

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

**CORRECTED VERSION**  
**WEDNESDAY, MARCH 13, 2013**

TWENTY-FIRST DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Wednesday, March 13, 2013, 1:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Richard Johnson of the Sanctuary Columbus Church in Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Batchelder prior to the commencement of business:

The Olentangy Liberty High School boys soccer team received H.R. 26, presented by Representative Brenner-67th district.

Pat Sweeney, a guest of Representative Antonio-13th district.

Nick Ceo, a guest of Representative Celebrezze-15th district.

Corey Castelli, a guest of Representative Stinziano-18th district.

Students of the Jack and Jill's 2013 Beautillion Millitare Class, guests of Representatives Winburn-43rd district and Strahorn-39th district.

Joseph Cousino, a guest of Representative Szollosi-46th district.

Tim and Allison Lawlov, guests of Representative Retherford-51st district.

Rob Ault and D.J. McFadden, guests of Representatives Hall-70th district and Landis-98th district.

Will, Drew, and Heather Hoppy, Evan and Erin Callicote, Rob Radway, and Ed and Justin Hartman, guests of Representative Sprague-83rd district.

Daniel Blanchard and Justin Ernest, guests of Representative Buchy-84th district.

### INTRODUCTION OF BILLS

The following bills were introduced:

**H. B. No. 102**-Representative Roegner.

Cosponsors: Representatives Brenner, Lynch, DeVitis, Thompson, Adams, J., Hall.

To amend sections 4929.01 and 4929.02 and to enact sections 4929.021 and 4929.022 of the Revised Code to change state policy regarding natural gas competition, to require assessments on retail natural gas suppliers for subsidies granted in retail auctions, and to require the assessments to be distributed to nonmercantile customers.

**H. B. No. 103**-Representative Huffman.

Cosponsors: Representatives Becker, Buchy, Conditt, Grossman, Hottinger, Pillich, Stebelton, Wachtmann.

To amend section 2305.113 and to enact section 2323.451 of the Revised Code to specify the manner of sending a notice of intent to file a medical claim and to provide a procedure for the discovery of other potential defendants within a specified period after the filing of a medical claim.

Said bills were considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS  
FOR SECOND CONSIDERATION**

Representative Antonio submitted the following report:

The standing committee on Health and Aging to which was referred **H. B. No. 83**-Representative Hackett, et al., having had the same under consideration, reports it back and recommends its passage.

RE: PSYCHOLOGY PRACTICE-REVISE RELEVANT LAW

Representative Wachtmann moved to amend the title as follows:

Add the names: "Carney, Ramos."

LYNN R. WACHTMANN  
NICKIE ANTONIO  
JOHN PATRICK CARNEY  
BRIAN HILL  
TERRY JOHNSON  
DALE MALLORY  
KIRK SCHURING  
RYAN SMITH

ANNE GONZALES  
TIM W. BROWN  
ROBERT F. HAGAN  
JAY HOTTINGER  
RON MAAG  
DAN RAMOS  
BARBARA R. SEARS

The following member voted "NO"

RON HOOD

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Gerberry submitted the following report:

The standing committee on Policy and Legislative Oversight to which was referred **Am. S. B. No. 10**-Senators Coley, Smith, et al., having had the same under consideration, reports it back and recommends its passage.

RE: POLLING PLACES/VOTING MACHINES-REVISE LAWS  
REGARDING

Representative Dovilla moved to amend the title as follows:

Add the names: "Representatives Dovilla, Gerberry, Adams, J., Cera, Curtin, Fedor."

- |                   |                   |
|-------------------|-------------------|
| MIKE DOVILLA      | JIM BUCHY         |
| RON GERBERRY      | JOHN ADAMS        |
| LOUIS W. BLESSING | ANDREW BRENNER    |
| MATT HUFFMAN      | DOROTHY PELANDA   |
| RICK PERALES      | JACK CERA         |
| KATHLEEN CLYDE    | MICHAEL F. CURTIN |
| TERESA FEDOR      |                   |

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Gerberry submitted the following report:

The standing committee on Policy and Legislative Oversight to which was referred **H. C. R. No. 9**-Representative Adams, J., et al., having had the same under consideration, reports it back and recommends its adoption.

RE: TRANSCANADA KEYSTONE XL PIPELINE-BUILD

Representative Dovilla moved to amend the title as follows:

Add the names: "Gerberry, Cera, Fedor."

- |                   |                   |
|-------------------|-------------------|
| MIKE DOVILLA      | JIM BUCHY         |
| RON GERBERRY      | JOHN ADAMS        |
| LOUIS W. BLESSING | ANDREW BRENNER    |
| MATT HUFFMAN      | DOROTHY PELANDA   |
| RICK PERALES      | JACK CERA         |
| KATHLEEN CLYDE    | MICHAEL F. CURTIN |
| TERESA FEDOR      |                   |

The report was agreed to.

The concurrent resolution was ordered to be engrossed and placed on the calendar.

Representative Phillips reported for the Rules and Reference committee, recommending that the following House Bills be considered for the second time and referred to the following committees for consideration:

**H.B. No. 99** – Representatives Retherford, Hood  
TO PROHIBIT ANY AGENCY AND ITS EMPLOYEES AND AGENTS  
FROM SEIZING OR AUTHORIZING THE SEIZURE OF ANY FIREARM  
FROM ANY PERSON LAWFULLY IN POSSESSION OR CONTROL OF

THE FIREARM EXCEPT WHEN A LAW ENFORCEMENT OFFICER REASONABLY BELIEVES THE IMMEDIATE SEIZURE OF THE FIREARM IS NECESSARY FOR THE SAFETY OF THE OFFICER OR ANOTHER PERSON OR TO PRESERVE THE FIREARM AS EVIDENCE, TO PROHIBIT THE ESTABLISHMENT OF A FIREARM REGISTRY, AND TO PROHIBIT LAW ENFORCEMENT OFFICERS AND INTERNATIONAL AGENTS FROM ENFORCING A FIREARMS REGISTRATION REQUIREMENT OR FIREARM BAN.

To the committee on State and Local Government

**H.B. No. 100** – Representative Carney

TO ALLOW THE AUDITOR OF STATE TO CONDUCT FULL AUDITS OF JOBSOHIO AND TO REQUIRE ALL NONPROFIT ECONOMIC DEVELOPMENT CORPORATIONS THAT RECEIVE PUBLIC FUNDS TO MAKE ANNUAL DISCLOSURES RELATED TO BOTH THEIR PUBLIC AND PRIVATE FUNDS.

To the committee on State and Local Government

**H.B. No. 101** – Representatives Lundy and Maag

TO CREATE THE STATE LOTTERY COMMISSION OFFICE OF SWEEPSTAKES COMPLIANCE TO LICENSE AND OVERSEE THE OPERATION OF SWEEPSTAKES GAMING DEVICES.

To the committee on Policy and Legislative Oversight

MATT HUFFMAN  
ANDREW BRENNER  
DOROTHY PELANDA  
ARMOND BUDISH  
MATT SZOLLOSI

JOHN ADAMS  
JIM BUCHY  
STEPHANIE KUNZE  
DEBBIE PHILLIPS

Representative Huffman moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills were considered the second time and referred as recommended.

**MOTIONS AND RESOLUTIONS**

Representative Phillips reported for the Rules and Reference committee recommending that the following House Resolution be introduced and referred to the following committee for consideration:

**H.R. No. 43** – Representative Stinziano  
TO URGE THE INTERNATIONAL OLYMPIC COMMITTEE  
EXECUTIVE BOARD TO REVERSE ITS DECISION TO REMOVE  
WRESTLING AS AN OLYMPIC CORE SPORT AND TO URGE THE U.S.  
OLYMPIC COMMITTEE TO WORK ACTIVELY TO REVERSE THE  
BOARD'S DECISION TO REMOVE WRESTLING FROM THE SUMMER  
OLYMPICS BEGINNING IN 2020.

To the committee on Policy and Legislative Oversight

/s/MATT HUFFMAN  
Matt Huffman, Chair

Representative Huffman moved that the Rules and Reference committee report on resolutions be agreed to and that the House Resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said House Resolution was introduced and referred as recommended.

Representative Phillips reported for the Rules and Reference committee recommending that the following resolutions be read by title only and approved:

**H.R. No. 40** – Representatives Antonio, Anielski, Baker, Bishoff, Boyd, Brown, Cera, Clyde, Conditt, Driehaus, Duffey, Fedor, Gerberry, Gonzales, Grossman, Hackett, Hagan, R., Heard, Hottinger, Kunze, Lundy, Maag, Mallory, Milkovich, Patmon, Patterson, Pelanda, Phillips, Pillich, Ramos, Reece, Roegner, Ruhl, Sears, Slaby, Stinziano, Strahorn, Szollosi, Williams  
Recognizing Women's History Month in Ohio, March 2013.

**H.R. No. 41** – Representative Buchy  
Honoring the Fort Recovery Monument on its Centennial.

**H.R. No. 42** – Representative Buchy  
Honoring the Coldwater High School girls bowling team as the 2013 State Champion.

**H.R. No. 44** – Representative Gonzales  
Honoring Dwight Carter on receiving a 2013 Digital Principal Award.

**H.R. No. 45** – Representative Pillich  
Honoring the Archbishop Moeller High School baseball team on winning the 2012 Division I State Championship.

**H.R. No. 46** – Representative Slaby  
Honoring Ben Campbell on receiving the Congressional Medal of Bravery.

**H.R. No. 47** – Representative Dovilla  
Honoring Dean Heil as a 2013 Division I State Champion in wrestling.

**H.R. No. 48** – Representative Dovilla  
Honoring the Baldwin Wallace University cyber security team as the 2013 Ohio Collegiate Cyber Defense Competition Champion.

/s/MATT HUFFMAN  
Matt Huffman, Chair

Representative Huffman moved that the Rules and Reference committee report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Grossman moved that majority party members asking leave to be absent or absent the week of Wednesday, March 13, 2013, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Heard moved that minority party members asking leave to be absent or absent the week of Wednesday, March 13, 2013, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 3**-Representatives Sears, Kunze.  
Cosponsor: Representative Hottinger.

To amend sections 1751.12 and 3905.01 and to enact sections 3905.47, 3905.471, 3905.472, 3905.473, and 3905.474 of the Revised Code to specify licensing and continuing education requirements for insurance agents involved in selling, soliciting, or negotiating sickness and accident insurance through a health benefit exchange and to make changes to copayments, cost sharing, and deductibles for health insuring corporations, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 90, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Ashford	Baker	Barborak	Beck
Becker	Blair	Blessing	Boose
Boyce	Brenner	Brown	Buchy

Budish	Burkley	Butler	Carney
Celebrezze	Cera	Clyde	Conditt
Curtin	Damschroder	DeVitis	Derickson
Dovilla	Driehaus	Duffey	Fedor
Gerberry	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Heard	Henne	Hill	Hood
Hottinger	Huffman	Johnson	Kunze
Landis	Letson	Lundy	Lynch
Maag	Mallory	McClain	McGregor
Milkovich	O'Brien	Patterson	Pelanda
Perales	Phillips	Pillich	Redfern
Reece	Retherford	Roegner	Rogers
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Strahorn	Sykes	Szollosi
Terhar	Thompson	Wachtmann	Williams
Young			Batchelder-90.

Representatives Antonio, Foley, Hagan, R., Ramos, and Winburn voted in the negative-5.

The bill passed.

Representative Sears moved to amend the title as follows:

Add the names: "Anielski, Brown, Hackett, Henne, Rosenberger, Sprague, Wachtmann, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 16**-Representatives O'Brien, Hottinger.

To amend sections 3313.539, 3319.303, and 3707.48 of the Revised Code to correct a cross reference with regard to concussions and head injuries in athletic activities organized by youth sports organizations, to clarify certain references to organizations that regulate interscholastic athletics, and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Beck	Becker	Blair	Blessing
Boose	Boyce	Brenner	Brown
Buchy	Budish	Burkley	Butler
Carney	Celebrezze	Cera	Clyde
Conditt	Curtin	Damschroder	DeVitis

Derickson	Dovilla	Driehaus	Duffey
Fedor	Foley	Gerberry	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Hayes	Heard
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Letson	Lundy	Lynch	Maag
Mallory	McClain	McGregor	Milkovich
O'Brien	Patterson	Pelanda	Perales
Phillips	Pillich	Ramos	Redfern
Reece	Retherford	Roegner	Rogers
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Strahorn	Sykes	Szollosi
Terhar	Thompson	Wachtmann	Williams
Winburn	Young		Batchelder-95.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Ashford	Baker	Barborak
Beck	Becker	Blair	Blessing
Boose	Boyce	Brenner	Brown
Buchy	Budish	Burkley	Butler
Carney	Celebrezze	Cera	Clyde
Conditt	Curtin	Damschroder	DeVitis
Derickson	Dovilla	Driehaus	Duffey
Fedor	Foley	Gerberry	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hagan, R.	Hall	Hayes	Heard
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Letson	Lundy	Lynch	Maag
Mallory	McClain	McGregor	Milkovich
O'Brien	Patterson	Pelanda	Perales
Phillips	Pillich	Ramos	Redfern
Reece	Retherford	Roegner	Rogers
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Slesnick
Smith	Sprague	Stautberg	Stebelton
Stinziano	Strahorn	Sykes	Szollosi
Terhar	Thompson	Wachtmann	Williams
Winburn	Young		Batchelder-95.

Having received the required constitutional majority, the bill passed as an emergency measure.

Representative O'Brien moved to amend the title as follows:

Add the names: "Amstutz, Anielski, Antonio, Ashford, Baker, Barborak, Beck, Boose, Boyce, Brown, Budish, Burkley, Carney, Celebrezze, Cera, Curtin, DeVitis, Dovilla, Grossman, Hackett, Hagan, C., Hagan, R., Hall, Hayes, Heard, Henne, Hill, Huffman, Letson, Lynch, Mallory, McClain, Milkovich, Patterson, Rogers, Rosenberger, Ruhl, Sears, Slaby, Smith, Sprague, Stinziano, Strahorn, Szollosi, Winburn, Batchelder."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. H. B. No. 7-Representative Huffman.**

Cosponsors: Speaker Batchelder, Representatives Amstutz, Buchy, Hill.

To amend sections 109.32, 109.54, 2915.01, and 2915.02 of the Revised Code to permit the Bureau of Criminal Identification and Investigation to investigate criminal activity related to the Gambling Law, to make changes related to schemes of chance, and to require certifications related to the conduct of a sweepstakes with the use of a sweepstakes terminal device, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Lundy moved that **Sub. H. B. No. 7-Representative Huffman, et al.**, be rereferred to the committee on Policy and Legislative Oversight.

The question being, "Shall the motion to rerefer be agreed to?"

The yeas and nays were taken and resulted - yeas 38, nays 56, as follows:

Those who voted in the affirmative were: Representatives

Antonio	Baker	Barborak	Boose
Boyce	Budish	Carney	Celebrezze
Cera	Clyde	Damschroder	DeVitis
Driehaus	Fedor	Foley	Gerberry
Hagan, R.	Heard	Henne	Letson
Lundy	Lynch	Mallory	Milkovich
O'Brien	Patterson	Phillips	Pillich
Ramos	Redfern	Reece	Roegner
Rogers	Stinziano	Sykes	Szollosi
Williams			Winburn-38.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Ashford	Beck	Becker	Blair
Blessing	Brenner	Brown	Buchy
Burkley	Butler	Conditt	Curtin

Derickson	Dovilla	Duffey	Gonzales
Green	Grossman	Hackett	Hagan, C.
Hall	Hayes	Hill	Hood
Hottinger	Huffman	Johnson	Kunze
Landis	Maag	McClain	McGregor
Pelanda	Perales	Retherford	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Strahorn	Terhar
Thompson	Wachtmann	Young	Batchelder-56.

The motion was not agreed to.

The question recurring, "Shall the bill pass?"

Representative Carney moved to amend as follows:

In line 9, after "109.54," insert "121.22, 149.011, 149.43, 187.01, 187.03, 187.04"

Between lines 94 and 95, insert:

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

(B) As used in this section:

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

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

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

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

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

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

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

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

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

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

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

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

(1) A grand jury;

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

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

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

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

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

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

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

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

(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;

~~(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;~~

~~(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code.~~

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

- (1) Marketing plans;
- (2) Specific business strategy;
- (3) Production techniques and trade secrets;
- (4) Financial projections;
- (5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.

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

(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of

meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

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

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

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

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

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

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

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

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

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

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

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

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

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

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

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened violation that was the basis of the injunction, a well-informed public body reasonably would believe that the

public body was not violating or threatening to violate this section;

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

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

(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.

(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.

(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:

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

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

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

(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.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

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

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

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

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

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

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

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

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

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

**Sec. 149.43.** (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;

(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;

(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen;

(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;

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

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

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

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

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

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

(z) Records listed in section 5101.29 of the Revised Code;

(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;

(bb) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility ;

~~(cc) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division.~~

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record

would create a high probability of disclosure of any of the following:

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

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's employer from the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a

peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A)(7) and (B)(9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(5) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

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

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

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

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

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

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

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

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an

opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

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

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

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.

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

Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to this division. A public office that adopts a policy and procedures under this division shall comply with them in performing its duties under this division.

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

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

(9)(a) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation shall disclose to the journalist the address of the actual personal residence of the peace officer, parole

officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation and, if the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B)(9)(a) of this section also applies to journalist requests for customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(1) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

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

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

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

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

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

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

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

attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

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

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

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

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

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

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

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

number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

(2) The public office shall distribute the public records policy adopted by the public office under division (E)(1) of this section to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

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

(2) As used in division (F)(1) of this section:

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

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or ~~data base~~ database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

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

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to

create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

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

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

The governor is hereby authorized to form a nonprofit corporation, to be named "JobsOhio," with the purposes of promoting economic development, job creation, job retention, job training, and the recruitment of business to this state. Except as otherwise provided in this chapter, the corporation shall be organized and operated in accordance with Chapter 1702. of the Revised Code. The governor shall sign and file articles of incorporation for the corporation with the secretary of state. The legal existence of the corporation shall begin upon the filing of the articles.

In addition to meeting the requirements for articles of incorporation in Chapter 1702. of the Revised Code, the articles of incorporation for the nonprofit corporation shall set forth the following:

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

(B) The creation of a board of directors consisting of nine directors, to be appointed by the governor, who satisfy the qualifications prescribed by section 187.02 of the Revised Code;

(C) A requirement that the governor make initial appointments to the board within sixty days after the filing of the articles of incorporation. Of the initial appointments made to the board, two shall be for a term ending one year after the date the articles were filed, two shall be for a term ending two years after the date the articles were filed, and five shall be for a term ending four years after the date the articles were filed. The articles shall state that, following the initial appointments, the governor shall appoint directors to terms of office of four years, with each term of office ending on the same day of the same month as did the term that it succeeds. If any director dies, resigns, or the director's status changes such that any of the requirements of division (C) of section 187.02 of the Revised Code are no longer met, that director's seat on the board shall become immediately vacant. The governor shall forthwith fill the vacancy by appointment for the remainder of the term of office of the vacated seat.

(D) A requirement that the governor appoint one director to be

chairperson of the board and procedures for electing directors to serve as officers of the corporation and members of an executive committee;

(E) A provision for the appointment of a chief investment officer of the corporation by the recommendation of the board and approval of the governor. The chief investment officer shall serve at the pleasure of the board and shall have the power to execute contracts, spend corporation funds, and hire employees on behalf of the corporation. If the position of chief investment officer becomes vacant for any reason, the vacancy shall be filled in the same manner as provided in this division.

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

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

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

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

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

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

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

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

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

(9) Adopt standards of conduct for the directors.

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

(H) A provision authorizing the board to amend provisions of the

corporation's articles of incorporation or regulations, except provisions required by this chapter;

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

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

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

**Sec. 187.03.** (A) JobsOhio may perform such functions as permitted and shall perform such duties as prescribed by law and as set forth in any contract entered into under section 187.04 of the Revised Code, but shall not be considered a state or public department, agency, office, body, institution, or instrumentality for purposes of section 1.60 ~~of~~ Chapter 102. ~~, 121., or 125. ~~or~~ 149. , or Chapter 121.~~ with the exception of section 121.22 of the Revised Code. JobsOhio and its board of directors are not subject to the following sections of Chapter 1702. of the Revised Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this division shall be construed to impair the powers and duties of the Ohio ethics commission described in section 102.06 of the Revised Code to investigate and enforce section 102.02 of the Revised Code with regard to individuals required to file statements under division (B)(2) of this section.

(B)(1) Directors and employees of JobsOhio are not employees or officials of the state and, except as provided in division (B)(2) of this section, are not subject to Chapter 102., 124., 145., or 4117. of the Revised Code.

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

requirements of section 102.02 of the Revised Code.

(3) Actual or in-kind expenditures for the travel, meals, or lodging of the governor or of any public official or employee designated by the governor for the purpose of this division shall not be considered a violation of section 102.03 of the Revised Code if the expenditures are made by the corporation, or on behalf of the corporation by any person, in connection with the governor's performance of official duties related to JobsOhio. The governor may designate any person, including a person who is a public official or employee as defined in section 102.01 of the Revised Code, for the purpose of this division if such expenditures are made on behalf of the person in connection with the governor's performance of official duties related to JobsOhio. A public official or employee so designated by the governor shall comply with all applicable requirements of section 102.02 of the Revised Code.

~~At the times and frequency agreed to under division (B)(2)(b) of section 187.04 of the Revised Code, beginning~~ Beginning in 2012, the corporation shall file with the development services agency a written report of all such expenditures paid or incurred during the preceding calendar year. The report shall state the dollar value and purpose of each expenditure, the date of each expenditure, the name of the person that paid or incurred each expenditure, and the location, if any, where services or benefits of an expenditure were received, provided that any such information that may disclose proprietary information ~~as defined in division (C) of this section shall not be included in the report~~ is not a public record under section 149.43 of the Revised Code.

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

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

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

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

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

~~(2) To consider proprietary information belonging to potential applicants or potential recipients of business recruitment, retention, or creation incentives.~~

For the purposes of this division, "proprietary information" means marketing plans, specific business strategy, production techniques and trade secrets, financial projections, or personal financial statements of applicants or members of the applicants' immediate family, including, but not limited to, tax records or other similar information not open to the public inspection.

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

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

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

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

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

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

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

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

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

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

**Sec. 187.04.** (A) The director of development services, as soon as practical after February 18, 2011, shall execute a contract with JobsOhio for the corporation to assist the director and the development services agency with providing services or otherwise carrying out the functions or duties of the agency, including the operation and management of programs, offices, divisions, or boards, as may be determined by the director in consultation with the governor. The approval or disapproval of awards involving public money shall remain functions of the agency. All contracts for grants, loans, and tax incentives involving public money shall be between the agency and the recipient and shall be enforced by the agency. JobsOhio may not execute contracts obligating the

agency for loans, grants, tax credits, or incentive awards recommended by JobsOhio to the agency. Prior to execution, all contracts between the director and JobsOhio entered into under this section that obligate the agency to pay JobsOhio for services rendered are subject to controlling board approval.

The term of an initial contract entered into under this section shall not extend beyond June 30, 2013. Thereafter, the director and JobsOhio may renew the contract for subsequent fiscal biennia, but at no time shall a particular contract be effective for longer than a fiscal biennium of the general assembly.

JobsOhio's provision of services to the agency as described in this section shall be pursuant to a contract entered into under this section. If at any time the director determines that the contract with JobsOhio may not be renewed for the subsequent fiscal biennium, the director shall notify JobsOhio of the director's decision not later than one hundred twenty days prior to the end of the current fiscal biennium. If the director does not provide such written notice to JobsOhio prior to one hundred days before the end of the current fiscal biennium, the contract shall be renewed upon such terms as the parties may agree, subject to the requirements of this section.

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

(1) Terms assigning to the corporation the duties of advising and assisting the director in the director's evaluation of the agency and the formulation of recommendations under section 187.05 of the Revised Code;

(2) ~~Terms designating records that provide the following:~~

~~(a) Records created or received by JobsOhio that shall be made available to the public under the same conditions as are public records under section 149.43 of the Revised Code . Documents designated to be made available to the public pursuant to the contract shall be kept on file with the agency .~~

~~(b) Records related to any public-private partnerships between JobsOhio and another entity for the performance of or assistance with functions of the state are public records under section 149.43 of the Revised Code.~~

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

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

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

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

~~(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.~~

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

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

~~(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.~~

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

"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."

~~(C) (1) Records created by JobsOhio are not public records for the purposes of Chapter 149. 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.~~

~~(2) Records received by JobsOhio from any person or entity that is not subject to section 149.43 of the Revised Code are not public records for purposes of Chapter 149. 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.~~

~~(3) Records received by JobsOhio from a public office as defined in section 149.011 of the Revised Code that are not public records under section 149.43 of the Revised Code when in the custody of the public office are not public records for the purposes of section 149.43 of the Revised Code regardless of who has custody of the records.~~

~~(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 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 debt charges made in any related proceedings. As used in this division, "debt charges," "proceedings," and "securities" have the same meanings as in section 133.01 of the Revised Code.

~~(E)~~ (D) Nothing in this section, other than the requirement of controlling board approval, shall prohibit the agency from contracting with JobsOhio to perform any of the following functions:

(1) Promoting and advocating for the state;

- (2) Making recommendations to the agency;
- (3) Performing research for the agency;
- (4) Establishing and managing programs or offices on behalf of the agency, by contract;
- (5) Negotiating on behalf of the state.

(F) Nothing in this section, other than the requirement of controlling board approval, shall prohibit the agency from compensating JobsOhio from funds currently appropriated to the agency to perform the functions described in division (E) of this section."

In line 895, after "109.54," insert "121.22, 149.011, 149.43, 187.01, 187.03, 187.04"

After line 896, insert:

**"Section 3.** Section 149.43 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 314 of the 129th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act."

In line 1 of the title, after "109.54," insert "121.22, 149.011, 149.43, 187.01, 187.03, 187.04"

In line 6 of the title, delete "and"

In line 8 of the title, after "device" insert ", and to require that the JobsOhio corporation be subject to the state Public Records and Open Meetings laws that are generally applicable to state agencies and public offices"

Speaker Batchelder ruled the amendment out of order.

Representative Carney appealed the decision of the Chair.

The question being, "Shall the decision of the Chair be sustained?"

The yeas and nays were taken and resulted - yeas 60, nays 34, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor

Pelanda	Perales	Retherford	Roegner
Romanchuk	Rosenberger	Ruhl	Scherer
Schuring	Sears	Slaby	Smith
Sprague	Stautberg	Stebelton	Terhar
Thompson	Wachtmann	Young	Batchelder-60.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Boyce
Budish	Carney	Celebrezze	Cera
Clyde	Curtin	Driehaus	Fedor
Foley	Gerberry	Hagan, R.	Heard
Letson	Lundy	Mallory	Milkovich
O'Brien	Patterson	Phillips	Pillich
Ramos	Redfern	Reece	Rogers
Stinziano	Strahorn	Sykes	Szollosi
Williams			Winburn-34.

The decision of the Chair was sustained.

The question recurring, "Shall the bill pass?"

Representative Lundy moved to amend as follows:

In line 9, after "109.54," insert "117.01,"

In line 10 delete "of the Revised Code"; after "amended" insert "and section 187.14 of the Revised Code be enacted"

Between lines 94 and 95, insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 187.14. (A) JobsOhio and its subsidiaries are public offices for purposes of Chapter 117. of the Revised Code and shall submit to audits by the auditor of state in accordance with that chapter.**

**(B) JobsOhio and its subsidiaries, and any nonprofit economic development corporation that receives or distributes public funds during the corporation's fiscal year, each shall prepare an annual financial report that provides a full accounting of all public and private funds the corporation received or distributed during that fiscal year. The corporation shall submit the report to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the legislative service commission within sixty days after the last day of the corporation's fiscal year, and shall make the report available to the public upon request. The report shall be prepared according to generally accepted accounting principles and be certified by the board of directors or chief fiscal officer of the corporation.**

In line 895, after "109.54," insert "117.01,"

In line 1 of the title, after "109.54," insert "117.01,"

In line 2 of the title, after "2915.02" insert "and to enact section 187.14"

In line 6 of the title, delete "and"

In line 8 of the title, after "device" insert ", to allow the Auditor of State to conduct full audits of JobsOhio, and to require all nonprofit economic development corporations that receive public funds to make annual disclosures

related to both their public and private funds"

Speaker Batchelder ruled the amendment out of order.

Representative Lundy appealed the decision of the Chair.

The question being, "Shall the decision of the Chair be sustained?"

The yeas and nays were taken and resulted - yeas 61, nays 33, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Baker	Beck	Becker	Blair
Blessing	Boose	Brenner	Brown
Buchy	Burkley	Butler	Conditt
Damschroder	DeVitis	Derickson	Dovilla
Duffey	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hall	Hayes
Henne	Hill	Hood	Hottinger
Huffman	Johnson	Kunze	Landis
Lynch	Maag	McClain	McGregor
Patterson	Pelanda	Perales	Retherford
Roegner	Romanchuk	Rosenberger	Ruhl
Scherer	Schuring	Sears	Slaby
Smith	Sprague	Stautberg	Stebelton
Terhar	Thompson	Wachtmann	Young
			Batchelder-61.

Those who voted in the negative were: Representatives

Antonio	Ashford	Barborak	Boyce
Budish	Carney	Celebrezze	Cera
Clyde	Curtin	Driehaus	Fedor
Foley	Gerberry	Hagan, R.	Heard
Letson	Lundy	Mallory	Milkovich
O'Brien	Phillips	Pillich	Ramos
Redfern	Reece	Rogers	Stinziano
Strahorn	Sykes	Szollosi	Williams
			Winburn-33.

The decision of the Chair was sustained.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 66, nays 29, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Antonio	Ashford
Beck	Becker	Blair	Blessing
Boyce	Brenner	Brown	Buchy
Budish	Burkley	Carney	Celebrezze
Cera	Clyde	Curtin	Derickson
Dovilla	Driehaus	Duffey	Fedor
Foley	Gonzales	Green	Grossman

Hackett	Hagan, C.	Hayes	Heard
Hill	Hood	Hottinger	Huffman
Johnson	Kunze	Landis	Letson
Mallory	McClain	Milkovich	O'Brien
Patterson	Pelanda	Perales	Phillips
Pillich	Reece	Romanchuk	Rosenberger
Ruhl	Scherer	Sears	Slaby
Smith	Sprague	Stautberg	Stebelton
Strahorn	Sykes	Wachtmann	Williams
Winburn			Batchelder-66.

Those who voted in the negative were: Representatives

Adams J.	Anielski	Baker	Barborak
Boose	Butler	Conditt	Damschroder
DeVitis	Gerberry	Hagan, R.	Hall
Henne	Lundy	Lynch	Maag
McGregor	Ramos	Redfern	Retherford
Roegner	Rogers	Schuring	Slesnick
Stinziano	Szollosi	Terhar	Thompson
			Young-29.

The bill passed.

Representative Huffman moved to amend the title as follows:

Add the names: "Brown, Burkley, Curtin, Dovilla, Hackett, Hayes, Sears, Sprague, Stebelton."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Huffman, the House recessed.

The House met pursuant to recess.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

**Am. Sub. H. B. No. 51** -Representatives McGregor, Patmon  
Cosponsors: Representatives Wachtmann, Amstutz, Beck, Grossman, Hackett, Huffman, Perales, Sears, Sprague, Stebelton, Terhar, Speaker Batchelder  
Senators Manning, Balderson, Beagle, Brown, Cafaro, Hite, Hughes, Lehner, Patton, Peterson, Schaffer, Uecker

To amend sections 9.33, 123.21, 126.06, 126.503, 127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 505.37, 505.375, 505.44, 505.72, 718.01,

2913.01, 2913.02, 2913.51, 2937.221, 3354.13, 3355.10, 3357.12, 3705.242, 3791.12, 3791.13, 3791.99, 4501.01, 4501.03, 4501.04, 4501.041, 4501.042, 4501.043, 4501.06, 4503.03, 4503.04, 4503.042, 4503.07, 4503.103, 4503.11, 4503.19, 4503.191, 4503.22, 4503.42, 4503.45, 4503.49, 4504.19, 4504.21, 4505.11, 4506.08, 4506.09, 4507.011, 4507.05, 4507.23, 4511.01, 4511.13, 4511.21, 4511.61, 4513.263, 4513.34, 4513.53, 4513.66, 4517.021, 4561.01, 4561.06, 4561.07, 4561.08, 4561.09, 4561.12, 4561.21, 4582.06, 4737.04, 4737.99, 4743.05, 4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 4766.12, 4766.13, 4766.15, 4766.22, 5501.03, 5501.17, 5501.31, 5501.73, 5501.77, 5502.01, 5503.01, 5503.03, 5503.04, 5503.31, 5503.32, 5513.01, 5517.02, 5525.01, 5525.16, 5526.01, 5533.121, 5533.31, 5537.01, 5537.02, 5537.03, 5537.04, 5537.05, 5537.051, 5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 5537.12, 5537.13, 5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 5537.21, 5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 5537.30, 5577.05, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 5747.08, 5747.98, 5751.01, 5751.02, 5751.051, and 5751.20; to enact sections 4501.031, 4503.192, 4503.83, 4582.171, 4765.59, 5517.021, 5537.18, 5553.051, 5577.044, and 5747.053; and to repeal sections 126.60, 126.601, 126.602, 126.603, 126.604, 126.605, 3791.11, 4766.02, 4766.20, 4981.36, 4981.361, and 5540.151 of the Revised Code; to amend Section 10 of Am. Sub. H.B. 386 of the 129th General Assembly; and to amend Sections 203.80 and 203.83 of Sub. H.B. 482 of the 129th General Assembly; to amend the versions of sections 4501.01, 4503.04, 4503.22, 4507.05, and 4511.01 of the Revised Code that are scheduled to take effect January 1, 2017, to continue the amendments by this act on and after that effective date; to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2013, and ending June 30, 2015, and to provide authorization and conditions for the operation of those programs.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested.

In line 18689, delete "\$6,805,066 \$6,749,331" and insert "\$7,055,066 \$6,999,331"

In line 18720, delete "\$515,200,460 \$517,184,364" and insert "\$515,450,460 \$517,434,364"

In line 18766, delete "\$673,308,888 \$675,702,792" and insert "\$673,558,888 \$675,952,792"

Between lines 18790 and 18791, insert:

"OPERATING EXPENSE - INFORMATION AND EDUCATION

Of the foregoing appropriation item 761321, Operating Expense – Information and Education, up to \$250,000 in each fiscal year may be used to fund state employees to staff travel information centers on the border of the state.

The Department of Public Safety shall conduct a study for partnering with local travel and tourism centers, as well as a study for the creation of the Ohio Ambassadors Volunteer Program at rest stops."

Attest:

Vincent L. Keeran,  
Clerk.

Representative Huffman moved that the Senate amendments to **Am. Sub. H. B. No. 51**-Representatives McGregor, Patmon, et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 51**-Representatives McGregor, Patmon, et al., were taken up for consideration.

**Am. Sub. H. B. No. 51**-Representatives McGregor, Patmon.

Cosponsors: Representatives Wachtmann, Amstutz, Beck, Grossman, Hackett, Huffman, Perales, Sears, Sprague, Stebelton, Terhar, Speaker Batchelder. Senators Manning, Balderson, Beagle, Brown, Cafaro, Hite, Hughes, Lehner, Patton, Peterson, Schaffer, Uecker.

To amend sections 9.33, 123.21, 126.06, 126.503, 127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 505.37, 505.375, 505.44, 505.72, 718.01, 2913.01, 2913.02, 2913.51, 2937.221, 3354.13, 3355.10, 3357.12, 3705.242, 3791.12, 3791.13, 3791.99, 4501.01, 4501.03, 4501.04, 4501.041, 4501.042, 4501.043, 4501.06, 4503.03, 4503.04, 4503.042, 4503.07, 4503.103, 4503.11, 4503.19, 4503.191, 4503.22, 4503.42, 4503.45, 4503.49, 4504.19, 4504.21, 4505.11, 4506.08, 4506.09, 4507.011, 4507.05, 4507.23, 4511.01, 4511.13, 4511.21, 4511.61, 4513.263, 4513.34, 4513.53, 4513.66, 4517.021, 4561.01, 4561.06, 4561.07, 4561.08, 4561.09, 4561.12, 4561.21, 4582.06, 4737.04, 4737.99, 4743.05, 4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 4765.09, 4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 4766.12, 4766.13, 4766.15, 4766.22, 5501.03, 5501.17, 5501.31, 5501.73, 5501.77, 5502.01, 5503.01,

5503.03, 5503.04, 5503.31, 5503.32, 5513.01, 5517.02, 5525.01, 5525.16, 5526.01, 5533.121, 5533.31, 5537.01, 5537.02, 5537.03, 5537.04, 5537.05, 5537.051, 5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 5537.12, 5537.13, 5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 5537.21, 5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 5537.30, 5577.05, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 5747.08, 5747.98, 5751.01, 5751.02, 5751.051, and 5751.20; to enact sections 4501.031, 4503.192, 4503.83, 4582.171, 4765.59, 5517.021, 5537.18, 5553.051, 5577.044, and 5747.053; and to repeal sections 126.60, 126.601, 126.602, 126.603, 126.604, 126.605, 3791.11, 4766.02, 4766.20, 4981.36, 4981.361, and 5540.151 of the Revised Code; to amend Section 10 of Am. Sub. H.B. 386 of the 129th General Assembly; and to amend Sections 203.80 and 203.83 of Sub. H.B. 482 of the 129th General Assembly; to amend the versions of sections 4501.01, 4503.04, 4503.22, 4507.05, and 4511.01 of the Revised Code that are scheduled to take effect January 1, 2017, to continue the amendments by this act on and after that effective date; to make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2013, and ending June 30, 2015, and to provide authorization and conditions for the operation of those programs.

The question being, "Shall the Senate amendments be concurred in?"

March 13, 2013

The Honorable William G. Batchelder, Speaker  
The Ohio House of Representatives  
Columbus, Ohio  
Speaker Batchelder,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on the Senate amendments to **Am. Sub. H. B. No. 51**-Representatives McGregor, Patmon, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ KEVIN BOYCE  
KEVIN BOYCE  
State Representative  
25th House District

The request was granted.

The yeas and nays were taken and resulted - yeas 1, nays 88, as follows: Representative Johnson voted in the affirmative-1.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Anielski
Antonio	Baker	Barborak	Beck
Becker	Blair	Blessing	Boose
Brenner	Brown	Buchy	Budish
Burkley	Butler	Carney	Celebrezze
Cera	Clyde	Conditt	Curtin
Damschroder	DeVitis	Derickson	Dovilla
Driehaus	Duffey	Fedor	Foley
Gerberry	Gonzales	Green	Grossman
Hackett	Hagan, C.	Hagan, R.	Hall
Hayes	Heard	Henne	Hill
Hood	Hottinger	Huffman	Kunze
Landis	Letson	Lundy	Lynch
Maag	McClain	McGregor	Milkovich
O'Brien	Patterson	Pelanda	Perales
Phillips	Pillich	Ramos	Redfern
Retherford	Roegner	Rogers	Romanchuk
Rosenberger	Ruhl	Scherer	Schuring
Sears	Slaby	Smith	Sprague
Stautberg	Stebelton	Stinziano	Strahorn
Szollosi	Terhar	Thompson	Wachtmann
Williams	Winburn	Young	Batchelder-88.

The Senate amendments were not concurred in.

#### Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate insists on its amendments to:

**Am. Sub. H. B. No. 51** -Representatives McGregor, Patmon - et al.

and asks for a Committee of Conference.

Attest:

Vincent L. Keeran,  
Clerk.

#### MESSAGE FROM THE SPEAKER

The Speaker hereby appoints the following members of the House to the committee of Conference on matters of difference between the two houses on:

**Am. Sub. H.B. No. 51**– Representatives McGregor and Patmon, et al.

Representatives McGregor, Amstutz, and Reece.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the President of the Senate has appointed as managers on the part of the Senate on matters of difference between the two Houses on:

**Am. Sub. H. B. No. 51** -Representatives McGregor, Patmon - et al.

Senators Manning, Patton and Cafaro

Attest:

Vincent L. Keeran,  
Clerk.

On motion of Representative Huffman, the House adjourned until Thursday, March 14, 2013 at 10:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,  
Clerk.