

**As Passed by the House**

**129th General Assembly**

**Regular Session**

**2011-2012**

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

**Representative Duffey**

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

—

**A B I L L**

To amend sections 1.60, 102.01, 117.01, 121.01, 1  
121.22, 121.41, 121.60, 122.011, 124.01, 145.012, 2  
149.011, 2921.01, and 4117.01 and to enact 3  
sections 187.01 to 187.07 of the Revised Code to 4  
authorize the Governor to form a nonprofit 5  
corporation that would perform such state economic 6  
development functions as directed by law and 7  
pursuant to a contract with the Department of 8  
Development, and to make an appropriation. 9

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

**Section 1.** That sections 1.60, 102.01, 117.01, 121.01, 10  
121.22, 121.41, 121.60, 122.011, 124.01, 145.012, 149.011, 11  
2921.01, and 4117.01 be amended and sections 187.01, 187.02, 12  
187.03, 187.04, 187.05, 187.06, and 187.07 of the Revised Code be 13  
enacted to read as follows: 14

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

Sec. 102.01. As used in this chapter:

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

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

(C) "Public agency" means the general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, or township, the five state retirement systems, or any other governmental entity. "Public agency" does not include a department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian,

advisory, or research purposes; that does not expend more than ten 45  
thousand dollars per calendar year, excluding salaries and wages 46  
of employees; and whose members are uncompensated. "Public agency" 47  
does not include the nonprofit corporation formed under section 48  
187.01 of the Revised Code. 49

(D) "Immediate family" means a spouse residing in the 50  
person's household and any dependent child. 51

(E) "Income" includes gross income as defined and used in the 52  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 53  
amended, interest and dividends on obligations or securities of 54  
any state or of any political subdivision or authority of any 55  
state or political subdivision, and interest or dividends on 56  
obligations of any authority, commission, or instrumentality of 57  
the United States. 58

(F) Except as otherwise provided in division (A) of section 59  
102.08 of the Revised Code, "appropriate ethics commission" means: 60

(1) For matters relating to members of the general assembly, 61  
employees of the general assembly, employees of the legislative 62  
service commission, and candidates for the office of member of the 63  
general assembly, the joint legislative ethics committee; 64

(2) For matters relating to judicial officers and employees, 65  
and candidates for judicial office, the board of commissioners on 66  
grievances and discipline of the supreme court; 67

(3) For matters relating to all other persons, the Ohio 68  
ethics commission. 69

(G) "Anything of value" has the same meaning as provided in 70  
section 1.03 of the Revised Code and includes, but is not limited 71  
to, a contribution as defined in section 3517.01 of the Revised 72  
Code. 73

(H) "Honorarium" means any payment made in consideration for 74

any speech given, article published, or attendance at any public 75  
or private conference, convention, meeting, social event, meal, or 76  
similar gathering. "Honorarium" does not include ceremonial gifts 77  
or awards that have insignificant monetary value; unsolicited 78  
gifts of nominal value or trivial items of informational value; or 79  
earned income from any person, other than a legislative agent, for 80  
personal services that are customarily provided in connection with 81  
the practice of a bona fide business, if that business initially 82  
began before the public official or employee conducting that 83  
business was elected or appointed to the public official's or 84  
employee's office or position of employment. 85

(I) "Employer" means any person who, directly or indirectly, 86  
engages an executive agency lobbyist or legislative agent. 87

(J) "Executive agency decision," "executive agency lobbyist," 88  
and "executive agency lobbying activity" have the same meanings as 89  
in section 121.60 of the Revised Code. 90

(K) "Legislation," "legislative agent," "financial 91  
transaction," and "actively advocate" have the same meanings as in 92  
section 101.70 of the Revised Code. 93

(L) "Expenditure" has the same meaning as in section 101.70 94  
of the Revised Code when used in relation to activities of a 95  
legislative agent, and the same meaning as in section 121.60 of 96  
the Revised Code when used in relation to activities of an 97  
executive agency lobbyist. 98

**Sec. 117.01.** As used in this chapter: 99

(A) "Color of office" means actually, purportedly, or 100  
allegedly done under any law, ordinance, resolution, order, or 101  
other pretension to official right, power, or authority. 102

(B) "Public accountant" means any person who is authorized by 103  
Chapter 4701. of the Revised Code to use the designation of 104

certified public accountant or who was registered prior to January 1, 1971, as a public accountant. 105  
106

(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. 107  
108  
109  
110

(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 the nonprofit corporation formed under section 187.01 of the Revised Code. 111  
112  
113  
114  
115  
116

(E) "Public official" means any officer, employee, or duly authorized representative or agent of a public office. 117  
118

(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. 119  
120  
121

(G) "Audit" means any of the following: 122

(1) Any examination, analysis, or inspection of the state's or a public office's financial statements or reports; 123  
124

(2) Any examination, analysis, or inspection of records, documents, books, or any other evidence relating to either of the following: 125  
126  
127

(a) The collection, receipt, accounting, use, or expenditure of public money by a public office or by a private institution, association, board, or corporation; 128  
129  
130

(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. 131  
132  
133  
134

(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. 121.01.** As used in sections 121.01 to 121.20 of the Revised Code:

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

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

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

**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, 164  
council, agency, authority, or similar decision-making body of any 165  
county, township, municipal corporation, school district, or other 166  
political subdivision or local public institution; 167

(b) Any committee or subcommittee of a body described in 168  
division (B)(1)(a) of this section; 169

(c) A court of jurisdiction of a sanitary district organized 170  
wholly for the purpose of providing a water supply for domestic, 171  
municipal, and public use when meeting for the purpose of the 172  
appointment, removal, or reappointment of a member of the board of 173  
directors of such a district pursuant to section 6115.10 of the 174  
Revised Code, if applicable, or for any other matter related to 175  
such a district other than litigation involving the district. As 176  
used in division (B)(1)(c) of this section, "court of 177  
jurisdiction" has the same meaning as "court" in section 6115.01 178  
of the Revised Code. 179

(2) "Meeting" means any prearranged discussion of the public 180  
business of the public body by a majority of its members. 181

(3) "Regulated individual" means either of the following: 182

(a) A student in a state or local public educational 183  
institution; 184

(b) A person who is, voluntarily or involuntarily, an inmate, 185  
patient, or resident of a state or local institution because of 186  
criminal behavior, mental illness or retardation, disease, 187  
disability, age, or other condition requiring custodial care. 188

(4) "Public office" has the same meaning as in section 189  
149.011 of the Revised Code. 190

(C) All meetings of any public body are declared to be public 191  
meetings open to the public at all times. A member of a public 192  
body shall be present in person at a meeting open to the public to 193

be considered present or to vote at the meeting and for purposes 194  
of determining whether a quorum is present at the meeting. 195

The minutes of a regular or special meeting of any public 196  
body shall be promptly prepared, filed, and maintained and shall 197  
be open to public inspection. The minutes need only reflect the 198  
general subject matter of discussions in executive sessions 199  
authorized under division (G) or (J) of this section. 200

(D) This section does not apply to any of the following: 201

(1) A grand jury; 202

(2) An audit conference conducted by the auditor of state or 203  
independent certified public accountants with officials of the 204  
public office that is the subject of the audit; 205

(3) The adult parole authority when its hearings are 206  
conducted at a correctional institution for the sole purpose of 207  
interviewing inmates to determine parole or pardon; 208

(4) The organized crime investigations commission established 209  
under section 177.01 of the Revised Code; 210

(5) Meetings of a child fatality review board established 211  
under section 307.621 of the Revised Code and meetings conducted 212  
pursuant to sections 5153.171 to 5153.173 of the Revised Code; 213

(6) The state medical board when determining whether to 214  
suspend a certificate without a prior hearing pursuant to division 215  
(G) of either section 4730.25 or 4731.22 of the Revised Code; 216

(7) The board of nursing when determining whether to suspend 217  
a license or certificate without a prior hearing pursuant to 218  
division (B) of section 4723.281 of the Revised Code; 219

(8) The state board of pharmacy when determining whether to 220  
suspend a license without a prior hearing pursuant to division (D) 221  
of section 4729.16 of the Revised Code; 222

(9) The state chiropractic board when determining whether to 223



suspend a license without a hearing pursuant to section 4734.37 of 224  
the Revised Code; 225

(10) The executive committee of the emergency response 226  
commission when determining whether to issue an enforcement order 227  
or request that a civil action, civil penalty action, or criminal 228  
action be brought to enforce Chapter 3750. of the Revised Code; 229

(11) The board of directors of the nonprofit corporation 230  
formed under section 187.01 of the Revised Code or any committee 231  
thereof, and the board of directors of any subsidiary of that 232  
corporation or a committee thereof. 233

(E) The controlling board, the development financing advisory 234  
council, the industrial technology and enterprise advisory 235  
council, the tax credit authority, or the minority development 236  
financing advisory board, when meeting to consider granting 237  
assistance pursuant to Chapter 122. or 166. of the Revised Code, 238  
in order to protect the interest of the applicant or the possible 239  
investment of public funds, by unanimous vote of all board, 240  
council, or authority members present, may close the meeting 241  
during consideration of the following information confidentially 242  
received by the authority, council, or board from the applicant: 243

(1) Marketing plans; 244

(2) Specific business strategy; 245

(3) Production techniques and trade secrets; 246

(4) Financial projections; 247

(5) Personal financial statements of the applicant or members 248  
of the applicant's immediate family, including, but not limited 249  
to, tax records or other similar information not open to public 250  
inspection. 251

The vote by the authority, council, or board to accept or 252  
reject the application, as well as all proceedings of the 253

authority, council, or board not subject to this division, shall 254  
be open to the public and governed by this section. 255

(F) Every public body, by rule, shall establish a reasonable 256  
method whereby any person may determine the time and place of all 257  
regularly scheduled meetings and the time, place, and purpose of 258  
all special meetings. A public body shall not hold a special 259  
meeting unless it gives at least twenty-four hours' advance notice 260  
to the news media that have requested notification, except in the 261  
event of an emergency requiring immediate official action. In the 262  
event of an emergency, the member or members calling the meeting 263  
shall notify the news media that have requested notification 264  
immediately of the time, place, and purpose of the meeting. 265

The rule shall provide that any person, upon request and 266  
payment of a reasonable fee, may obtain reasonable advance 267  
notification of all meetings at which any specific type of public 268  
business is to be discussed. Provisions for advance notification 269  
may include, but are not limited to, mailing the agenda of 270  
meetings to all subscribers on a mailing list or mailing notices 271  
in self-addressed, stamped envelopes provided by the person. 272

(G) Except as provided in division (J) of this section, the 273  
members of a public body may hold an executive session only after 274  
a majority of a quorum of the public body determines, by a roll 275  
call vote, to hold an executive session and only at a regular or 276  
special meeting for the sole purpose of the consideration of any 277  
of the following matters: 278

(1) To consider the appointment, employment, dismissal, 279  
discipline, promotion, demotion, or compensation of a public 280  
employee or official, or the investigation of charges or 281  
complaints against a public employee, official, licensee, or 282  
regulated individual, unless the public employee, official, 283  
licensee, or regulated individual requests a public hearing. 284  
Except as otherwise provided by law, no public body shall hold an 285

executive session for the discipline of an elected official for 286  
conduct related to the performance of the elected official's 287  
official duties or for the elected official's removal from office. 288  
If a public body holds an executive session pursuant to division 289  
(G)(1) of this section, the motion and vote to hold that executive 290  
session shall state which one or more of the approved purposes 291  
listed in division (G)(1) of this section are the purposes for 292  
which the executive session is to be held, but need not include 293  
the name of any person to be considered at the meeting. 294

(2) To consider the purchase of property for public purposes, 295  
or for the sale of property at competitive bidding, if premature 296  
disclosure of information would give an unfair competitive or 297  
bargaining advantage to a person whose personal, private interest 298  
is adverse to the general public interest. No member of a public 299  
body shall use division (G)(2) of this section as a subterfuge for 300  
providing covert information to prospective buyers or sellers. A 301  
purchase or sale of public property is void if the seller or buyer 302  
of the public property has received covert information from a 303  
member of a public body that has not been disclosed to the general 304  
public in sufficient time for other prospective buyers and sellers 305  
to prepare and submit offers. 306

If the minutes of the public body show that all meetings and 307  
deliberations of the public body have been conducted in compliance 308  
with this section, any instrument executed by the public body 309  
purporting to convey, lease, or otherwise dispose of any right, 310  
title, or interest in any public property shall be conclusively 311  
presumed to have been executed in compliance with this section 312  
insofar as title or other interest of any bona fide purchasers, 313  
lessees, or transferees of the property is concerned. 314

(3) Conferences with an attorney for the public body 315  
concerning disputes involving the public body that are the subject 316  
of pending or imminent court action; 317

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;	318 319 320
(5) Matters required to be kept confidential by federal law or regulations or state statutes;	321 322
(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;	323 324 325 326 327
(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.	328 329 330 331 332 333
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.	334 335 336 337 338
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.	339 340 341
(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	342 343 344 345 346 347 348

resolution, rule, or formal action adopted in an open meeting is 349  
invalid if the public body that adopted the resolution, rule, or 350  
formal action violated division (F) of this section. 351

(I)(1) Any person may bring an action to enforce this 352  
section. An action under division (I)(1) of this section shall be 353  
brought within two years after the date of the alleged violation 354  
or threatened violation. Upon proof of a violation or threatened 355  
violation of this section in an action brought by any person, the 356  
court of common pleas shall issue an injunction to compel the 357  
members of the public body to comply with its provisions. 358

(2)(a) If the court of common pleas issues an injunction 359  
pursuant to division (I)(1) of this section, the court shall order 360  
the public body that it enjoins to pay a civil forfeiture of five 361  
hundred dollars to the party that sought the injunction and shall 362  
award to that party all court costs and, subject to reduction as 363  
described in division (I)(2) of this section, reasonable 364  
attorney's fees. The court, in its discretion, may reduce an award 365  
of attorney's fees to the party that sought the injunction or not 366  
award attorney's fees to that party if the court determines both 367  
of the following: 368

(i) That, based on the ordinary application of statutory law 369  
and case law as it existed at the time of violation or threatened 370  
violation that was the basis of the injunction, a well-informed 371  
public body reasonably would believe that the public body was not 372  
violating or threatening to violate this section; 373

(ii) That a well-informed public body reasonably would 374  
believe that the conduct or threatened conduct that was the basis 375  
of the injunction would serve the public policy that underlies the 376  
authority that is asserted as permitting that conduct or 377  
threatened conduct. 378

(b) If the court of common pleas does not issue an injunction 379

pursuant to division (I)(1) of this section and the court 380  
determines at that time that the bringing of the action was 381  
frivolous conduct, as defined in division (A) of section 2323.51 382  
of the Revised Code, the court shall award to the public body all 383  
court costs and reasonable attorney's fees, as determined by the 384  
court. 385

(3) Irreparable harm and prejudice to the party that sought 386  
the injunction shall be conclusively and irrebuttably presumed 387  
upon proof of a violation or threatened violation of this section. 388

(4) A member of a public body who knowingly violates an 389  
injunction issued pursuant to division (I)(1) of this section may 390  
be removed from office by an action brought in the court of common 391  
pleas for that purpose by the prosecuting attorney or the attorney 392  
general. 393

(J)(1) Pursuant to division (C) of section 5901.09 of the 394  
Revised Code, a veterans service commission shall hold an 395  
executive session for one or more of the following purposes unless 396  
an applicant requests a public hearing: 397

(a) Interviewing an applicant for financial assistance under 398  
sections 5901.01 to 5901.15 of the Revised Code; 399

(b) Discussing applications, statements, and other documents 400  
described in division (B) of section 5901.09 of the Revised Code; 401

(c) Reviewing matters relating to an applicant's request for 402  
financial assistance under sections 5901.01 to 5901.15 of the 403  
Revised Code. 404

(2) A veterans service commission shall not exclude an 405  
applicant for, recipient of, or former recipient of financial 406  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 407  
and shall not exclude representatives selected by the applicant, 408  
recipient, or former recipient, from a meeting that the commission 409  
conducts as an executive session that pertains to the applicant's, 410

recipient's, or former recipient's application for financial 411  
assistance. 412

(3) A veterans service commission shall vote on the grant or 413  
denial of financial assistance under sections 5901.01 to 5901.15 414  
of the Revised Code only in an open meeting of the commission. The 415  
minutes of the meeting shall indicate the name, address, and 416  
occupation of the applicant, whether the assistance was granted or 417  
denied, the amount of the assistance if assistance is granted, and 418  
the votes for and against the granting of assistance. 419

**Sec. 121.41.** As used in sections 121.41 to 121.50 of the 420  
Revised Code: 421

(A) "Appropriate ethics commission" has the same meaning as 422  
in section 102.01 of the Revised Code. 423

(B) "Appropriate licensing agency" means a public or private 424  
entity that is responsible for licensing, certifying, or 425  
registering persons who are engaged in a particular vocation. 426

(C) "Person" has the same meaning as in section 1.59 of the 427  
Revised Code and also includes any officer or employee of the 428  
state or any political subdivision of the state. 429

(D) "State agency" has the same meaning as in section 1.60 of 430  
the Revised Code and includes the Ohio casino control commission, 431  
but does not include any of the following: 432

(1) The general assembly; 433

(2) Any court; 434

(3) The secretary of state, auditor of state, treasurer of 435  
state, or attorney general and their respective offices. 436

(E) "State employee" means any person who is an employee of a 437  
state agency, or any person who does business with the state 438  
including, only for the purposes of sections 121.41 to 121.50 of 439

the Revised Code, the JobsOhio corporation formed under section 440  
187.01 of the Revised Code. 441

(F) "State officer" means any person who is elected or 442  
appointed to a public office in a state agency. 443

(G) "Wrongful act or omission" means an act or omission, 444  
committed in the course of office holding or employment, that is 445  
not in accordance with the requirements of law or such standards 446  
of proper governmental conduct as are commonly accepted in the 447  
community and thereby subverts, or tends to subvert, the process 448  
of government. 449

**Sec. 121.60.** As used in sections 121.60 to 121.69 of the 450  
Revised Code: 451

(A) "Person" and "compensation" have the same meanings as in 452  
section 101.70 of the Revised Code. 453

(B) "Expenditure" means any of the following that is made to, 454  
at the request of, for the benefit of, or on behalf of an elected 455  
executive official, the director of a department created under 456  
section 121.02 of the Revised Code, an executive agency official, 457  
or a member of the staff of any public officer or employee listed 458  
in this division: 459

(1) A payment, distribution, loan, advance, deposit, 460  
reimbursement, or gift of money, real estate, or anything of 461  
value, including, but not limited to, food and beverages, 462  
entertainment, lodging, transportation, or honorariums; 463

(2) A contract, promise, or agreement to make an expenditure, 464  
whether or not legally enforceable; 465

(3) The purchase, sale, or gift of services or any other 466  
thing of value. "Expenditure" does not include a contribution, 467  
gift, or grant to a foundation or other charitable organization 468  
that is exempt from federal income taxation under subsection 469



501(c)(3) of the Internal Revenue Code. "Expenditure" does not 470  
include the purchase, sale, or gift of services or any other thing 471  
of value that is available to the general public on the same terms 472  
as it is available to the persons listed in this division, or an 473  
offer or sale of securities to any person listed in this division 474  
that is governed by regulation D, 17 C.F.R. 230.501 to 230.508, 475  
adopted under the authority of the "Securities Act of 1933," 48 476  
Stat. 74, 15 U.S.C.A. and following, or that is governed by a 477  
comparable provision under state law. 478

(C) "Employer" means any person who, directly or indirectly, 479  
engages an executive agency lobbyist. 480

(D) "Engage" means to make any arrangement, and "engagement" 481  
means arrangement, whereby an individual is employed or retained 482  
for compensation to act for or on behalf of an employer to 483  
influence executive agency decisions or to conduct any executive 484  
agency lobbying activity. 485

(E) "Financial transaction" means a transaction or activity 486  
that is conducted or undertaken for profit and arises from the 487  
joint ownership or the ownership or part ownership in common of 488  
any real or personal property or any commercial or business 489  
enterprise of whatever form or nature between the following: 490

(1) An executive agency lobbyist, the executive agency 491  
lobbyist's employer, or a member of the immediate family of the 492  
executive agency lobbyist or the executive agency lobbyist's 493  
employer; and 494

(2) Any elected executive official, the director of a 495  
department created under section 121.02 of the Revised Code, an 496  
executive agency official, or any member of the staff of a public 497  
officer or employee listed in division (E)(2) of this section. 498

"Financial transaction" does not include any transaction or 499  
activity described in division (E) of this section if it is 500

available to the general public on the same terms, or if it is an 501  
offer or sale of securities to any person listed in division 502  
(E)(2) of this section that is governed by regulation D, 17 C.F.R. 503  
230.501 to 230.508, adopted under the authority of the "Securities 504  
Act of 1933," 48 Stat. 74, 15 U.S.C.A. and following, or that is 505  
governed by a comparable provision under state law. 506

(F) "Executive agency" means the office of an elected 507  
executive official, a department created under section 121.02 of 508  
the Revised Code, or any other state agency, department, board, or 509  
commission controlled or directed by an elected executive official 510  
or otherwise subject to an elected executive official's authority. 511  
For the purposes of sections 121.60 to 121.69 of the Revised Code 512  
only, "executive agency" includes the nonprofit corporation formed 513  
under section 187.01 of the Revised Code. "Executive agency" does 514  
not include any court, the general assembly, or the controlling 515  
board. 516

(G) "Executive agency decision" means a decision of an 517  
executive agency regarding the expenditure of funds of the state 518  
or of an executive agency with respect to the award of a contract, 519  
grant, lease, or other financial arrangement under which such 520  
funds are distributed or allocated, or a regulatory decision of an 521  
executive agency or any board or commission of the state. 522  
"Executive agency decision" does not include either of the 523  
following: 524

(1) A purchasing decision for which a vendor has filed a 525  
statement certifying that the vendor has not made campaign 526  
contributions in an amount such that section 3517.13 of the 527  
Revised Code would invalidate the decision, if that vendor has not 528  
engaged an executive agency lobbyist; 529

(2) The award of a competitively bid contract for which bid 530  
specifications were prepared and for which at least three eligible 531  
competitive bids were received by the executive agency. 532

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

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

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

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

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

(J) "Executive agency official" means an officer or employee of an executive agency whose principal duties are to formulate policy or to participate directly or indirectly in the

preparation, review, or award of contracts, grants, leases, or 564  
other financial arrangements with an executive agency. 565

(K) "Aggrieved party" means a party entitled to resort to a 566  
remedy. 567

(L) "Elected executive official" means the governor, 568  
lieutenant governor, secretary of state, auditor of state, 569  
treasurer of state, and the attorney general. 570

(M) "Staff" means any officer or employee of an executive 571  
agency whose official duties are to formulate policy and who 572  
exercises administrative or supervisory authority or who 573  
authorizes the expenditure of state funds. 574

**Sec. 122.011.** (A) The department of development shall develop 575  
and promote plans and programs designed to assure that state 576  
resources are efficiently used, economic growth is properly 577  
balanced, community growth is developed in an orderly manner, and 578  
local governments are coordinated with each other and the state, 579  
and for such purposes may do all of the following: 580

(1) Serve as a clearinghouse for information, data, and other 581  
materials that may be helpful or necessary to persons or local 582  
governments, as provided in section 122.07 of the Revised Code; 583

(2) Prepare and activate plans for the retention, 584  
development, expansion, and use of the resources and commerce of 585  
the state, as provided in section 122.04 of the Revised Code; 586

(3) Assist and cooperate with federal, state, and local 587  
governments and agencies of federal, state, and local governments 588  
in the coordination of programs to carry out the functions and 589  
duties of the department; 590

(4) Encourage and foster research and development activities, 591  
conduct studies related to the solution of community problems, and 592  
develop recommendations for administrative or legislative actions, 593

as provided in section 122.03 of the Revised Code; 594

(5) Serve as the economic and community development planning 595  
agency, which shall prepare and recommend plans and programs for 596  
the orderly growth and development of this state and which shall 597  
provide planning assistance, as provided in section 122.06 of the 598  
Revised Code; 599

(6) Cooperate with and provide technical assistance to state 600  
departments, political subdivisions, regional and local planning 601  
commissions, tourist associations, councils of government, 602  
community development groups, community action agencies, and other 603  
appropriate organizations for carrying out the functions and 604  
duties of the department or for the solution of community 605  
problems; 606

(7) Coordinate the activities of state agencies that have an 607  
impact on carrying out the functions and duties of the department; 608

(8) Encourage and assist the efforts of and cooperate with 609  
local governments to develop mutual and cooperative solutions to 610  
their common problems that relate to carrying out the purposes of 611  
this section; 612

(9) Study existing structure, operations, and financing of 613  
regional or local government and those state activities that 614  
involve significant relations with regional or local governmental 615  
units, recommend to the governor and to the general assembly such 616  
changes in these provisions and activities as will improve the 617  
operations of regional or local government, and conduct other 618  
studies of legal provisions that affect problems related to 619  
carrying out the purposes of this section; 620

(10) Create and operate a division of community development 621  
to develop and administer programs and activities that are 622  
authorized by federal statute or the Revised Code; 623

(11) Until October 15, 2007, establish fees and charges, in 624

consultation with the director of agriculture, for purchasing 625  
loans from financial institutions and providing loan guarantees 626  
under the family farm loan program created under sections 901.80 627  
to 901.83 of the Revised Code; 628

(12) Provide loan servicing for the loans purchased and loan 629  
guarantees provided under section 901.80 of the Revised Code as 630  
that section existed prior to October 15, 2007; 631

(13) Until October 15, 2007, and upon approval by the 632  
controlling board under division (A)(3) of section 901.82 of the 633  
Revised Code of the release of money to be used for purchasing a 634  
loan or providing a loan guarantee, request the release of that 635  
money in accordance with division (B) of section 166.03 of the 636  
Revised Code for use for the purposes of the fund created by 637  
section 166.031 of the Revised Code. 638

(14) Allocate that portion of the national recovery zone 639  
economic development bond limitation and that portion of the 640  
national recovery zone facility bond limitation that has been 641  
allocated to the state under section 1400U-1 of the Internal 642  
Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal 643  
corporation waives any portion of an allocation it receives under 644  
division (A)(14) of this section, the department may reallocate 645  
that amount. Any allocation or reallocation shall be made in 646  
accordance with this section and section 1400U-1 of the Internal 647  
Revenue Code. 648

(B) The director of development may request the attorney 649  
general to, and the attorney general, in accordance with section 650  
109.02 of the Revised Code, shall bring a civil action in any 651  
court of competent jurisdiction. The director may be sued in the 652  
director's official capacity, in connection with this chapter, in 653  
accordance with Chapter 2743. of the Revised Code. 654

(C) The director of development shall execute a contract 655

pursuant to section 187.04 of the Revised Code with the JobsOhio 656  
corporation formed under section 187.01 of the Revised Code, and 657  
may execute any additional contracts with the corporation 658  
providing for the corporation to assist the director or department 659  
in carrying out any duties of the director or department under 660  
this chapter or under a contract with the director. 661

**Sec. 124.01.** Except as otherwise provided in this chapter, as 662  
used in this chapter: 663

(A) "Civil service" includes all offices and positions of 664  
trust or employment in the service of the state and in the service 665  
of the counties, cities, city health districts, general health 666  
districts, and city school districts of the state. 667

(B) "State service" includes all offices and positions in the 668  
service of the state and the counties and general health districts 669  
of the state. "State service" does not include offices and 670  
positions in the service of the cities, city health districts, and 671  
city school districts of the state. 672

(C) "Classified service" means the competitive classified 673  
civil service of the state, the several counties, cities, city 674  
health districts, general health districts, and city school 675  
districts of the state, and civil service townships. 676

(D) "Appointing authority" means the officer, commission, 677  
board, or body having the power of appointment to, or removal 678  
from, positions in any office, department, commission, board, or 679  
institution. 680

(E) "Commission" means the municipal civil service commission 681  
of any city, except that, when in reference to the commission that 682  
serves a city school district, "commission" means the civil 683  
service commission determined under section 124.011 of the Revised 684  
Code. 685

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

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

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

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

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

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



Sec. 145.012. (A) "Public employee," as defined in division	717
(A) of section 145.01 of the Revised Code, does not include any	718
person:	719
(1) Who is employed by a private, temporary-help service and	720
performs services under the direction of a public employer or is	721
employed on a contractual basis as an independent contractor under	722
a personal service contract with a public employer;	723
(2) Who is an emergency employee serving on a temporary basis	724
in case of fire, snow, earthquake, flood, or other similar	725
emergency;	726
(3) Who is employed in a program established pursuant to the	727
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	728
1501;	729
(4) Who is an appointed member of either the motor vehicle	730
salvage dealers board or the motor vehicle dealer's board whose	731
rate and method of payment are determined pursuant to division (J)	732
of section 124.15 of the Revised Code;	733
(5) Who is employed as an election worker and paid less than	734
five hundred dollars per calendar year for that service;	735
(6) Who is employed as a firefighter in a position requiring	736
satisfactory completion of a firefighter training course approved	737
under former section 3303.07 or section 4765.55 of the Revised	738
Code or conducted under section 3737.33 of the Revised Code except	739
for the following:	740
(a) Any firefighter who has elected under section 145.013 of	741
the Revised Code to remain a contributing member of the public	742
employees retirement system;	743
(b) Any firefighter who was eligible to transfer from the	744
public employees retirement system to the Ohio police and fire	745
pension fund under section 742.51 or 742.515 of the Revised Code	746

and did not elect to transfer; 747

(c) Any firefighter who has elected under section 742.516 of 748  
the Revised Code to transfer from the Ohio police and fire pension 749  
fund to the public employees retirement system. 750

(7) Who is a member of the board of health of a city or 751  
general health district, which pursuant to sections 3709.051 and 752  
3709.07 of the Revised Code includes a combined health district, 753  
and whose compensation for attendance at meetings of the board is 754  
set forth in division (B) of section 3709.02 or division (B) of 755  
section 3709.05 of the Revised Code, as appropriate; 756

(8) Who participates in an alternative retirement plan 757  
established under Chapter 3305. of the Revised Code; 758

(9) Who is a member of the board of directors of a sanitary 759  
district established under Chapter 6115. of the Revised Code; 760

(10) Who is a member of the unemployment compensation 761  
advisory council; 762

(11) Who is an employee, officer, or governor-appointed 763  
member of the board of directors of the nonprofit corporation 764  
formed under section 187.01 of the Revised Code. 765

(B) No inmate of a correctional institution operated by the 766  
department of rehabilitation and correction, no patient in a 767  
hospital for the mentally ill or criminally insane operated by the 768  
department of mental health, no resident in an institution for the 769  
mentally retarded operated by the department of developmental 770  
disabilities, no resident admitted as a patient of a veterans' 771  
home operated under Chapter 5907. of the Revised Code, and no 772  
resident of a county home shall be considered as a public employee 773  
for the purpose of establishing membership or calculating service 774  
credit or benefits under this chapter. Nothing in this division 775  
shall be construed to affect any service credit attained by any 776  
person who was a public employee before becoming an inmate, 777

patient, or resident at any institution listed in this division, 778  
or the payment of any benefit for which such a person or such a 779  
person's beneficiaries otherwise would be eligible. 780

**Sec. 149.011.** As used in this chapter, except as otherwise 781  
provided: 782

(A) "Public office" includes any state agency, public 783  
institution, political subdivision, or other organized body, 784  
office, agency, institution, or entity established by the laws of 785  
this state for the exercise of any function of government. "Public 786  
office" does not include the nonprofit corporation formed under 787  
section 187.01 of the Revised Code. 788

(B) "State agency" includes every department, bureau, board, 789  
commission, office, or other organized body established by the 790  
constitution and laws of this state for the exercise of any 791  
function of state government, including any state-supported 792  
institution of higher education, the general assembly, any 793  
legislative agency, any court or judicial agency, or any political 794  
subdivision or agency of a political subdivision. "State agency" 795  
does not include the nonprofit corporation formed under section 796  
187.01 of the Revised Code. 797

(C) "Public money" includes all money received or collected 798  
by or due a public official, whether in accordance with or under 799  
authority of any law, ordinance, resolution, or order, under color 800  
of office, or otherwise. It also includes any money collected by 801  
any individual on behalf of a public office or as a purported 802  
representative or agent of the public office. 803

(D) "Public official" includes all officers, employees, or 804  
duly authorized representatives or agents of a public office. 805

(E) "Color of office" includes any act purported or alleged 806  
to be done under any law, ordinance, resolution, order, or other 807

pretension to official right, power, or authority. 808

(F) "Archive" includes any public record that is transferred 809  
to the state archives or other designated archival institutions 810  
because of the historical information contained on it. 811

(G) "Records" includes any document, device, or item, 812  
regardless of physical form or characteristic, including an 813  
electronic record as defined in section 1306.01 of the Revised 814  
Code, created or received by or coming under the jurisdiction of 815  
any public office of the state or its political subdivisions, 816  
which serves to document the organization, functions, policies, 817  
decisions, procedures, operations, or other activities of the 818  
office. 819

Sec. 187.01. As used in this chapter, "JobsOhio" means the 820  
nonprofit corporation formed under this section, and includes any 821  
subsidiary of that corporation. In any section of law that refers 822  
to the nonprofit corporation formed under this section, reference 823  
to the corporation includes reference to any such subsidiary 824  
unless otherwise specified or clearly appearing from the context. 825

The governor is hereby authorized to form a nonprofit 826  
corporation, to be named "JobsOhio," with the purposes of 827  
promoting economic development, job creation, job retention, job 828  
training, and the recruitment of business to this state. The 829  
governor shall be the only member of the corporation. 830

The articles of incorporation shall set forth the following: 831

(A) The designation of the name of the corporation as 832  
JobsOhio; 833

(B) The creation of a board of directors consisting of the 834  
governor and eight directors, to be appointed by the governor, who 835  
satisfy the qualifications prescribed by section 187.02 of the 836  
Revised Code; 837

(C) A requirement that the governor make initial appointments 838  
to the board within sixty days after the filing of the articles of 839  
incorporation. Of the initial appointments made to the board, two 840  
shall be for a term ending one year after the date the articles 841  
were filed, two shall be for a term ending two years after the 842  
date the articles were filed, and four shall be for a term ending 843  
four years after the date the articles were filed. The articles 844  
shall state that, following the initial appointments, the governor 845  
shall appoint directors to terms of office of four years, with 846  
each term of office ending on the same day of the same month as 847  
did the term that it succeeds. 848

(D) The designation of the governor as the chairperson of the 849  
board and procedures for electing directors to serve as officers 850  
of the corporation and members of an executive committee; 851

(E) A provision for the appointment of a chief investment 852  
officer of the corporation by the recommendation of the board of 853  
directors and approval of the governor. The chief investment 854  
officer shall serve at the pleasure of the governor and shall have 855  
the power to execute contracts, spend corporation funds, and hire 856  
employees on behalf of the corporation. 857

(F) Provisions requiring the board to do all of the 858  
following: 859

(1) Adopt one or more resolutions providing for compensation 860  
of the chief investment officer; 861

(2) Approve an employee compensation plan recommended by the 862  
chief investment officer; 863

(3) Approve a contract with the director of development for 864  
the corporation to assist the director and the department of 865  
development in the exercise of any and all of the powers, 866  
functions, or duties of the department, including the operation 867  
and management of programs, offices, divisions, or boards, as may 868

be determined by the director in consultation with the governor; 869

(4) Approve all major contracts for services recommended by 870  
the chief investment officer; 871

(5) Establish an annual strategic plan and standards of 872  
measure to be used in evaluating the corporation's success in 873  
executing the plan; 874

(6) Establish a conflicts of interest policy that, at a 875  
minimum, complies with section 187.06 of the Revised Code; 876

(7) Hold a minimum of four board of directors meetings per 877  
year at which a quorum of the board is physically present, and 878  
such other meetings, at which directors' physical presence is not 879  
required, as may be necessary. Meetings at which a quorum of the 880  
board is required to be physically present are subject to division 881  
(D) of section 187.03 of the Revised Code. 882

(G) A statement that directors shall not receive any 883  
compensation from the corporation, except that governor-appointed 884  
directors may be reimbursed for actual and necessary expenses 885  
incurred in connection with services performed for the 886  
corporation; 887

(H) A provision authorizing the board to amend provisions of 888  
the corporation's articles of incorporation or regulations, except 889  
provisions required by this chapter; 890

(I) Procedures by which the corporation would be dissolved 891  
and by which all corporation rights, liabilities, and assets would 892  
be distributed to the state or to another corporation organized 893  
under this chapter. The articles shall state that no dissolution 894  
shall take effect until the corporation has made adequate 895  
provision for the payment of any outstanding bonds, notes, or 896  
other obligations. 897

(J) A provision establishing an audit committee to be 898

comprised of directors. The articles shall require that the audit 899  
committee hire an independent certified public accountant to 900  
perform a financial audit of the corporation at least once every 901  
year. 902

(K) A provision authorizing the governor, as chairperson of 903  
the corporation, to remove a director for misconduct as may be 904  
defined in the articles or regulations of the corporation. The 905  
removal of a director under this division creates a vacancy on the 906  
board that the governor shall fill by appointment for the 907  
remainder of the term of office of the vacated seat. 908

Sec. 187.02. (A) To qualify for appointment to the board of 909  
directors of JobsOhio, an individual must satisfy all of the 910  
following: 911

(1) Has an understanding of generally accepted accounting 912  
principles and financial statements; 913

(2) Possesses the ability to assess the general application 914  
of such principles in connection with the accounting for 915  
estimates, accruals, and reserves; 916

(3) Has experience preparing, auditing, analyzing, or 917  
evaluating financial statements that present a breadth and level 918  
of complexity of accounting issues that are generally comparable 919  
to the breadth and complexity of issues that can reasonably be 920  
expected to be presented by the JobsOhio corporation's financial 921  
statements, or experience actively supervising one or more persons 922  
engaged in such activities; 923

(4) Has an understanding of internal controls and the 924  
procedures for financial reporting; 925

(5) Has an understanding of audit committee functions. 926

(B) Specific experience demonstrating the qualifications 927  
required by division (A) of this section may be evidenced by any 928

of the following: 929

(1) Education and experience as a principal financial officer, principal accounting officer, controller, public accountant or auditor, or experience in one or more positions that involve the performance of similar functions; 930  
931  
932  
933

(2) Experience actively supervising a principal financial officer, principal accounting officer, controller, public accountant, auditor, or person performing similar functions; 934  
935  
936

(3) Experience overseeing or assessing the performance of companies or public accountants with respect to the preparation, auditing, or evaluation of financial statements; 937  
938  
939

(4) Other experience considered relevant by the governor consistent with division (A) of this section. 940  
941

(C) Each individual appointed to the board of directors shall be a citizen of the United States. At least five, but not more than six, of the individuals appointed to the board shall be residents of or domiciled in this state. 942  
943  
944  
945

**Sec. 187.03.** (A) JobsOhio may perform such functions as permitted and shall perform such duties as prescribed by law, but shall not be considered a state or public department, agency, office, body, institution, or instrumentality for purposes of section 1.60 or Chapter 102., 121., 125., or 149. 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. 946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956

(B)(1) With the exception of the governor, directors and employees of JobsOhio are not employees or officials of the state 957  
958



and, except as provided in division (B)(2) of this section, are 959  
not subject to Chapter 102., 124., 145., or 4117. of the Revised 960  
Code. 961

(2) Any employee, and any director except the governor, of 962  
JobsOhio, who would be required to file a statement under section 963  
102.02 of the Revised Code if the person were a public official or 964  
employee, shall file a statement pursuant to that section that 965  
includes, in place of the information required by divisions 966  
(A)(2), (7), (8), and (9) of that section, the information 967  
required by divisions (A) and (B) of section 102.022 of the 968  
Revised Code. The governor shall comply with all applicable 969  
requirements of section 102.02 of the Revised Code. 970

(3) Actual expenditures for the travel, meals, or lodging of 971  
the governor or of any public official or employee designated by 972  
the governor for the purpose of this division shall not be 973  
considered a violation of section 102.03 of the Revised Code if 974  
the expenditures are made by or on behalf of the corporation in 975  
connection with the governor's performance of official duties as 976  
chairperson of the board of directors of JobsOhio. The governor 977  
may designate any person, including a person who is a public 978  
official or employee as defined in section 102.01 of the Revised 979  
Code, for the purpose of this division if such expenditures are 980  
made on behalf of the person in connection with the governor's 981  
performance of official duties as chairperson. 982

At the times and frequency agreed to under division (B)(2) of 983  
section 187.04 of the Revised Code, beginning in 2012, the 984  
corporation shall file with the department of development a 985  
written report of any such expenditures the corporation paid or 986  
incurred during the preceding calendar year. The report shall 987  
state the dollar value and purpose of each expenditure, the date 988  
of each expenditure, and the location, if any, where services or 989  
benefits of an expenditure were received, provided that any such 990

information that may disclose proprietary information as defined 991  
in division (D) of that section shall not be included in the 992  
report. 993

(4) The prohibition applicable to former public officials or 994  
employees in division (A)(1) of section 102.03 of the Revised Code 995  
does not apply to any person appointed to be a director or hired 996  
as an employee of JobsOhio. 997

(5) Any person who is a former state employee shall no longer 998  
be considered a public employee for purposes of Chapter 145. of 999  
the Revised Code upon commencement of employment with JobsOhio. 1000

(D) Meetings of the board of directors at which a quorum of 1001  
the board is required to be physically present pursuant to 1002  
division (F) of section 187.01 of the Revised Code shall be open 1003  
to the public except, by a majority vote of the directors present 1004  
at the meeting, such a meeting may be closed to the public only 1005  
for one or more of the following purposes: 1006

(1) To consider business strategy of the corporation; 1007

(2) To consider proprietary information belonging to 1008  
potential applicants or potential recipients of business 1009  
recruitment, retention, or creation incentives. For the purposes 1010  
of this division, "proprietary information" means marketing plans, 1011  
specific business strategy, production techniques and trade 1012  
secrets, financial projections, or personal financial statements 1013  
of applicants or members of the applicants' immediate family, 1014  
including, but not limited to, tax records or other similar 1015  
information not open to the public inspection. 1016

(3) To consider legal matters, including litigation, in which 1017  
the corporation is or may be involved; 1018

(4) To consider personnel matters related to an individual 1019  
employee of the corporation. 1020

(E) Not later than March 1, 2012, and the first day of March 1021  
of each year thereafter, the chief investment officer of JobsOhio 1022  
shall prepare and submit a report of the corporation's activities 1023  
for the preceding year to the governor, the speaker and minority 1024  
leader of the house of representatives, and the president and 1025  
minority leader of the senate. The annual report shall include the 1026  
following: 1027

(1) An analysis of the state's economy; 1028

(2) A description of the structure, operation, and financial 1029  
status of the corporation; 1030

(3) A description of the corporation's strategy to improve 1031  
the state economy and the standards of measure used to evaluate 1032  
its progress; 1033

(4) An evaluation of the performance of current strategies 1034  
and major initiatives; 1035

(5) An analysis of any statutory or administrative barriers 1036  
to successful economic development, business recruitment, and job 1037  
growth in the state identified by JobsOhio during the preceding 1038  
year. 1039

**Sec. 187.04.** The director of development, as soon as 1040  
practical after the effective date of this section, shall execute 1041  
a contract with JobsOhio for the corporation to assist the 1042  
director and the department of development in the exercise of any 1043  
or all of the powers, functions, or duties of the department, 1044  
including the operation and management of programs, offices, 1045  
divisions, or boards, as may be determined by the director in 1046  
consultation with the governor. The controlling board shall 1047  
approve, prior to execution, all contracts between the director 1048  
and JobsOhio. 1049

The term of a contract entered into under this section shall 1050

not extend beyond a fiscal biennium of the general assembly, but 1051  
may be renewed or amended by the parties. 1052

A contract entered into under this section shall include both 1053  
of the following: 1054

(A) Terms assigning to the corporation the duties of advising 1055  
and assisting the director of development in the director's 1056  
evaluation of the department and the formulation of 1057  
recommendations under section 187.05 of the Revised Code; 1058

(B) Terms designating records created or received by JobsOhio 1059  
that shall be made available to the public under the same 1060  
conditions as are public records under section 149.43 of the 1061  
Revised Code. Documents designated to be made available to the 1062  
public pursuant to the contract shall be kept on file with the 1063  
department of development. 1064

Among records to be designated under this division shall be 1065  
the following: 1066

(1) The corporation's federal income tax returns; 1067

(2) The report of expenditures described in division (B)(3) 1068  
of section 187.03 of the Revised Code. The records shall be filed 1069  
with the department at such times and frequency as agreed to by 1070  
the corporation and the department, which shall not be less 1071  
frequently than quarterly. 1072

(3) The annual total compensation paid to each employee of 1073  
the corporation; 1074

(4) A copy of the audit report for each financial audit of 1075  
the corporation performed by an independent certified public 1076  
accountant pursuant to division (J) of section 187.01 of the 1077  
Revised Code. 1078

(5) Records of any fully executed incentive proposals, to be 1079  
filed annually; 1080

(6) Records pertaining to the monitoring of commitments made 1081  
by incentive recipients, to be filed annually. 1082

(C) Records created or received by JobsOhio are not public 1083  
records for the purposes of section 149.43 of the Revised Code, 1084  
regardless of who may have custody of the records, unless the 1085  
record is designated to be available to the public by the contract 1086  
under division (B) of this section. 1087

Sec. 187.05. The director of development, as soon as 1088  
practical after the effective date of this section, shall, in 1089  
consultation with the governor, evaluate all powers, functions, 1090  
and duties of the department. Within six months after that 1091  
effective date, the director shall submit a report to the general 1092  
assembly recommending statutory changes necessary to improve the 1093  
functioning and efficiency of the department and to transfer 1094  
specified powers, functions, and duties of the department to other 1095  
existing agencies of the state or to JobsOhio, or eliminate 1096  
specified powers, functions, or duties. The recommendations shall 1097  
be submitted in writing to the speaker and minority leader of the 1098  
house of representatives and the president and minority leader of 1099  
the senate. 1100

After submitting the report, the director, in consultation 1101  
with the governor, shall continue to evaluate the department and 1102  
make additional recommendations on such matters to the general 1103  
assembly. 1104

Sec. 187.06. (A) For purposes of this section, "interested 1105  
individual" means a director or officer of JobsOhio who has, 1106  
directly or indirectly, through business, investment, or family, 1107  
any of the following: 1108

(1) An ownership or investment interest in any person with 1109  
which JobsOhio has a transaction or arrangement; 1110

(2) A compensation arrangement with JobsOhio or with any person with which JobsOhio has a transaction or arrangement; 1111  
1112

(3) A potential ownership or investment interest in, or compensation arrangement with, any person with which JobsOhio is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as material gifts or favors. 1113  
1114  
1115  
1116  
1117

(B) The conflicts of interest policy adopted pursuant to section 187.01 of the Revised Code shall protect JobsOhio's interest when it is considering a transaction or arrangement that might benefit the private interest of a director or officer of JobsOhio or might excessively benefit that individual. An interested individual shall disclose the existence of a financial interest to each member of the board of directors of JobsOhio. The interested individual shall be given an opportunity to disclose all material facts to the directors. After disclosure of the financial interest and all material facts, the board of directors shall decide if a conflict of interest exists. If a conflict exists, the board shall determine whether JobsOhio can obtain with reasonable efforts a more advantageous transaction or arrangement from a person that would not give rise to a conflict of interest. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the board shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in JobsOhio's best interest, for its own benefit, and whether it is fair and reasonable. 1118  
1119  
1120  
1121  
1122  
1123  
1124  
1125  
1126  
1127  
1128  
1129  
1130  
1131  
1132  
1133  
1134  
1135  
1136  
1137

(C) If the board of directors has reasonable cause to believe a director or officer has failed to disclose an actual or possible conflict of interest, it shall inform the individual of the basis for such belief and provide the individual with an opportunity to explain the alleged failure to disclose. If the board determines 1138  
1139  
1140  
1141  
1142

the individual has failed to disclose an actual or possible 1143  
conflict of interest, it shall take appropriate disciplinary and 1144  
corrective action. 1145

(D) Minutes of board meetings considering possible or actual 1146  
conflicts of interest shall be kept. The minutes shall contain 1147  
both of the following: 1148

(1) The names of the individuals who disclosed, or were found 1149  
to have, a financial interest in connection with an actual or 1150  
possible conflict of interest, the nature of the financial 1151  
interest, any action taken to determine whether a conflict of 1152  
interest was present, and the board's decision as to whether a 1153  
conflict of interest existed; 1154

(2) The names of the individuals who were present for 1155  
discussions and votes relating to the transaction or arrangement, 1156  
the content of the discussion, including any alternatives to the 1157  
proposed transaction or arrangement, and a record of any votes 1158  
taken in connection with the proceedings. 1159

(E) An officer or employee of JobsOhio whose responsibility 1160  
includes compensation matters and who receives compensation, 1161  
directly or indirectly, from JobsOhio for services is precluded 1162  
from voting or providing information to a compensation committee, 1163  
if any, on matters pertaining to that individual's compensation. 1164

(F) The conflicts of interest policy adopted pursuant to 1165  
section 187.01 of the Revised Code shall prohibit any director of 1166  
JobsOhio from soliciting or accepting employment with any person 1167  
that receives or has received an incentive or other assistance as 1168  
a result of a decision the director participated in as a director 1169  
of JobsOhio. 1170

(G) Each director or officer shall annually sign a statement 1171  
which affirms the individual: 1172

(1) Has received a copy of the conflicts of interest policy; 1173

<u>(2) Has read and understands the policy;</u>	1174
<u>(3) Has agreed to comply with the policy;</u>	1175
<u>(4) Understands JobsOhio's statutory purpose and that it is a nonprofit corporation.</u>	1176 1177
<u>(H) To ensure JobsOhio operates in a manner consistent with its statutory purpose or contractual obligations, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, determine all of the following:</u>	1178 1179 1180 1181
<u>(1) Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining;</u>	1182 1183 1184
<u>(2) Whether JobsOhio's operations are consistent with its articles of incorporation, regulations, and contractual obligations, and are properly documented;</u>	1185 1186 1187
<u>(3) Whether transactions are fair to JobsOhio, reflect reasonable investment or payments for goods and services, further JobsOhio's statutory purpose or contractual obligations, and do not result in excessive private benefit to directors, officers, or other persons.</u>	1188 1189 1190 1191 1192
<b><u>Sec. 187.07.</u></b> <u>Any action brought by or on behalf of the corporation against a director or former director in that individual's capacity as a director shall be brought in the court of common pleas of Franklin county.</u>	1193 1194 1195 1196
<b><u>Sec. 2921.01.</u></b> As used in sections 2921.01 to 2921.45 of the Revised Code:	1197 1198
(A) "Public official" means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.	1199 1200 1201 1202



"Public official" does not include an employee, officer, or 1203  
governor-appointed member of the board of directors of the 1204  
nonprofit corporation formed under section 187.01 of the Revised 1205  
Code. 1206

(B) "Public servant" means any of the following: 1207

(1) Any public official; 1208

(2) Any person performing ad hoc a governmental function, 1209  
including, but not limited to, a juror, member of a temporary 1210  
commission, master, arbitrator, advisor, or consultant; 1211

(3) A person who is a candidate for public office, whether or 1212  
not the person is elected or appointed to the office for which the 1213  
person is a candidate. A person is a candidate for purposes of 1214  
this division if the person has been nominated according to law 1215  
for election or appointment to public office, or if the person has 1216  
filed a petition or petitions as required by law to have the 1217  
person's name placed on the ballot in a primary, general, or 1218  
special election, or if the person campaigns as a write-in 1219  
candidate in any primary, general, or special election. 1220

(C) "Party official" means any person who holds an elective 1221  
or appointive post in a political party in the United States or 1222  
this state, by virtue of which the person directs, conducts, or 1223  
participates in directing or conducting party affairs at any level 1224  
of responsibility. 1225

(D) "Official proceeding" means any proceeding before a 1226  
legislative, judicial, administrative, or other governmental 1227  
agency or official authorized to take evidence under oath, and 1228  
includes any proceeding before a referee, hearing examiner, 1229  
commissioner, notary, or other person taking testimony or a 1230  
deposition in connection with an official proceeding. 1231

(E) "Detention" means arrest; confinement in any vehicle 1232  
subsequent to an arrest; confinement in any public or private 1233

facility for custody of persons charged with or convicted of crime 1234  
in this state or another state or under the laws of the United 1235  
States or alleged or found to be a delinquent child or unruly 1236  
child in this state or another state or under the laws of the 1237  
United States; hospitalization, institutionalization, or 1238  
confinement in any public or private facility that is ordered 1239  
pursuant to or under the authority of section 2945.37, 2945.371, 1240  
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 1241  
Code; confinement in any vehicle for transportation to or from any 1242  
facility of any of those natures; detention for extradition or 1243  
deportation; except as provided in this division, supervision by 1244  
any employee of any facility of any of those natures that is 1245  
incidental to hospitalization, institutionalization, or 1246  
confinement in the facility but that occurs outside the facility; 1247  
supervision by an employee of the department of rehabilitation and 1248  
correction of a person on any type of release from a state 1249  
correctional institution; or confinement in any vehicle, airplane, 1250  
or place while being returned from outside of this state into this 1251  
state by a private person or entity pursuant to a contract entered 1252  
into under division (E) of section 311.29 of the Revised Code or 1253  
division (B) of section 5149.03 of the Revised Code. For a person 1254  
confined in a county jail who participates in a county jail 1255  
industry program pursuant to section 5147.30 of the Revised Code, 1256  
"detention" includes time spent at an assigned work site and going 1257  
to and from the work site. 1258

(F) "Detention facility" means any public or private place 1259  
used for the confinement of a person charged with or convicted of 1260  
any crime in this state or another state or under the laws of the 1261  
United States or alleged or found to be a delinquent child or 1262  
unruly child in this state or another state or under the laws of 1263  
the United States. 1264

(G) "Valuable thing or valuable benefit" includes, but is not 1265

limited to, a contribution. This inclusion does not indicate or 1266  
imply that a contribution was not included in those terms before 1267  
September 17, 1986. 1268

(H) "Campaign committee," "contribution," "political action 1269  
committee," "legislative campaign fund," "political party," and 1270  
"political contributing entity" have the same meanings as in 1271  
section 3517.01 of the Revised Code. 1272

(I) "Provider agreement" and "medical assistance program" 1273  
have the same meanings as in section 2913.40 of the Revised Code. 1274

**Sec. 4117.01.** As used in this chapter: 1275

(A) "Person," in addition to those included in division (C) 1276  
of section 1.59 of the Revised Code, includes employee 1277  
organizations, public employees, and public employers. 1278

(B) "Public employer" means the state or any political 1279  
subdivision of the state located entirely within the state, 1280  
including, without limitation, any municipal corporation with a 1281  
population of at least five thousand according to the most recent 1282  
federal decennial census; county; township with a population of at 1283  
least five thousand in the unincorporated area of the township 1284  
according to the most recent federal decennial census; school 1285  
district; governing authority of a community school established 1286  
under Chapter 3314. of the Revised Code; state institution of 1287  
higher learning; public or special district; state agency, 1288  
authority, commission, or board; or other branch of public 1289  
employment. "Public employer" does not include the nonprofit 1290  
corporation formed under section 187.01 of the Revised Code. 1291

(C) "Public employee" means any person holding a position by 1292  
appointment or employment in the service of a public employer, 1293  
including any person working pursuant to a contract between a 1294  
public employer and a private employer and over whom the national 1295

labor relations board has declined jurisdiction on the basis that	1296
the involved employees are employees of a public employer, except:	1297
(1) Persons holding elective office;	1298
(2) Employees of the general assembly and employees of any	1299
other legislative body of the public employer whose principal	1300
duties are directly related to the legislative functions of the	1301
body;	1302
(3) Employees on the staff of the governor or the chief	1303
executive of the public employer whose principal duties are	1304
directly related to the performance of the executive functions of	1305
the governor or the chief executive;	1306
(4) Persons who are members of the Ohio organized militia,	1307
while training or performing duty under section 5919.29 or 5923.12	1308
of the Revised Code;	1309
(5) Employees of the state employment relations board,	1310
including those employees of the state employment relations board	1311
utilized by the state personnel board of review in the exercise of	1312
the powers and the performance of the duties and functions of the	1313
state personnel board of review;	1314
(6) Confidential employees;	1315
(7) Management level employees;	1316
(8) Employees and officers of the courts, assistants to the	1317
attorney general, assistant prosecuting attorneys, and employees	1318
of the clerks of courts who perform a judicial function;	1319
(9) Employees of a public official who act in a fiduciary	1320
capacity, appointed pursuant to section 124.11 of the Revised	1321
Code;	1322
(10) Supervisors;	1323
(11) Students whose primary purpose is educational training,	1324
including graduate assistants or associates, residents, interns,	1325

or other students working as part-time public employees less than	1326
fifty per cent of the normal year in the employee's bargaining	1327
unit;	1328
(12) Employees of county boards of election;	1329
(13) Seasonal and casual employees as determined by the state	1330
employment relations board;	1331
(14) Part-time faculty members of an institution of higher	1332
education;	1333
(15) Participants in a work activity, developmental activity,	1334
or alternative work activity under sections 5107.40 to 5107.69 of	1335
the Revised Code who perform a service for a public employer that	1336
the public employer needs but is not performed by an employee of	1337
the public employer if the participant is not engaged in paid	1338
employment or subsidized employment pursuant to the activity;	1339
(16) Employees included in the career professional service of	1340
the department of transportation under section 5501.20 of the	1341
Revised Code;	1342
(17) Employees of community-based correctional facilities and	1343
district community-based correctional facilities created under	1344
sections 2301.51 to 2301.58 of the Revised Code who are not	1345
subject to a collective bargaining agreement on June 1, 2005+.	1346
(D) "Employee organization" means any labor or bona fide	1347
organization in which public employees participate and that exists	1348
for the purpose, in whole or in part, of dealing with public	1349
employers concerning grievances, labor disputes, wages, hours,	1350
terms, and other conditions of employment.	1351
(E) "Exclusive representative" means the employee	1352
organization certified or recognized as an exclusive	1353
representative under section 4117.05 of the Revised Code.	1354
(F) "Supervisor" means any individual who has authority, in	1355

the interest of the public employer, to hire, transfer, suspend, 1356  
lay off, recall, promote, discharge, assign, reward, or discipline 1357  
other public employees; to responsibly direct them; to adjust 1358  
their grievances; or to effectively recommend such action, if the 1359  
exercise of that authority is not of a merely routine or clerical 1360  
nature, but requires the use of independent judgment, provided 1361  
that: 1362

(1) Employees of school districts who are department 1363  
chairpersons or consulting teachers shall not be deemed 1364  
supervisors; 1365

(2) With respect to members of a police or fire department, 1366  
no person shall be deemed a supervisor except the chief of the 1367  
department or those individuals who, in the absence of the chief, 1368  
are authorized to exercise the authority and perform the duties of 1369  
the chief of the department. Where prior to June 1, 1982, a public 1370  
employer pursuant to a judicial decision, rendered in litigation 1371  
to which the public employer was a party, has declined to engage 1372  
in collective bargaining with members of a police or fire 1373  
department on the basis that those members are supervisors, those 1374  
members of a police or fire department do not have the rights 1375  
specified in this chapter for the purposes of future collective 1376  
bargaining. The state employment relations board shall decide all 1377  
disputes concerning the application of division (F)(2) of this 1378  
section. 1379

(3) With respect to faculty members of a state institution of 1380  
higher education, heads of departments or divisions are 1381  
supervisors; however, no other faculty member or group of faculty 1382  
members is a supervisor solely because the faculty member or group 1383  
of faculty members participate in decisions with respect to 1384  
courses, curriculum, personnel, or other matters of academic 1385  
policy; 1386

(4) No teacher as defined in section 3319.09 of the Revised 1387

Code shall be designated as a supervisor or a management level 1388  
employee unless the teacher is employed under a contract governed 1389  
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 1390  
is assigned to a position for which a license deemed to be for 1391  
administrators under state board rules is required pursuant to 1392  
section 3319.22 of the Revised Code. 1393

(G) "To bargain collectively" means to perform the mutual 1394  
obligation of the public employer, by its representatives, and the 1395  
representatives of its employees to negotiate in good faith at 1396  
reasonable times and places with respect to wages, hours, terms, 1397  
and other conditions of employment and the continuation, 1398  
modification, or deletion of an existing provision of a collective 1399  
bargaining agreement, with the intention of reaching an agreement, 1400  
or to resolve questions arising under the agreement. "To bargain 1401  
collectively" includes executing a written contract incorporating 1402  
the terms of any agreement reached. The obligation to bargain 1403  
collectively does not mean that either party is compelled to agree 1404  
to a proposal nor does it require the making of a concession. 1405

(H) "Strike" means continuous concerted action in failing to 1406  
report to duty; willful absence from one's position; or stoppage 1407  
of work in whole from the full, faithful, and proper performance 1408  
of the duties of employment, for the purpose of inducing, 1409  
influencing, or coercing a change in wages, hours, terms, and 1410  
other conditions of employment. "Strike" does not include a 1411  
stoppage of work by employees in good faith because of dangerous 1412  
or unhealthful working conditions at the place of employment that 1413  
are abnormal to the place of employment. 1414

(I) "Unauthorized strike" includes, but is not limited to, 1415  
concerted action during the term or extended term of a collective 1416  
bargaining agreement or during the pendency of the settlement 1417  
procedures set forth in section 4117.14 of the Revised Code in 1418  
failing to report to duty; willful absence from one's position; 1419

stoppage of work; slowdown, or abstinence in whole or in part from 1420  
the full, faithful, and proper performance of the duties of 1421  
employment for the purpose of inducing, influencing, or coercing a 1422  
change in wages, hours, terms, and other conditions of employment. 1423  
"Unauthorized strike" includes any such action, absence, stoppage, 1424  
slowdown, or abstinence when done partially or intermittently, 1425  
whether during or after the expiration of the term or extended 1426  
term of a collective bargaining agreement or during or after the 1427  
pendency of the settlement procedures set forth in section 4117.14 1428  
of the Revised Code. 1429

(J) "Professional employee" means any employee engaged in 1430  
work that is predominantly intellectual, involving the consistent 1431  
exercise of discretion and judgment in its performance and 1432  
requiring knowledge of an advanced type in a field of science or 1433  
learning customarily acquired by a prolonged course in an 1434  
institution of higher learning or a hospital, as distinguished 1435  
from a general academic education or from an apprenticeship; or an 1436  
employee who has completed the courses of specialized intellectual 1437  
instruction and is performing related work under the supervision 1438  
of a professional person to become qualified as a professional 1439  
employee. 1440

(K) "Confidential employee" means any employee who works in 1441  
the personnel offices of a public employer and deals with 1442  
information to be used by the public employer in collective 1443  
bargaining; or any employee who works in a close continuing 1444  
relationship with public officers or representatives directly 1445  
participating in collective bargaining on behalf of the employer. 1446

(L) "Management level employee" means an individual who 1447  
formulates policy on behalf of the public employer, who 1448  
responsibly directs the implementation of policy, or who may 1449  
reasonably be required on behalf of the public employer to assist 1450  
in the preparation for the conduct of collective negotiations, 1451



administer collectively negotiated agreements, or have a major 1452  
role in personnel administration. Assistant superintendents, 1453  
principals, and assistant principals whose employment is governed 1454  
by section 3319.02 of the Revised Code are management level 1455  
employees. With respect to members of a faculty of a state 1456  
institution of higher education, no person is a management level 1457  
employee because of the person's involvement in the formulation or 1458  
implementation of academic or institution policy. 1459

(M) "Wages" means hourly rates of pay, salaries, or other 1460  
forms of compensation for services rendered. 1461

(N) "Member of a police department" means a person who is in 1462  
the employ of a police department of a municipal corporation as a 1463  
full-time regular police officer as the result of an appointment 1464  
from a duly established civil service eligibility list or under 1465  
section 737.15 or 737.16 of the Revised Code, a full-time deputy 1466  
sheriff appointed under section 311.04 of the Revised Code, a 1467  
township constable appointed under section 509.01 of the Revised 1468  
Code, or a member of a township police district police department 1469  
appointed under section 505.49 of the Revised Code. 1470

(O) "Members of the state highway patrol" means highway 1471  
patrol troopers and radio operators appointed under section 1472  
5503.01 of the Revised Code. 1473

(P) "Member of a fire department" means a person who is in 1474  
the employ of a fire department of a municipal corporation or a 1475  
township as a fire cadet, full-time regular firefighter, or 1476  
promoted rank as the result of an appointment from a duly 1477  
established civil service eligibility list or under section 1478  
505.38, 709.012, or 737.22 of the Revised Code. 1479

(Q) "Day" means calendar day. 1480

**Section 2.** That existing sections 1.60, 102.01, 117.01, 1481

121.01, 121.22, 121.41, 121.60, 122.011, 124.01, 145.012, 149.011, 1482  
2921.01, and 4117.01 of the Revised Code are hereby repealed. 1483

**Section 3.** The Supreme Court of Ohio shall have exclusive, 1484  
original jurisdiction over any claim asserting that any one or 1485  
more sections of the Revised Code amended or enacted by this act, 1486  
or any portion of one or more of those sections, or any rule 1487  
adopted under one or more of those sections, violates any 1488  
provision of the Ohio Constitution; and over any claim asserting 1489  
that any action taken pursuant to those sections by the Governor 1490  
or the nonprofit corporation formed under section 187.01 of the 1491  
Revised Code violates any provision of the Ohio Constitution or 1492  
any provision of the Revised Code. Any such claim shall be filed 1493  
as otherwise required by the Court's rules of practice not later 1494  
than the sixtieth day after the effective date of this act. If any 1495  
claim over which the Supreme Court is granted exclusive, original 1496  
jurisdiction by this section is filed in any lower court, the 1497  
claim shall be dismissed by the court on the ground that the court 1498  
lacks jurisdiction to review it. 1499

**Section 4.** Section 145.012 of the Revised Code is presented 1500  
in this act as a composite of the section as amended by both Am. 1501  
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 1502  
General Assembly, applying the principle stated in division (B) of 1503  
section 1.52 of the Revised Code that amendments are to be 1504  
harmonized if reasonably capable of simultaneous operation, finds 1505  
that the composite is the resulting version of the section in 1506  
effect prior to the effective date of the section as presented in 1507  
this act. 1508

**Section 5.** The Director of Development, in consultation with 1509  
the Director of Budget and Management, shall find within the 1510  
Department of Development's total unexpended and unencumbered 1511

fiscal year 2011 General Revenue Fund appropriation an amount not 1512  
to exceed \$1,000,000 in order to establish and operate the 1513  
JobsOhio corporation established in Chapter 187. of the Revised 1514  
Code. The Director of Development shall identify appropriation 1515  
items within the General Revenue Fund that are to be reduced for 1516  
this purpose, and any reduction in appropriations to these items 1517  
pursuant to this section shall not collectively exceed \$1,000,000. 1518  
The amounts identified by the Director are hereby appropriated in 1519  
General Revenue Fund appropriation item 195527, JobsOhio, for 1520  
transition and start-up costs of the JobsOhio corporation. Nothing 1521  
in this section shall be construed as increasing or decreasing the 1522  
Department of Development's total fiscal year 2011 General Revenue 1523  
Fund appropriation. 1524

**Section 6.** Sections 1, 2, 3, 4, 5, and 6 of this act are not 1525  
subject to the referendum because they are or they relate to an 1526  
appropriation for current expenses within the meaning of Ohio 1527  
Constitution, Article II, Section 1d, and section 1.471 of the 1528  
Revised Code, and therefore those sections take effect immediately 1529  
when this act becomes law. 1530