covenant relating to the payment of those 1612
1613
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debt charges made in any related proceedings. As used in this 1620
division, "debt charges," "proceedings," and "securities" have the 1621
same meanings as in section 133.01 of the Revised Code. 1622

(E) Nothing in this section, other than the requirement of 1623
controlling board approval, shall prohibit the department from 1624
contracting with JobsOhio to perform any of the following 1625
functions: 1626

(1) Promoting and advocating for the state; 1627

(2) Making recommendations to the department; 1628

(3) Performing research for the department; 1629

(4) Establishing and managing programs or offices on behalf 1630
of the department, by contract; 1631

(5) Negotiating on behalf of the state. 1632

(F) Nothing in this section, other than the requirement of 1633
controlling board approval, shall prohibit the department from 1634
compensating JobsOhio from funds currently appropriated to the 1635
department to perform the functions described in division (E) of 1636
this section. 1637

Sec. 187.05. The director of development, as soon as 1638
practical after the effective date of this section, shall, in 1639
consultation with the governor, evaluate all powers, functions, 1640
and duties of the department. Within six months after that 1641
effective date, the director shall submit a report to the general 1642
assembly recommending statutory changes necessary to improve the 1643
functioning and efficiency of the department and to transfer 1644
specified powers, functions, and duties of the department to other 1645
existing agencies of the state or to JobsOhio, or eliminate 1646
specified powers, functions, or duties. The recommendations shall 1647
be submitted in writing to the speaker and minority leader of the 1648
house of representatives and the president and minority leader of 1649

the senate. 1650

After submitting the report, the director, in consultation 1651
with the governor, shall continue to evaluate the department and 1652
make additional recommendations on such matters to the general 1653
assembly. 1654

Sec. 187.06. (A) For purposes of this section, "interested 1655
individual" means a director or officer of JobsOhio who has, 1656
directly or indirectly, through business, investment, or family, 1657
any of the following: 1658

(1) An ownership or investment interest in any person with 1659
which JobsOhio has a transaction or arrangement; 1660

(2) A compensation arrangement with JobsOhio or with any 1661
person with which JobsOhio has a transaction or arrangement; 1662

(3) A potential ownership or investment interest in, or 1663
compensation arrangement with, any person with which JobsOhio is 1664
negotiating a transaction or arrangement. Compensation includes 1665
direct and indirect remuneration as well as material gifts or 1666
favours. 1667

(B) The conflicts of interest policy adopted pursuant to 1668
section 187.01 of the Revised Code shall protect JobsOhio's 1669
interest when it is considering a transaction or arrangement that 1670
might benefit the private interest of a director or officer of 1671
JobsOhio or might directly benefit that individual in other than a 1672
de minimis manner. An interested individual shall disclose the 1673
existence of a financial interest to each member of the board of 1674
directors of JobsOhio. The interested individual shall be given an 1675
opportunity to disclose all material facts to the directors. After 1676
disclosure of the financial interest and all material facts, the 1677
board of directors shall decide if a conflict of interest exists. 1678
If the board decides by a majority vote of the disinterested 1679

directors that a conflict exists, the disinterested directors 1680
shall determine whether JobsOhio can obtain with reasonable 1681
efforts a more advantageous transaction or arrangement from a 1682
person that would not give rise to a conflict of interest. If a 1683
more advantageous transaction or arrangement is not reasonably 1684
possible under circumstances not producing a conflict of interest, 1685
the board shall determine by a majority vote of the disinterested 1686
directors whether the transaction or arrangement is in JobsOhio's 1687
best interest, for its own benefit, and whether it is fair and 1688
reasonable. 1689

(C) If the board of directors has reasonable cause to believe 1690
a director or officer has failed to disclose an actual or possible 1691
conflict of interest, it shall inform the individual of the basis 1692
for such belief and provide the individual with an opportunity to 1693
explain the alleged failure to disclose. If the board determines 1694
the individual has failed to disclose an actual or possible 1695
conflict of interest, it shall take appropriate disciplinary and 1696
corrective action, including, but not limited to, initiating an 1697
action for breach of fiduciary duty. 1698

(D) Minutes of board meetings considering possible or actual 1699
conflicts of interest shall be kept. The minutes shall contain 1700
both of the following: 1701

(1) The names of the individuals who disclosed, or were found 1702
to have, a financial interest in connection with an actual or 1703
possible conflict of interest, the nature of the financial 1704
interest, any action taken to determine whether a conflict of 1705
interest was present, and the board's decision as to whether a 1706
conflict of interest existed; 1707

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

taken in connection with the proceedings. 1712

(E) An officer or employee of JobsOhio whose responsibility 1713
includes compensation matters and who receives compensation, 1714
directly or indirectly, from JobsOhio for services is precluded 1715
from voting or providing information to a compensation committee, 1716
if any, on matters pertaining to that individual's compensation. 1717

(F) The conflicts of interest policy adopted pursuant to 1718
section 187.01 of the Revised Code shall prohibit any director of 1719
JobsOhio from soliciting or accepting employment with any person 1720
that receives or has received an incentive or other assistance as 1721
a result of a decision the director participated in as a director 1722
of JobsOhio. 1723

(G) Each director or officer shall annually sign a statement 1724
that affirms the individual: 1725

(1) Has received a copy of the conflicts of interest policy; 1726

(2) Has read and understands the policy; 1727

(3) Has agreed to comply with the policy; 1728

(4) Understands JobsOhio's statutory purpose and that it is a 1729
nonprofit corporation. 1730

(H) To ensure JobsOhio operates in a manner consistent with 1731
its statutory purpose or contractual obligations, periodic reviews 1732
shall be conducted. The periodic reviews shall, at a minimum, 1733
determine all of the following: 1734

(1) Whether compensation arrangements and benefits are 1735
reasonable, based on competent survey information, and the result 1736
of arm's length bargaining; 1737

(2) Whether JobsOhio's operations are consistent with its 1738
articles of incorporation, regulations, and contractual 1739
obligations, and are properly documented; 1740

(3) Whether transactions are fair to JobsOhio, reflect 1741

reasonable investment or payments for goods and services, further 1742
JobsOhio's statutory purpose or contractual obligations, and do 1743
not result in direct private benefit to directors, officers, or 1744
other persons, in other than a de minimis manner. 1745

Sec. 187.07. At no time shall any public money coming into 1746
the possession of JobsOhio be commingled with other money of the 1747
corporation, and any funds or accounts of the corporation that 1748
hold public money shall be maintained and accounted for separately 1749
and independently from any other funds or accounts of the 1750
corporation. 1751

Sec. 187.08. If an officer or employee of JobsOhio receives 1752
more than one thousand dollars of public money in the person's 1753
capacity as such an officer or employee, the person, on the 1754
business day next following the day of receipt, shall deposit the 1755
money into the fund or account into which the money is required to 1756
be deposited by law or the regulations of the corporation. If the 1757
amount of public money received does not exceed one thousand 1758
dollars, the person shall deposit the money on the business day 1759
next following the day of receipt unless the board of directors of 1760
JobsOhio adopts a policy permitting a different time period, not 1761
to exceed three business days next following the day of receipt, 1762
for making such deposits, and the person is able to safeguard the 1763
moneys until the money is deposited. The policy shall include 1764
provisions and procedures to safeguard public money until it is 1765
deposited. 1766

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

for the public money to the same extent as a public official is 1773
liable for public money under section 9.39 of the Revised Code. 1774

Sec. 187.09. Any action brought by or on behalf of JobsOhio 1775
against a director or former director in that individual's 1776
capacity as a director shall be brought in the court of common 1777
pleas of Franklin county. 1778

Sec. 187.10. (A) No person, with purpose to corrupt a 1779
director, officer, or employee of JobsOhio, shall promise, offer, 1780
or give any valuable thing or valuable benefit. 1781

(B) Whoever violates this section is guilty of the offense of 1782
bribery, as set forth in section 2921.02 of the Revised Code. 1783

Sec. 187.11. JobsOhio may indemnify, to the fullest extent 1784
permitted by law, its board of directors, board members, and 1785
officers and employees from liability incurred in the performance 1786
of duties or functions of JobsOhio. For purposes of this section, 1787
JobsOhio may procure policies of insurance for civil liability. 1788

Sec. 187.12. (A) JobsOhio shall not make a contribution to 1789
any campaign committee, political party, legislative campaign 1790
fund, political action committee, or political contributing entity 1791
for any purpose whatsoever. 1792

(B) As used in this section, "contribution," "campaign 1793
committee," "political party," "legislative campaign fund," 1794
"political action committee," and "political contributing entity" 1795
have the same meanings as in section 3517.01 of the Revised Code. 1796

Sec. 2921.01. As used in sections 2921.01 to 2921.45 of the 1797
Revised Code: 1798

(A) "Public official" means any elected or appointed officer, 1799

or employee, or agent of the state or any political subdivision, 1800
whether in a temporary or permanent capacity, and includes, but is 1801
not limited to, legislators, judges, and law enforcement officers. 1802
"Public official" does not include an employee, officer, or 1803
governor-appointed member of the board of directors of the 1804
nonprofit corporation formed under section 187.01 of the Revised 1805
Code. 1806

(B) "Public servant" means any of the following: 1807

(1) Any public official; 1808

(2) Any person performing ad hoc a governmental function, 1809
including, but not limited to, a juror, member of a temporary 1810
commission, master, arbitrator, advisor, or consultant; 1811

(3) A person who is a candidate for public office, whether or 1812
not the person is elected or appointed to the office for which the 1813
person is a candidate. A person is a candidate for purposes of 1814
this division if the person has been nominated according to law 1815
for election or appointment to public office, or if the person has 1816
filed a petition or petitions as required by law to have the 1817
person's name placed on the ballot in a primary, general, or 1818
special election, or if the person campaigns as a write-in 1819
candidate in any primary, general, or special election. 1820

"Public servant" does not include an employee, officer, or 1821
governor-appointed member of the board of directors of the 1822
nonprofit corporation formed under section 187.01 of the Revised 1823
Code. 1824

(C) "Party official" means any person who holds an elective 1825
or appointive post in a political party in the United States or 1826
this state, by virtue of which the person directs, conducts, or 1827
participates in directing or conducting party affairs at any level 1828
of responsibility. 1829

(D) "Official proceeding" means any proceeding before a 1830

legislative, judicial, administrative, or other governmental 1831
agency or official authorized to take evidence under oath, and 1832
includes any proceeding before a referee, hearing examiner, 1833
commissioner, notary, or other person taking testimony or a 1834
deposition in connection with an official proceeding. 1835

(E) "Detention" means arrest; confinement in any vehicle 1836
subsequent to an arrest; confinement in any public or private 1837
facility for custody of persons charged with or convicted of crime 1838
in this state or another state or under the laws of the United 1839
States or alleged or found to be a delinquent child or unruly 1840
child in this state or another state or under the laws of the 1841
United States; hospitalization, institutionalization, or 1842
confinement in any public or private facility that is ordered 1843
pursuant to or under the authority of section 2945.37, 2945.371, 1844
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 1845
Code; confinement in any vehicle for transportation to or from any 1846
facility of any of those natures; detention for extradition or 1847
deportation; except as provided in this division, supervision by 1848
any employee of any facility of any of those natures that is 1849
incidental to hospitalization, institutionalization, or 1850
confinement in the facility but that occurs outside the facility; 1851
supervision by an employee of the department of rehabilitation and 1852
correction of a person on any type of release from a state 1853
correctional institution; or confinement in any vehicle, airplane, 1854
or place while being returned from outside of this state into this 1855
state by a private person or entity pursuant to a contract entered 1856
into under division (E) of section 311.29 of the Revised Code or 1857
division (B) of section 5149.03 of the Revised Code. For a person 1858
confined in a county jail who participates in a county jail 1859
industry program pursuant to section 5147.30 of the Revised Code, 1860
"detention" includes time spent at an assigned work site and going 1861
to and from the work site. 1862

(F) "Detention facility" means any public or private place 1863
used for the confinement of a person charged with or convicted of 1864
any crime in this state or another state or under the laws of the 1865
United States or alleged or found to be a delinquent child or 1866
unruly child in this state or another state or under the laws of 1867
the United States. 1868

(G) "Valuable thing or valuable benefit" includes, but is not 1869
limited to, a contribution. This inclusion does not indicate or 1870
imply that a contribution was not included in those terms before 1871
September 17, 1986. 1872

(H) "Campaign committee," "contribution," "political action 1873
committee," "legislative campaign fund," "political party," and 1874
"political contributing entity" have the same meanings as in 1875
section 3517.01 of the Revised Code. 1876

(I) "Provider agreement" and "medical assistance program" 1877
have the same meanings as in section 2913.40 of the Revised Code. 1878

Sec. 4117.01. As used in this chapter: 1879

(A) "Person," in addition to those included in division (C) 1880
of section 1.59 of the Revised Code, includes employee 1881
organizations, public employees, and public employers. 1882

(B) "Public employer" means the state or any political 1883
subdivision of the state located entirely within the state, 1884
including, without limitation, any municipal corporation with a 1885
population of at least five thousand according to the most recent 1886
federal decennial census; county; township with a population of at 1887
least five thousand in the unincorporated area of the township 1888
according to the most recent federal decennial census; school 1889
district; governing authority of a community school established 1890
under Chapter 3314. of the Revised Code; state institution of 1891
higher learning; public or special district; state agency, 1892

authority, commission, or board; or other branch of public 1893
employment. "Public employer" does not include the nonprofit 1894
corporation formed under section 187.01 of the Revised Code. 1895

(C) "Public employee" means any person holding a position by 1896
appointment or employment in the service of a public employer, 1897
including any person working pursuant to a contract between a 1898
public employer and a private employer and over whom the national 1899
labor relations board has declined jurisdiction on the basis that 1900
the involved employees are employees of a public employer, except: 1901

(1) Persons holding elective office; 1902

(2) Employees of the general assembly and employees of any 1903
other legislative body of the public employer whose principal 1904
duties are directly related to the legislative functions of the 1905
body; 1906

(3) Employees on the staff of the governor or the chief 1907
executive of the public employer whose principal duties are 1908
directly related to the performance of the executive functions of 1909
the governor or the chief executive; 1910

(4) Persons who are members of the Ohio organized militia, 1911
while training or performing duty under section 5919.29 or 5923.12 1912
of the Revised Code; 1913

(5) Employees of the state employment relations board, 1914
including those employees of the state employment relations board 1915
utilized by the state personnel board of review in the exercise of 1916
the powers and the performance of the duties and functions of the 1917
state personnel board of review; 1918

(6) Confidential employees; 1919

(7) Management level employees; 1920

(8) Employees and officers of the courts, assistants to the 1921
attorney general, assistant prosecuting attorneys, and employees 1922

of the clerks of courts who perform a judicial function;	1923
(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	1924 1925 1926
(10) Supervisors;	1927
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	1928 1929 1930 1931 1932
(12) Employees of county boards of election;	1933
(13) Seasonal and casual employees as determined by the state employment relations board;	1934 1935
(14) Part-time faculty members of an institution of higher education;	1936 1937
(15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	1938 1939 1940 1941 1942 1943
(16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	1944 1945 1946
(17) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005+.	1947 1948 1949 1950
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists	1951 1952

for the purpose, in whole or in part, of dealing with public 1953
employers concerning grievances, labor disputes, wages, hours, 1954
terms, and other conditions of employment. 1955

(E) "Exclusive representative" means the employee 1956
organization certified or recognized as an exclusive 1957
representative under section 4117.05 of the Revised Code. 1958

(F) "Supervisor" means any individual who has authority, in 1959
the interest of the public employer, to hire, transfer, suspend, 1960
lay off, recall, promote, discharge, assign, reward, or discipline 1961
other public employees; to responsibly direct them; to adjust 1962
their grievances; or to effectively recommend such action, if the 1963
exercise of that authority is not of a merely routine or clerical 1964
nature, but requires the use of independent judgment, provided 1965
that: 1966

(1) Employees of school districts who are department 1967
chairpersons or consulting teachers shall not be deemed 1968
supervisors; 1969

(2) With respect to members of a police or fire department, 1970
no person shall be deemed a supervisor except the chief of the 1971
department or those individuals who, in the absence of the chief, 1972
are authorized to exercise the authority and perform the duties of 1973
the chief of the department. Where prior to June 1, 1982, a public 1974
employer pursuant to a judicial decision, rendered in litigation 1975
to which the public employer was a party, has declined to engage 1976
in collective bargaining with members of a police or fire 1977
department on the basis that those members are supervisors, those 1978
members of a police or fire department do not have the rights 1979
specified in this chapter for the purposes of future collective 1980
bargaining. The state employment relations board shall decide all 1981
disputes concerning the application of division (F)(2) of this 1982
section. 1983

(3) With respect to faculty members of a state institution of higher education, heads of departments or divisions are supervisors; however, no other faculty member or group of faculty members is a supervisor solely because the faculty member or group of faculty members participate in decisions with respect to courses, curriculum, personnel, or other matters of academic policy;

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

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

(H) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a

stoppage of work by employees in good faith because of dangerous 2016
or unhealthful working conditions at the place of employment that 2017
are abnormal to the place of employment. 2018

(I) "Unauthorized strike" includes, but is not limited to, 2019
concerted action during the term or extended term of a collective 2020
bargaining agreement or during the pendency of the settlement 2021
procedures set forth in section 4117.14 of the Revised Code in 2022
failing to report to duty; willful absence from one's position; 2023
stoppage of work; slowdown, or abstinence in whole or in part from 2024
the full, faithful, and proper performance of the duties of 2025
employment for the purpose of inducing, influencing, or coercing a 2026
change in wages, hours, terms, and other conditions of employment. 2027
"Unauthorized strike" includes any such action, absence, stoppage, 2028
slowdown, or abstinence when done partially or intermittently, 2029
whether during or after the expiration of the term or extended 2030
term of a collective bargaining agreement or during or after the 2031
pendency of the settlement procedures set forth in section 4117.14 2032
of the Revised Code. 2033

(J) "Professional employee" means any employee engaged in 2034
work that is predominantly intellectual, involving the consistent 2035
exercise of discretion and judgment in its performance and 2036
requiring knowledge of an advanced type in a field of science or 2037
learning customarily acquired by a prolonged course in an 2038
institution of higher learning or a hospital, as distinguished 2039
from a general academic education or from an apprenticeship; or an 2040
employee who has completed the courses of specialized intellectual 2041
instruction and is performing related work under the supervision 2042
of a professional person to become qualified as a professional 2043
employee. 2044

(K) "Confidential employee" means any employee who works in 2045
the personnel offices of a public employer and deals with 2046
information to be used by the public employer in collective 2047

bargaining; or any employee who works in a close continuing 2048
relationship with public officers or representatives directly 2049
participating in collective bargaining on behalf of the employer. 2050

(L) "Management level employee" means an individual who 2051
formulates policy on behalf of the public employer, who 2052
responsibly directs the implementation of policy, or who may 2053
reasonably be required on behalf of the public employer to assist 2054
in the preparation for the conduct of collective negotiations, 2055
administer collectively negotiated agreements, or have a major 2056
role in personnel administration. Assistant superintendents, 2057
principals, and assistant principals whose employment is governed 2058
by section 3319.02 of the Revised Code are management level 2059
employees. With respect to members of a faculty of a state 2060
institution of higher education, no person is a management level 2061
employee because of the person's involvement in the formulation or 2062
implementation of academic or institution policy. 2063

(M) "Wages" means hourly rates of pay, salaries, or other 2064
forms of compensation for services rendered. 2065

(N) "Member of a police department" means a person who is in 2066
the employ of a police department of a municipal corporation as a 2067
full-time regular police officer as the result of an appointment 2068
from a duly established civilservice eligibility list or under 2069
section 737.15 or 737.16 of the Revised Code, a full-time deputy 2070
sheriff appointed under section 311.04 of the Revised Code, a 2071
township constable appointed under section 509.01 of the Revised 2072
Code, or a member of a township police district police department 2073
appointed under section 505.49 of the Revised Code. 2074

(O) "Members of the state highway patrol" means highway 2075
patrol troopers and radio operators appointed under section 2076
5503.01 of the Revised Code. 2077

(P) "Member of a fire department" means a person who is in 2078

the employ of a fire department of a municipal corporation or a 2079
township as a fire cadet, full-time regular firefighter, or 2080
promoted rank as the result of an appointment from a duly 2081
established civil service eligibility list or under section 2082
505.38, 709.012, or 737.22 of the Revised Code. 2083

(Q) "Day" means calendar day. 2084

Section 2. That existing sections 1.60, 102.01, 102.02, 2085
102.022, 117.01, 121.01, 121.22, 121.41, 121.60, 121.67, 122.011, 2086
124.01, 145.012, 149.011, 2921.01, and 4117.01 of the Revised Code 2087
are hereby repealed. 2088

Section 3. The Supreme Court of Ohio shall have exclusive, 2089
original jurisdiction over any claim asserting that any one or 2090
more sections of the Revised Code amended or enacted by this act, 2091
or any portion of one or more of those sections, or any rule 2092
adopted under one or more of those sections, violates any 2093
provision of the Ohio Constitution; and over any claim asserting 2094
that any action taken pursuant to those sections by the Governor 2095
or the nonprofit corporation formed under section 187.01 of the 2096
Revised Code violates any provision of the Ohio Constitution or 2097
any provision of the Revised Code. Any such claim shall be filed 2098
as otherwise required by the Court's rules of practice not later 2099
than the sixtieth day after the effective date of this act. If any 2100
claim over which the Supreme Court is granted exclusive, original 2101
jurisdiction by this section is filed in any lower court, the 2102
claim shall be dismissed by the court on the ground that the court 2103
lacks jurisdiction to review it. 2104

Section 4. Section 145.012 of the Revised Code is presented 2105
in this act as a composite of the section as amended by both Am. 2106
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 2107
General Assembly, applying the principle stated in division (B) of 2108

section 1.52 of the Revised Code that amendments are to be 2109
harmonized if reasonably capable of simultaneous operation, finds 2110
that the composite is the resulting version of the section in 2111
effect prior to the effective date of the section as presented in 2112
this act. 2113

Section 5. The Director of Development, in consultation with 2114
the Director of Budget and Management, shall find within the 2115
Department of Development's total unexpended and unencumbered 2116
fiscal year 2011 General Revenue Fund appropriation an amount not 2117
to exceed \$1,000,000 in order to establish and operate the 2118
JobsOhio corporation established in Chapter 187. of the Revised 2119
Code. The Director of Development shall identify appropriation 2120
items within the General Revenue Fund that are to be reduced for 2121
this purpose, and any reduction in appropriations to these items 2122
pursuant to this section shall not collectively exceed \$1,000,000. 2123
The amounts identified by the Director are hereby appropriated in 2124
General Revenue Fund appropriation item 195527, JobsOhio, for 2125
transition and start-up costs of the JobsOhio corporation. Nothing 2126
in this section shall be construed as increasing or decreasing the 2127
Department of Development's total fiscal year 2011 General Revenue 2128
Fund appropriation. 2129

The Department of Development shall prepare and, not later 2130
than six months after the effective date of this section, submit 2131
to the Controlling Board a report detailing the use of the funds 2132
appropriated under this section. The Department of Development 2133
shall submit to the Controlling Board a report not later than 2134
every six months thereafter detailing the use of the funds 2135
appropriated under this section, until those funds have all been 2136
used. 2137

Section 6. Sections 1, 2, 3, 4, 5, and 6 of this act are not 2138
subject to the referendum because they are or they relate to an 2139

appropriation for current expenses within the meaning of Ohio	2140
Constitution, Article II, Section 1d, and section 1.471 of the	2141
Revised Code, and therefore those sections take effect immediately	2142
when this act becomes law.	2143