

As Introduced

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Representative Ingram

**Cosponsors: Representatives Becker, Crawley, Crossman, Galonski, Kelly,
Lepore-Hagan, Lightbody, Liston, Miller, A., Skindell, Smith, K., Strahorn,
Upchurch, Vitale**

A BILL

To amend sections 9.28, 121.22, 149.011, 149.43, 149.436, 187.01, 187.03, and 187.04 of the Revised Code to establish that records kept by JobsOhio are public records subject to inspection and copying under Ohio Public Records Law and to require all meetings of the JobsOhio Board of Directors to be open to the public, except when in an executive session.

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

Section 1. That sections 9.28, 121.22, 149.011, 149.43, 149.436, 187.01, 187.03, and 187.04 of the Revised Code be amended to read as follows:

Sec. 9.28. (A) As used in this section:

(1) "Competitive solicitation" means a request for proposal or any other solicitation or announcement by a public office requiring bids or proposals for the provision of goods or services to that office.

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

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

(B) Except as provided in division (C) of this section, materials submitted to a public office in response to a competitive solicitation shall not be considered public records for purposes of section 149.43 of the Revised Code until the date the public office announces the award of a contract based on the competitive solicitation or the cancellation of the competitive solicitation.

(C) If a public office rejects all bids or proposals received in response to a competitive solicitation and, concurrently with the announcement of the rejection gives notice of its intent to reissue the solicitation, the materials submitted in response to the original competitive solicitation and the materials submitted in response to the reissued competitive solicitation shall not be considered public records for purposes of section 149.43 of the Revised Code until the

date the public office announces the award of a contract based 47
on the reissued competitive solicitation or the cancellation of 48
the reissued competitive solicitation. 49

Sec. 121.22. (A) This section shall be liberally construed 50
to require public officials to take official action and to 51
conduct all deliberations upon official business only in open 52
meetings unless the subject matter is specifically excepted by 53
law. 54

(B) As used in this section: 55

(1) "Public body" means any of the following: 56

(a) Any board, commission, committee, council, or similar 57
decision-making body of a state agency, institution, or 58
authority, and any legislative authority or board, commission, 59
committee, council, agency, authority, or similar decision- 60
making body of any county, township, municipal corporation, 61
school district, or other political subdivision or local public 62
institution; 63

(b) Any committee or subcommittee of a body described in 64
division (B) (1) (a) of this section; 65

(c) A court of jurisdiction of a sanitary district 66
organized wholly for the purpose of providing a water supply for 67
domestic, municipal, and public use when meeting for the purpose 68
of the appointment, removal, or reappointment of a member of the 69
board of directors of such a district pursuant to section 70
6115.10 of the Revised Code, if applicable, or for any other 71
matter related to such a district other than litigation 72
involving the district. As used in division (B) (1) (c) of this 73
section, "court of jurisdiction" has the same meaning as "court" 74
in section 6115.01 of the Revised Code. 75

- (2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members. 76
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- (3) "Regulated individual" means either of the following: 78
- (a) A student in a state or local public educational institution; 79
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- (b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care. 81
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- (4) ~~"Public office" has the same meaning as in section 149.011 of the Revised Code~~ includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government. 86
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"Public office" does not include the nonprofit corporation formed under section 187.01 of the Revised Code. 91
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- (C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting. 93
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- The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section. 99
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- (D) This section does not apply to any of the following: 104

(1) A grand jury;	105
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	106 107 108
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	109 110 111 112 113 114 115 116
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	117 118
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	119 120 121 122 123 124
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	125 126 127 128
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	129 130 131 132
(8) The state board of pharmacy when determining whether	133

to suspend a license without a prior hearing pursuant to	134
division (D) of section 4729.16 of the Revised Code;	135
(9) The state chiropractic board when determining whether	136
to suspend a license without a hearing pursuant to section	137
4734.37 of the Revised Code;	138
(10) The executive committee of the emergency response	139
commission when determining whether to issue an enforcement	140
order or request that a civil action, civil penalty action, or	141
criminal action be brought to enforce Chapter 3750. of the	142
Revised Code;	143
(11) The board of directors of the nonprofit corporation	144
formed under section 187.01 of the Revised Code or any committee	145
thereof, and the board of directors of any subsidiary of that	146
corporation or a committee thereof;	147
(12) An audit conference conducted by the audit staff of	148
the department of job and family services with officials of the	149
public office that is the subject of that audit under section	150
5101.37 of the Revised Code;	151
(13) The occupational therapy section of the occupational	152
therapy, physical therapy, and athletic trainers board when	153
determining whether to suspend a license or limited permit	154
without a hearing pursuant to division (D) of section 4755.11 of	155
the Revised Code;	156
(14) The physical therapy section of the occupational	157
therapy, physical therapy, and athletic trainers board when	158
determining whether to suspend a license without a hearing	159
pursuant to division (E) of section 4755.47 of the Revised Code;	160
(15) The athletic trainers section of the occupational	161
therapy, physical therapy, and athletic trainers board when	162

determining whether to suspend a license without a hearing	163
pursuant to division (D) of section 4755.64 of the Revised Code.	164
(E) The controlling board, the tax credit authority, or	165
the minority development financing advisory board, when meeting	166
to consider granting assistance pursuant to Chapter 122. or 166.	167
of the Revised Code, in order to protect the interest of the	168
applicant or the possible investment of public funds, by	169
unanimous vote of all board or authority members present, may	170
close the meeting during consideration of the following	171
information confidentially received by the authority or board	172
from the applicant:	173
(1) Marketing plans;	174
(2) Specific business strategy;	175
(3) Production techniques and trade secrets;	176
(4) Financial projections;	177
(5) Personal financial statements of the applicant or	178
members of the applicant's immediate family, including, but not	179
limited to, tax records or other similar information not open to	180
public inspection.	181
The vote by the authority or board to accept or reject the	182
application, as well as all proceedings of the authority or	183
board not subject to this division, shall be open to the public	184
and governed by this section.	185
(F) Every public body, by rule, shall establish a	186
reasonable method whereby any person may determine the time and	187
place of all regularly scheduled meetings and the time, place,	188
and purpose of all special meetings. A public body shall not	189
hold a special meeting unless it gives at least twenty-four	190

hours' advance notice to the news media that have requested 191
notification, except in the event of an emergency requiring 192
immediate official action. In the event of an emergency, the 193
member or members calling the meeting shall notify the news 194
media that have requested notification immediately of the time, 195
place, and purpose of the meeting. 196

The rule shall provide that any person, upon request and 197
payment of a reasonable fee, may obtain reasonable advance 198
notification of all meetings at which any specific type of 199
public business is to be discussed. Provisions for advance 200
notification may include, but are not limited to, mailing the 201
agenda of meetings to all subscribers on a mailing list or 202
mailing notices in self-addressed, stamped envelopes provided by 203
the person. 204

(G) Except as provided in divisions (G)(8) and (J) of this 205
section, the members of a public body may hold an executive 206
session only after a majority of a quorum of the public body 207
determines, by a roll call vote, to hold an executive session 208
and only at a regular or special meeting for the sole purpose of 209
the consideration of any of the following matters: 210

(1) To consider the appointment, employment, dismissal, 211
discipline, promotion, demotion, or compensation of a public 212
employee or official, or the investigation of charges or 213
complaints against a public employee, official, licensee, or 214
regulated individual, unless the public employee, official, 215
licensee, or regulated individual requests a public hearing. 216
Except as otherwise provided by law, no public body shall hold 217
an executive session for the discipline of an elected official 218
for conduct related to the performance of the elected official's 219
official duties or for the elected official's removal from 220

office. If a public body holds an executive session pursuant to 221
division (G) (1) of this section, the motion and vote to hold 222
that executive session shall state which one or more of the 223
approved purposes listed in division (G) (1) of this section are 224
the purposes for which the executive session is to be held, but 225
need not include the name of any person to be considered at the 226
meeting. 227

(2) To consider the purchase of property for public 228
purposes, the sale of property at competitive bidding, or the 229
sale or other disposition of unneeded, obsolete, or unfit-for- 230
use property in accordance with section 505.10 of the Revised 231
Code, if premature disclosure of information would give an 232
unfair competitive or bargaining advantage to a person whose 233
personal, private interest is adverse to the general public 234
interest. No member of a public body shall use division (G) (2) 235
of this section as a subterfuge for providing covert information 236
to prospective buyers or sellers. A purchase or sale of public 237
property is void if the seller or buyer of the public property 238
has received covert information from a member of a public body 239
that has not been disclosed to the general public in sufficient 240
time for other prospective buyers and sellers to prepare and 241
submit offers. 242

If the minutes of the public body show that all meetings 243
and deliberations of the public body have been conducted in 244
compliance with this section, any instrument executed by the 245
public body purporting to convey, lease, or otherwise dispose of 246
any right, title, or interest in any public property shall be 247
conclusively presumed to have been executed in compliance with 248
this section insofar as title or other interest of any bona fide 249
purchasers, lessees, or transferees of the property is 250
concerned. 251

(3) Conferences with an attorney for the public body	252
concerning disputes involving the public body that are the	253
subject of pending or imminent court action;	254
(4) Preparing for, conducting, or reviewing negotiations	255
or bargaining sessions with public employees concerning their	256
compensation or other terms and conditions of their employment;	257
(5) Matters required to be kept confidential by federal	258
law or regulations or state statutes;	259
(6) Details relative to the security arrangements and	260
emergency response protocols for a public body or a public	261
office, if disclosure of the matters discussed could reasonably	262
be expected to jeopardize the security of the public body or	263
public office;	264
(7) In the case of a county hospital operated pursuant to	265
Chapter 339. of the Revised Code, a joint township hospital	266
operated pursuant to Chapter 513. of the Revised Code, or a	267
municipal hospital operated pursuant to Chapter 749. of the	268
Revised Code, to consider trade secrets, as defined in section	269
1333.61 of the Revised Code;	270
(8) To consider confidential information related to the	271
marketing plans, specific business strategy, production	272
techniques, trade secrets, or personal financial statements of	273
an applicant for economic development assistance, or to	274
negotiations with other political subdivisions respecting	275
requests for economic development assistance, provided that both	276
of the following conditions apply:	277
(a) The information is directly related to a request for	278
economic development assistance that is to be provided or	279
administered under any provision of Chapter 715., 725., 1724.,	280

or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 281
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 282
5709.81 of the Revised Code, or that involves public 283
infrastructure improvements or the extension of utility services 284
that are directly related to an economic development project. 285

(b) A unanimous quorum of the public body determines, by a 286
roll call vote, that the executive session is necessary to 287
protect the interests of the applicant or the possible 288
investment or expenditure of public funds to be made in 289
connection with the economic development project. 290

If a public body holds an executive session to consider 291
any of the matters listed in divisions (G) (2) to (8) of this 292
section, the motion and vote to hold that executive session 293
shall state which one or more of the approved matters listed in 294
those divisions are to be considered at the executive session. 295

A public body specified in division (B) (1) (c) of this 296
section shall not hold an executive session when meeting for the 297
purposes specified in that division. 298

(H) A resolution, rule, or formal action of any kind is 299
invalid unless adopted in an open meeting of the public body. A 300
resolution, rule, or formal action adopted in an open meeting 301
that results from deliberations in a meeting not open to the 302
public is invalid unless the deliberations were for a purpose 303
specifically authorized in division (G) or (J) of this section 304
and conducted at an executive session held in compliance with 305
this section. A resolution, rule, or formal action adopted in an 306
open meeting is invalid if the public body that adopted the 307
resolution, rule, or formal action violated division (F) of this 308
section. 309

(I) (1) Any person may bring an action to enforce this 310
section. An action under division (I) (1) of this section shall 311
be brought within two years after the date of the alleged 312
violation or threatened violation. Upon proof of a violation or 313
threatened violation of this section in an action brought by any 314
person, the court of common pleas shall issue an injunction to 315
compel the members of the public body to comply with its 316
provisions. 317

(2) (a) If the court of common pleas issues an injunction 318
pursuant to division (I) (1) of this section, the court shall 319
order the public body that it enjoins to pay a civil forfeiture 320
of five hundred dollars to the party that sought the injunction 321
and shall award to that party all court costs and, subject to 322
reduction as described in division (I) (2) of this section, 323
reasonable attorney's fees. The court, in its discretion, may 324
reduce an award of attorney's fees to the party that sought the 325
injunction or not award attorney's fees to that party if the 326
court determines both of the following: 327

(i) That, based on the ordinary application of statutory 328
law and case law as it existed at the time of violation or 329
threatened violation that was the basis of the injunction, a 330
well-informed public body reasonably would believe that the 331
public body was not violating or threatening to violate this 332
section; 333

(ii) That a well-informed public body reasonably would 334
believe that the conduct or threatened conduct that was the 335
basis of the injunction would serve the public policy that 336
underlies the authority that is asserted as permitting that 337
conduct or threatened conduct. 338

(b) If the court of common pleas does not issue an 339

injunction pursuant to division (I)(1) of this section and the 340
court determines at that time that the bringing of the action 341
was frivolous conduct, as defined in division (A) of section 342
2323.51 of the Revised Code, the court shall award to the public 343
body all court costs and reasonable attorney's fees, as 344
determined by the court. 345

(3) Irreparable harm and prejudice to the party that 346
sought the injunction shall be conclusively and irrebuttably 347
presumed upon proof of a violation or threatened violation of 348
this section. 349

(4) A member of a public body who knowingly violates an 350
injunction issued pursuant to division (I)(1) of this section 351
may be removed from office by an action brought in the court of 352
common pleas for that purpose by the prosecuting attorney or the 353
attorney general. 354

(J)(1) Pursuant to division (C) of section 5901.09 of the 355
Revised Code, a veterans service commission shall hold an 356
executive session for one or more of the following purposes 357
unless an applicant requests a public hearing: 358

(a) Interviewing an applicant for financial assistance 359
under sections 5901.01 to 5901.15 of the Revised Code; 360

(b) Discussing applications, statements, and other 361
documents described in division (B) of section 5901.09 of the 362
Revised Code; 363

(c) Reviewing matters relating to an applicant's request 364
for financial assistance under sections 5901.01 to 5901.15 of 365
the Revised Code. 366

(2) A veterans service commission shall not exclude an 367
applicant for, recipient of, or former recipient of financial 368

assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

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

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

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

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

under section 187.01 of the Revised Code. 399

~~(C) "Public money" includes all money received or 400
collected by or due a public official, whether in accordance 401
with or under authority of any law, ordinance, resolution, or 402
order, under color of office, or otherwise. It also includes any 403
money collected by any individual on behalf of a public office 404
or as a purported representative or agent of the public office. 405~~

~~(D) "Public official" includes all officers, employees, or 406
duly authorized representatives or agents of a public office. 407~~

~~(E) (D) "Color of office" includes any act purported or 408
alleged to be done under any law, ordinance, resolution, order, 409
or other pretension to official right, power, or authority. 410~~

~~(F) (E) "Archive" includes any public record that is 411
transferred to the state archives or other designated archival 412
institutions because of the historical information contained on 413
it. 414~~

~~(G) (F) "Records" includes any document, device, or item, 415
regardless of physical form or characteristic, including an 416
electronic record as defined in section 1306.01 of the Revised 417
Code, created or received by or coming under the jurisdiction of 418
any public office of the state or its political subdivisions, 419
which serves to document the organization, functions, policies, 420
decisions, procedures, operations, or other activities of the 421
office. 422~~

Sec. 149.43. (A) As used in this section: 423

(1) "Public record" means records kept by any public 424
office, including, but not limited to, state, county, city, 425
village, township, and school district units, and records 426
pertaining to the delivery of educational services by an 427

alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to	428
section 3313.533 of the Revised Code. "Public record" does not	429
mean any of the following:	430
(a) Medical records;	431
(b) Records pertaining to probation and parole	432
proceedings, to proceedings related to the imposition of	433
community control sanctions and post-release control sanctions,	434
or to proceedings related to determinations under section	435
2967.271 of the Revised Code regarding the release or maintained	436
incarceration of an offender to whom that section applies;	437
(c) Records pertaining to actions under section 2151.85	438
and division (C) of section 2919.121 of the Revised Code and to	439
appeals of actions arising under those sections;	440
(d) Records pertaining to adoption proceedings, including	441
the contents of an adoption file maintained by the department of	442
health under sections 3705.12 to 3705.124 of the Revised Code;	443
(e) Information in a record contained in the putative	444
father registry established by section 3107.062 of the Revised	445
Code, regardless of whether the information is held by the	446
department of job and family services or, pursuant to section	447
3111.69 of the Revised Code, the office of child support in the	448
department or a child support enforcement agency;	449
(f) Records specified in division (A) of section 3107.52	450
of the Revised Code;	451
(g) Trial preparation records;	452
(h) Confidential law enforcement investigatory records;	453
(i) Records containing information that is confidential	454
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under section 2710.03 or 4112.05 of the Revised Code;	456
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	457 458
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	459 460 461 462
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	463 464 465 466
(m) Intellectual property records;	467
(n) Donor profile records;	468
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	469 470
(p) Designated public service worker residential and familial information;	471 472
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	473 474 475 476 477
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	478 479
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the	480 481 482

director of health under section 3701.70 of the Revised Code, 483
records provided to the board or director, statements made by 484
board members during meetings of the board or by persons 485
participating in the director's review, and all work products of 486
the board or director, and in the case of a child fatality 487
review board, child fatality review data submitted by the board 488
to the department of health or a national child death review 489
database, other than the report prepared pursuant to division 490
(A) of section 307.626 of the Revised Code; 491

(t) Records provided to and statements made by the 492
executive director of a public children services agency or a 493
prosecuting attorney acting pursuant to section 5153.171 of the 494
Revised Code other than the information released under that 495
section; 496

(u) Test materials, examinations, or evaluation tools used 497
in an examination for licensure as a nursing home administrator 498
that the board of executives of long-term services and supports 499
administers under section 4751.04 of the Revised Code or 500
contracts under that section with a private or government entity 501
to administer; 502

(v) Records the release of which is prohibited by state or 503
federal law; 504

(w) Proprietary information of or relating to any person 505
that is submitted to or compiled by the Ohio venture capital 506
authority created under section 150.01 of the Revised Code; 507

(x) Financial statements and data any person submits for 508
any purpose to the Ohio housing finance agency or the 509
controlling board in connection with applying for, receiving, or 510
accounting for financial assistance from the agency, and 511

information that identifies any individual who benefits directly 512
or indirectly from financial assistance from the agency; 513

(y) Records listed in section 5101.29 of the Revised Code; 514

(z) Discharges recorded with a county recorder under 515
section 317.24 of the Revised Code, as specified in division (B) 516
(2) of that section; 517

(aa) Usage information including names and addresses of 518
specific residential and commercial customers of a municipally 519
owned or operated public utility; 520

~~(bb) Records described in division (C) of section 187.04-~~ 521
~~of the Revised Code that are not designated to be made available-~~ 522
~~to the public as provided in that division;—~~ 523

~~(ee)~~—Information and records that are made confidential, 524
privileged, and not subject to disclosure under divisions (B) 525
and (C) of section 2949.221 of the Revised Code; 526

~~(dd)~~—(cc) Personal information, as defined in section 527
149.45 of the Revised Code; 528

~~(ee)~~—(dd) The confidential name, address, and other 529
personally identifiable information of a program participant in 530
the address confidentiality program established under sections 531
111.41 to 111.47 of the Revised Code, including the contents of 532
any application for absent voter's ballots, absent voter's 533
ballot identification envelope statement of voter, or 534
provisional ballot affirmation completed by a program 535
participant who has a confidential voter registration record, 536
and records or portions of records pertaining to that program 537
that identify the number of program participants that reside 538
within a precinct, ward, township, municipal corporation, 539
county, or any other geographic area smaller than the state. As 540

used in this division, "confidential address" and "program
participant" have the meaning defined in section 111.41 of the
Revised Code.

~~(ff)~~ (ee) Orders for active military service of an
individual serving or with previous service in the armed forces
of the United States, including a reserve component, or the Ohio
organized militia, except that, such order becomes a public
record on the day that is fifteen years after the published date
or effective date of the call to order;

~~(gg)~~ (ff) The name, address, contact information, or other
personal information of an individual who is less than eighteen
years of age that is included in any record related to a traffic
accident involving a school vehicle in which the individual was
an occupant at the time of the accident;

~~(hh)~~ (gg) Protected health information, as defined in 45
C.F.R. 160.103, that is in a claim for payment for a health care
product, service, or procedure, as well as any other health
claims data in another document that reveals the identity of an
individual who is the subject of the data or could be used to
reveal that individual's identity;

~~(ii)~~ (hh) Any depiction by photograph, film, videotape, or
printed or digital image under either of the following
circumstances:

(i) The depiction is that of a victim of an offense the
release of which would be, to a reasonable person of ordinary
sensibilities, an offensive and objectionable intrusion into the
victim's expectation of bodily privacy and integrity.

(ii) The depiction captures or depicts the victim of a
sexually oriented offense, as defined in section 2950.01 of the

Revised Code, at the actual occurrence of that offense.	570
(jj) <u>(ii)</u> Restricted portions of a body-worn camera or dashboard camera recording.	571 572
A record that is not a public record under division (A) (1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement prohibiting the release of identifying information signed under section 3107.083 of the Revised Code, a denial of release form filed pursuant to section 3107.46 of the Revised Code, or any record that is exempt from release or disclosure under section 149.433 of the Revised Code. If the record is a birth certificate and a biological parent's name redaction request form has been accepted under section 3107.391 of the Revised Code, the name of that parent shall be redacted from the birth certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure of a record that conflicts with the time period specified in this section, the time period in the other section prevails.	573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	592 593 594 595 596
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been	597 598 599

reasonably promised; 600

(b) Information provided by an information source or 601
witness to whom confidentiality has been reasonably promised, 602
which information would reasonably tend to disclose the source's 603
or witness's identity; 604

(c) Specific confidential investigatory techniques or 605
procedures or specific investigatory work product; 606

(d) Information that would endanger the life or physical 607
safety of law enforcement personnel, a crime victim, a witness, 608
or a confidential information source. 609

(3) "Medical record" means any document or combination of 610
documents, except births, deaths, and the fact of admission to 611
or discharge from a hospital, that pertains to the medical 612
history, diagnosis, prognosis, or medical condition of a patient 613
and that is generated and maintained in the process of medical 614
treatment. 615

(4) "Trial preparation record" means any record that 616
contains information that is specifically compiled in reasonable 617
anticipation of, or in defense of, a civil or criminal action or 618
proceeding, including the independent thought processes and 619
personal trial preparation of an attorney. 620

(5) "Intellectual property record" means a record, other 621
than a financial or administrative record, that is produced or 622
collected by or for faculty or staff of a state institution of 623
higher learning in the conduct of or as a result of study or 624
research on an educational, commercial, scientific, artistic, 625
technical, or scholarly issue, regardless of whether the study 626
or research was sponsored by the institution alone or in 627
conjunction with a governmental body or private concern, and 628

that has not been publicly released, published, or patented. 629

(6) "Donor profile record" means all records about donors 630
or potential donors to a public institution of higher education 631
except the names and reported addresses of the actual donors and 632
the date, amount, and conditions of the actual donation. 633

(7) "Designated public service worker" means a peace 634
officer, parole officer, probation officer, bailiff, prosecuting 635
attorney, assistant prosecuting attorney, correctional employee, 636
county or multicounty corrections officer, community-based 637
correctional facility employee, youth services employee, 638
firefighter, EMT, medical director or member of a cooperating 639
physician advisory board of an emergency medical service 640
organization, state board of pharmacy employee, investigator of 641
the bureau of criminal identification and investigation, judge, 642
magistrate, or federal law enforcement officer. 643

(8) "Designated public service worker residential and 644
familial information" means any information that discloses any 645
of the following about a designated public service worker: 646

(a) The address of the actual personal residence of a 647
designated public service worker, except for the following 648
information: 649

(i) The address of the actual personal residence of a 650
prosecuting attorney or judge; and 651

(ii) The state or political subdivision in which a 652
designated public service worker resides. 653

(b) Information compiled from referral to or participation 654
in an employee assistance program; 655

(c) The social security number, the residential telephone 656

number, any bank account, debit card, charge card, or credit
card number, or the emergency telephone number of, or any
medical information pertaining to, a designated public service
worker;

(d) The name of any beneficiary of employment benefits,
including, but not limited to, life insurance benefits, provided
to a designated public service worker by the designated public
service worker's employer;

(e) The identity and amount of any charitable or
employment benefit deduction made by the designated public
service worker's employer from the designated public service
worker's compensation, unless the amount of the deduction is
required by state or federal law;

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

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

(9) As used in divisions (A) (7) and (15) to (17) of this
section:

"Peace officer" has the meaning defined in section 109.71
of the Revised Code and also includes the superintendent and
troopers of the state highway patrol; it does not include the
sheriff of a county or a supervisory employee who, in the

absence of the sheriff, is authorized to stand in for, exercise 686
the authority of, and perform the duties of the sheriff. 687

"Correctional employee" means any employee of the 688
department of rehabilitation and correction who in the course of 689
performing the employee's job duties has or has had contact with 690
inmates and persons under supervision. 691

"County or multicounty corrections officer" means any 692
corrections officer employed by any county or multicounty 693
correctional facility. 694

"Youth services employee" means any employee of the 695
department of youth services who in the course of performing the 696
employee's job duties has or has had contact with children 697
committed to the custody of the department of youth services. 698

"Firefighter" means any regular, paid or volunteer, member 699
of a lawfully constituted fire department of a municipal 700
corporation, township, fire district, or village. 701

"EMT" means EMTs-basic, EMTs-I, and paramedics that 702
provide emergency medical services for a public emergency 703
medical service organization. "Emergency medical service 704
organization," "EMT-basic," "EMT-I," and "paramedic" have the 705
meanings defined in section 4765.01 of the Revised Code. 706

"Investigator of the bureau of criminal identification and 707
investigation" has the meaning defined in section 2903.11 of the 708
Revised Code. 709

"Federal law enforcement officer" has the meaning defined 710
in section 9.88 of the Revised Code. 711

(10) "Information pertaining to the recreational 712
activities of a person under the age of eighteen" means 713

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

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

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

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

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

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.

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

(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.

(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured

person's guardian has been obtained; 771

(e) An act of severe violence against a person that 772
results in serious physical harm to the person, unless the act 773
and injury was effected by a peace officer or, subject to 774
division (H) (1) of this section, the consent of the injured 775
person or the injured person's guardian has been obtained; 776

(f) Grievous bodily harm to a peace officer, firefighter, 777
paramedic, or other first responder, occurring while the injured 778
person was engaged in the performance of official duties, 779
unless, subject to division (H) (1) of this section, the consent 780
of the injured person or the injured person's guardian has been 781
obtained; 782

(g) An act of severe violence resulting in serious 783
physical harm against a peace officer, firefighter, paramedic, 784
or other first responder, occurring while the injured person was 785
engaged in the performance of official duties, unless, subject 786
to division (H) (1) of this section, the consent of the injured 787
person or the injured person's guardian has been obtained; 788

(h) A person's nude body, unless, subject to division (H) 789
(1) of this section, the person's consent has been obtained; 790

(i) Protected health information, the identity of a person 791
in a health care facility who is not the subject of a law 792
enforcement encounter, or any other information in a health care 793
facility that could identify a person who is not the subject of 794
a law enforcement encounter; 795

(j) Information that could identify the alleged victim of 796
a sex offense, menacing by stalking, or domestic violence; 797

(k) Information, that does not constitute a confidential 798
law enforcement investigatory record, that could identify a 799

person who provides sensitive or confidential information to a 800
law enforcement agency when the disclosure of the person's 801
identity or the information provided could reasonably be 802
expected to threaten or endanger the safety or property of the 803
person or another person; 804

(l) Personal information of a person who is not arrested, 805
cited, charged, or issued a written warning by a peace officer; 806

(m) Proprietary police contingency plans or tactics that 807
are intended to prevent crime and maintain public order and 808
safety; 809

(n) A personal conversation unrelated to work between 810
peace officers or between a peace officer and an employee of a 811
law enforcement agency; 812

(o) A conversation between a peace officer and a member of 813
the public that does not concern law enforcement activities; 814

(p) The interior of a residence, unless the interior of a 815
residence is the location of an adversarial encounter with, or a 816
use of force by, a peace officer; 817

(q) Any portion of the interior of a private business that 818
is not open to the public, unless an adversarial encounter with, 819
or a use of force by, a peace officer occurs in that location. 820

As used in division (A) (17) of this section: 821

"Grievous bodily harm" has the same meaning as in section 822
5924.120 of the Revised Code. 823

"Health care facility" has the same meaning as in section 824
1337.11 of the Revised Code. 825

"Protected health information" has the same meaning as in 826

45 C.F.R. 160.103.	827
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	828 829
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	830 831 832 833
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	834 835
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	836 837
(B) (1) Upon request and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except	838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855

if federal or state law authorizes or requires a public office 856
to make the redaction. 857

(2) To facilitate broader access to public records, a 858
public office or the person responsible for public records shall 859
organize and maintain public records in a manner that they can 860
be made available for inspection or copying in accordance with 861
division (B) of this section. A public office also shall have 862
available a copy of its current records retention schedule at a 863
location readily available to the public. If a requester makes 864
an ambiguous or overly broad request or has difficulty in making 865
a request for copies or inspection of public records under this 866
section such that the public office or the person responsible 867
for the requested public record cannot reasonably identify what 868
public records are being requested, the public office or the 869
person responsible for the requested public record may deny the 870
request but shall provide the requester with an opportunity to 871
revise the request by informing the requester of the manner in 872
which records are maintained by the public office and accessed 873
in the ordinary course of the public office's or person's 874
duties. 875

(3) If a request is ultimately denied, in part or in 876
whole, the public office or the person responsible for the 877
requested public record shall provide the requester with an 878
explanation, including legal authority, setting forth why the 879
request was denied. If the initial request was provided in 880
writing, the explanation also shall be provided to the requester 881
in writing. The explanation shall not preclude the public office 882
or the person responsible for the requested public record from 883
relying upon additional reasons or legal authority in defending 884
an action commenced under division (C) of this section. 885

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

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

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person requesting the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or

person responsible for the public record determines that it 917
reasonably can be duplicated as an integral part of the normal 918
operations of the public office or person responsible for the 919
public record. When the person requesting the copy makes a 920
choice under this division, the public office or person 921
responsible for the public record shall provide a copy of it in 922
accordance with the choice made by that person. Nothing in this 923
section requires a public office or person responsible for the 924
public record to allow the person requesting a copy of the 925
public record to make the copies of the public record. 926

(7) (a) Upon a request made in accordance with division (B) 927
of this section and subject to division (B) (6) of this section, 928
a public office or person responsible for public records shall 929
transmit a copy of a public record to any person by United 930
States mail or by any other means of delivery or transmission 931
within a reasonable period of time after receiving the request 932
for the copy. The public office or person responsible for the 933
public record may require the person making the request to pay 934
in advance the cost of postage if the copy is transmitted by 935
United States mail or the cost of delivery if the copy is 936
transmitted other than by United States mail, and to pay in 937
advance the costs incurred for other supplies used in the 938
mailing, delivery, or transmission. 939

(b) Any public office may adopt a policy and procedures 940
that it will follow in transmitting, within a reasonable period 941
of time after receiving a request, copies of public records by 942
United States mail or by any other means of delivery or 943
transmission pursuant to division (B) (7) of this section. A 944
public office that adopts a policy and procedures under division 945
(B) (7) of this section shall comply with them in performing its 946
duties under that division. 947

(c) In any policy and procedures adopted under division 948
(B) (7) of this section: 949

(i) A public office may limit the number of records 950
requested by a person that the office will physically deliver by 951
United States mail or by another delivery service to ten per 952
month, unless the person certifies to the office in writing that 953
the person does not intend to use or forward the requested 954
records, or the information contained in them, for commercial 955
purposes; 956

(ii) A public office that chooses to provide some or all 957
of its public records on a web site that is fully accessible to 958
and searchable by members of the public at all times, other than 959
during acts of God outside the public office's control or 960
maintenance, and that charges no fee to search, access, 961
download, or otherwise receive records provided on the web site, 962
may limit to ten per month the number of records requested by a 963
person that the office will deliver in a digital format, unless 964
the requested records are not provided on the web site and 965
unless the person certifies to the office in writing that the 966
person does not intend to use or forward the requested records, 967
or the information contained in them, for commercial purposes. 968

(iii) For purposes of division (B) (7) of this section, 969
"commercial" shall be narrowly construed and does not include 970
reporting or gathering news, reporting or gathering information 971
to assist citizen oversight or understanding of the operation or 972
activities of government, or nonprofit educational research. 973

(8) A public office or person responsible for public 974
records is not required to permit a person who is incarcerated 975
pursuant to a criminal conviction or a juvenile adjudication to 976
inspect or to obtain a copy of any public record concerning a 977

criminal investigation or prosecution or concerning what would 978
be a criminal investigation or prosecution if the subject of the 979
investigation or prosecution were an adult, unless the request 980
to inspect or to obtain a copy of the record is for the purpose 981
of acquiring information that is subject to release as a public 982
record under this section and the judge who imposed the sentence 983
or made the adjudication with respect to the person, or the 984
judge's successor in office, finds that the information sought 985
in the public record is necessary to support what appears to be 986
a justiciable claim of the person. 987

(9) (a) Upon written request made and signed by a 988
journalist, a public office, or person responsible for public 989
records, having custody of the records of the agency employing a 990
specified designated public service worker shall disclose to the 991
journalist the address of the actual personal residence of the 992
designated public service worker and, if the designated public 993
service worker's spouse, former spouse, or child is employed by 994
a public office, the name and address of the employer of the 995
designated public service worker's spouse, former spouse, or 996
child. The request shall include the journalist's name and title 997
and the name and address of the journalist's employer and shall 998
state that disclosure of the information sought would be in the 999
public interest. 1000

(b) Division (B) (9) (a) of this section also applies to 1001
journalist requests for: 1002

(i) Customer information maintained by a municipally owned 1003
or operated public utility, other than social security numbers 1004
and any private financial information such as credit reports, 1005
payment methods, credit card numbers, and bank account 1006
information; 1007

(ii) Information about minors involved in a school vehicle accident as provided in division (A) (1) ~~(gg)~~ (ff) of this section, other than personal information as defined in section 149.45 of the Revised Code.

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

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A) (1) ~~(gg)~~ (ff) of this section to the victim, victim's attorney, or victim's representative.

(C) (1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that 1038
orders the public office or the person responsible for the 1039
public record to comply with division (B) of this section, that 1040
awards court costs and reasonable attorney's fees to the person 1041
that instituted the mandamus action, and, if applicable, that 1042
includes an order fixing statutory damages under division (C) (2) 1043
of this section. The mandamus action may be commenced in the 1044
court of common pleas of the county in which division (B) of 1045
this section allegedly was not complied with, in the supreme 1046
court pursuant to its original jurisdiction under Section 2 of 1047
Article IV, Ohio Constitution, or in the court of appeals for 1048
the appellate district in which division (B) of this section 1049
allegedly was not complied with pursuant to its original 1050
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1051

(2) If a requester transmits a written request by hand 1052
delivery, electronic submission, or certified mail to inspect or 1053
receive copies of any public record in a manner that fairly 1054
describes the public record or class of public records to the 1055
public office or person responsible for the requested public 1056
records, except as otherwise provided in this section, the 1057
requester shall be entitled to recover the amount of statutory 1058
damages set forth in this division if a court determines that 1059
the public office or the person responsible for public records 1060
failed to comply with an obligation in accordance with division 1061
(B) of this section. 1062

The amount of statutory damages shall be fixed at one 1063
hundred dollars for each business day during which the public 1064
office or person responsible for the requested public records 1065
failed to comply with an obligation in accordance with division 1066
(B) of this section, beginning with the day on which the 1067
requester files a mandamus action to recover statutory damages, 1068

up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

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

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

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

(3) In a mandamus action filed under division (C) (1) of this section, the following apply:

(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C) (3) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (4) of this section:

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

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

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division

(B) of this section. No discovery may be conducted on the issue 1127
of the alleged bad faith of the public office or person 1128
responsible for the public records. This division shall not be 1129
construed as creating a presumption that the public office or 1130
the person responsible for the public records acted in bad faith 1131
when the office or person voluntarily made the public records 1132
available to the relator for the first time after the relator 1133
commenced the mandamus action, but before the court issued any 1134
order described in this division. 1135

(c) The court shall not award attorney's fees to the 1136
relator if the court determines both of the following: 1137

(i) That, based on the ordinary application of statutory 1138
law and case law as it existed at the time of the conduct or 1139
threatened conduct of the public office or person responsible 1140
for the requested public records that allegedly constitutes a 1141
failure to comply with an obligation in accordance with division 1142
(B) of this section and that was the basis of the mandamus 1143
action, a well-informed public office or person responsible for 1144
the requested public records reasonably would believe that the 1145
conduct or threatened conduct of the public office or person 1146
responsible for the requested public records did not constitute 1147
a failure to comply with an obligation in accordance with 1148
division (B) of this section; 1149

(ii) That a well-informed public office or person 1150
responsible for the requested public records reasonably would 1151
believe that the conduct or threatened conduct of the public 1152
office or person responsible for the requested public records 1153
would serve the public policy that underlies the authority that 1154
is asserted as permitting that conduct or threatened conduct. 1155

(4) All of the following apply to any award of reasonable 1156

attorney's fees awarded under division (C) (3) (b) of this 1157
section: 1158

(a) The fees shall be construed as remedial and not 1159
punitive. 1160

(b) The fees awarded shall not exceed the total of the 1161
reasonable attorney's fees incurred before the public record was 1162
made available to the relator and the fees described in division 1163
(C) (4) (c) of this section. 1164

(c) Reasonable attorney's fees shall include reasonable 1165
fees incurred to produce proof of the reasonableness and amount 1166
of the fees and to otherwise litigate entitlement to the fees. 1167

(d) The court may reduce the amount of fees awarded if the 1168
court determines that, given the factual circumstances involved 1169
with the specific public records request, an alternative means 1170
should have been pursued to more effectively and efficiently 1171
resolve the dispute that was subject to the mandamus action 1172
filed under division (C) (1) of this section. 1173

(5) If the court does not issue a writ of mandamus under 1174
division (C) of this section and the court determines at that 1175
time that the bringing of the mandamus action was frivolous 1176
conduct as defined in division (A) of section 2323.51 of the 1177
Revised Code, the court may award to the public office all court 1178
costs, expenses, and reasonable attorney's fees, as determined 1179
by the court. 1180

(D) Chapter 1347. of the Revised Code does not limit the 1181
provisions of this section. 1182

(E) (1) To ensure that all employees of public offices are 1183
appropriately educated about a public office's obligations under 1184
division (B) of this section, all elected officials or their 1185

appropriate designees shall attend training approved by the 1186
attorney general as provided in section 109.43 of the Revised 1187
Code. A future official may satisfy the requirements of this 1188
division by attending the training before taking office, 1189
provided that the future official may not send a designee in the 1190
future official's place. 1191

(2) All public offices shall adopt a public records policy 1192
in compliance with this section for responding to public records 1193
requests. In adopting a public records policy under this 1194
division, a public office may obtain guidance from the model 1195
public records policy developed and provided to the public 1196
office by the attorney general under section 109.43 of the 1197
Revised Code. Except as otherwise provided in this section, the 1198
policy may not limit the number of public records that the 1199
public office will make available to a single person, may not 1200
limit the number of public records that it will make available 1201
during a fixed period of time, and may not establish a fixed 1202
period of time before it will respond to a request for 1203
inspection or copying of public records, unless that period is 1204
less than eight hours. 1205

The public office shall distribute the public records 1206
policy adopted by the public office under this division to the 1207
employee of the public office who is the records custodian or 1208
records manager or otherwise has custody of the records of that 1209
office. The public office shall require that employee to 1210
acknowledge receipt of the copy of the public records policy. 1211
The public office shall create a poster that describes its 1212
public records policy and shall post the poster in a conspicuous 1213
place in the public office and in all locations where the public 1214
office has branch offices. The public office may post its public 1215
records policy on the internet web site of the public office if 1216

the public office maintains an internet web site. A public 1217
office that has established a manual or handbook of its general 1218
policies and procedures for all employees of the public office 1219
shall include the public records policy of the public office in 1220
the manual or handbook. 1221

(F) (1) The bureau of motor vehicles may adopt rules 1222
pursuant to Chapter 119. of the Revised Code to reasonably limit 1223
the number of bulk commercial special extraction requests made 1224
by a person for the same records or for updated records during a 1225
calendar year. The rules may include provisions for charges to 1226
be made for bulk commercial special extraction requests for the 1227
actual cost of the bureau, plus special extraction costs, plus 1228
ten per cent. The bureau may charge for expenses for redacting 1229
information, the release of which is prohibited by law. 1230

(2) As used in division (F) (1) of this section: 1231

(a) "Actual cost" means the cost of depleted supplies, 1232
records storage media costs, actual mailing and alternative 1233
delivery costs, or other transmitting costs, and any direct 1234
equipment operating and maintenance costs, including actual 1235
costs paid to private contractors for copying services. 1236

(b) "Bulk commercial special extraction request" means a 1237
request for copies of a record for information in a format other 1238
than the format already available, or information that cannot be 1239
extracted without examination of all items in a records series, 1240
class of records, or database by a person who intends to use or 1241
forward the copies for surveys, marketing, solicitation, or 1242
resale for commercial purposes. "Bulk commercial special 1243
extraction request" does not include a request by a person who 1244
gives assurance to the bureau that the person making the request 1245
does not intend to use or forward the requested copies for 1246

surveys, marketing, solicitation, or resale for commercial 1247
purposes. 1248

(c) "Commercial" means profit-seeking production, buying, 1249
or selling of any good, service, or other product. 1250

(d) "Special extraction costs" means the cost of the time 1251
spent by the lowest paid employee competent to perform the task, 1252
the actual amount paid to outside private contractors employed 1253
by the bureau, or the actual cost incurred to create computer 1254
programs to make the special extraction. "Special extraction 1255
costs" include any charges paid to a public agency for computer 1256
or records services. 1257

(3) For purposes of divisions (F) (1) and (2) of this 1258
section, "surveys, marketing, solicitation, or resale for 1259
commercial purposes" shall be narrowly construed and does not 1260
include reporting or gathering news, reporting or gathering 1261
information to assist citizen oversight or understanding of the 1262
operation or activities of government, or nonprofit educational 1263
research. 1264

(G) A request by a defendant, counsel of a defendant, or 1265
any agent of a defendant in a criminal action that public 1266
records related to that action be made available under this 1267
section shall be considered a demand for discovery pursuant to 1268
the Criminal Rules, except to the extent that the Criminal Rules 1269
plainly indicate a contrary intent. The defendant, counsel of 1270
the defendant, or agent of the defendant making a request under 1271
this division shall serve a copy of the request on the 1272
prosecuting attorney, director of law, or other chief legal 1273
officer responsible for prosecuting the action. 1274

(H) (1) Any portion of a body-worn camera or dashboard 1275

camera recording described in divisions (A) (17) (b) to (h) of 1276
this section may be released by consent of the subject of the 1277
recording or a representative of that person, as specified in 1278
those divisions, only if either of the following applies: 1279

(a) The recording will not be used in connection with any 1280
probable or pending criminal proceedings; 1281

(b) The recording has been used in connection with a 1282
criminal proceeding that was dismissed or for which a judgment 1283
has been entered pursuant to Rule 32 of the Rules of Criminal 1284
Procedure, and will not be used again in connection with any 1285
probable or pending criminal proceedings. 1286

(2) If a public office denies a request to release a 1287
restricted portion of a body-worn camera or dashboard camera 1288
recording, as defined in division (A) (17) of this section, any 1289
person may file a mandamus action pursuant to this section or a 1290
complaint with the clerk of the court of claims pursuant to 1291
section 2743.75 of the Revised Code, requesting the court to 1292
order the release of all or portions of the recording. If the 1293
court considering the request determines that the filing 1294
articulates by clear and convincing evidence that the public 1295
interest in the recording substantially outweighs privacy 1296
interests and other interests asserted to deny release, the 1297
court shall order the public office to release the recording. 1298

Sec. 149.436. Notwithstanding division (A) (1) ~~(gg)~~ (ff) of 1299
section 149.43 of the Revised Code, upon written request made 1300
and signed by the parent or guardian of an individual who is 1301
less than eighteen years of age and was an occupant of a school 1302
vehicle involved in a traffic accident, a public office or 1303
person responsible for public records, having custody of any 1304
record related to the traffic accident containing the personal 1305

information of the individual, shall transmit a copy of that 1306
record to the recipient identified in the request. 1307

The written request shall identify the individual on whose 1308
behalf the record is requested and the person to whom the record 1309
shall be transmitted. The record shall be transmitted only to 1310
the person identified in the written request as the recipient of 1311
the record. 1312

A public office or person responsible for records 1313
responding to a request under this section shall redact any 1314
personal information contained in the record of any individual 1315
less than eighteen years of age who is not the subject of the 1316
request, before providing the record to the recipient. 1317

Sec. 187.01. As used in this chapter, "JobsOhio" means the 1318
nonprofit corporation formed under this section, and includes 1319
any subsidiary of that corporation. In any section of law that 1320
refers to the nonprofit corporation formed under this section, 1321
reference to the corporation includes reference to any such 1322
subsidiary unless otherwise specified or clearly appearing from 1323
the context. 1324

The governor is hereby authorized to form a nonprofit 1325
corporation, to be named "JobsOhio," with the purposes of 1326
promoting economic development, job creation, job retention, job 1327
training, and the recruitment of business to this state. Except 1328
as otherwise provided in this chapter, the corporation shall be 1329
organized and operated in accordance with Chapter 1702. of the 1330
Revised Code. The governor shall sign and file articles of 1331
incorporation for the corporation with the secretary of state. 1332
The legal existence of the corporation shall begin upon the 1333
filing of the articles. 1334

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

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

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

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

(D) A requirement that the governor appoint one director
to be chairperson of the board and procedures for electing
directors to serve as officers of the corporation and members of
an executive committee;

(E) A provision for the appointment of a chief investment officer of the corporation by the recommendation of the board and approval of the governor. The chief investment officer shall serve at the pleasure of the board and shall have the power to execute contracts, spend corporation funds, and hire employees on behalf of the corporation. If the position of chief investment officer becomes vacant for any reason, the vacancy shall be filled in the same manner as provided in this division. 1365
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(F) Provisions requiring the board to do all of the following: 1373
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(1) Adopt one or more resolutions providing for compensation of the chief investment officer; 1375
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(2) Approve an employee compensation plan recommended by the chief investment officer; 1377
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(3) Approve a contract with the director of development services for the corporation to assist the director and the development services agency with providing services or otherwise carrying out the functions or duties of the agency, including the operation and management of programs, offices, divisions, or boards, as may be determined by the director of development services in consultation with the governor; 1379
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(4) Approve all major contracts for services recommended by the chief investment officer; 1386
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(5) Establish an annual strategic plan and standards of measure to be used in evaluating the corporation's success in executing the plan; 1388
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(6) Establish a conflicts of interest policy that, at a minimum, complies with section 187.06 of the Revised Code; 1391
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(7) Hold a minimum of four board of directors meetings per 1393
year at which a quorum of the board is physically present, and 1394
such other meetings, at which directors' physical presence is 1395
not required, as may be necessary. ~~Meetings at which a quorum of~~ 1396
~~the board is required to be physically present~~ All board of 1397
directors meetings are subject to divisions (C), (D), and (E) of 1398
section 187.03 of the Revised Code. 1399

(8) Establish a records retention policy and present the 1400
policy, and any subsequent changes to the policy, at a meeting 1401
of the board of directors at which a quorum of the board is 1402
required to be physically present pursuant to division (F) (7) of 1403
this section; 1404

(9) Adopt standards of conduct for the directors. 1405

(G) A statement that directors shall not receive any 1406
compensation from the corporation, except that directors may be 1407
reimbursed for actual and necessary expenses incurred in 1408
connection with services performed for the corporation; 1409

(H) A provision authorizing the board to amend provisions 1410
of the corporation's articles of incorporation or regulations, 1411
except provisions required by this chapter; 1412

(I) Procedures by which the corporation would be dissolved 1413
and by which all corporation rights and assets would be 1414
distributed to the state or to another corporation organized 1415
under this chapter. These procedures shall incorporate any 1416
separate procedures subsequently set forth in this chapter for 1417
the dissolution of the corporation. The articles shall state 1418
that no dissolution shall take effect until the corporation has 1419
made adequate provision for the payment of any outstanding 1420
bonds, notes, or other obligations. 1421

(J) A provision establishing an audit committee to be 1422
comprised of directors. The articles shall require that the 1423
audit committee hire a firm of independent certified public 1424
accountants, selected in consultation with the auditor of state, 1425
to perform, once each year, a financial audit of the corporation 1426
and of any nonprofit entity the sole member of which is 1427
JobsOhio. The articles also shall require all of the following: 1428

(1) Commencing with JobsOhio's fiscal year beginning July 1429
1, 2012, the financial statements to be audited are to be 1430
prepared in accordance with accounting principles and standards 1431
set forth in all applicable pronouncements of the governmental 1432
accounting standards board; 1433

(2) The firm of independent certified public accountants 1434
hired is to conduct a supplemental compliance and control review 1435
pursuant to a written agreement by and among the firm, the 1436
auditor of state, JobsOhio, and any nonprofit entity the sole 1437
member of which is JobsOhio; and 1438

(3) A copy of each financial audit report and each report 1439
of the results of the compliance and control review are to be 1440
provided to the governor, the auditor of state, the speaker of 1441
the house of representatives, and the president of the senate. 1442

(K) A provision authorizing a majority of the 1443
disinterested directors to remove a director for misconduct, as 1444
that term may be defined in the articles or regulations of the 1445
corporation. The removal of a director under this division 1446
creates a vacancy on the board that the governor shall fill by 1447
appointment for the remainder of the term of office of the 1448
vacated seat. 1449

Sec. 187.03. (A) JobsOhio may perform such functions as 1450

permitted and shall perform such duties as prescribed by law and 1451
as set forth in any contract entered into under section 187.04 1452
of the Revised Code, but shall not be considered a state or 1453
public department, agency, office, body, institution, or 1454
instrumentality for purposes of section 1.60 or Chapter 102., 1455
121., 125., or 149. of the Revised Code. JobsOhio and its board 1456
of directors are not subject to the following sections of 1457
Chapter 1702. of the Revised Code: sections 1702.03, 1702.08, 1458
1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1702.28, 1702.29, 1459
1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1702.40 to 1460
1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1702.60, 1461
1702.80, and 1702.99. Nothing in this division shall be 1462
construed to impair the powers and duties of the Ohio ethics 1463
commission described in section 102.06 of the Revised Code to 1464
investigate and enforce section 102.02 of the Revised Code with 1465
regard to individuals required to file statements under division 1466
(B) (2) of this section. 1467

(B) (1) Directors and employees of JobsOhio are not 1468
employees or officials of the state and, except as provided in 1469
division (B) (2) of this section, are not subject to Chapter 1470
102., 124., 145., or 4117. of the Revised Code. 1471

(2) The chief investment officer, any other officer or 1472
employee with significant administrative, supervisory, 1473
contracting, or investment authority, and any director of 1474
JobsOhio shall file, with the Ohio ethics commission, a 1475
financial disclosure statement pursuant to section 102.02 of the 1476
Revised Code that includes, in place of the information required 1477
by divisions (A) (2) (b), (g), (h), and (i) of that section, the 1478
information required by divisions (A) and (B) of section 102.022 1479
of the Revised Code. The governor shall comply with all 1480
applicable requirements of section 102.02 of the Revised Code. 1481

(3) Actual or in-kind expenditures for the travel, meals, 1482
or lodging of the governor or of any public official or employee 1483
designated by the governor for the purpose of this division 1484
shall not be considered a violation of section 102.03 of the 1485
Revised Code if the expenditures are made by the corporation, or 1486
on behalf of the corporation by any person, in connection with 1487
the governor's performance of official duties related to 1488
JobsOhio. The governor may designate any person, including a 1489
person who is a public official or employee as defined in 1490
section 102.01 of the Revised Code, for the purpose of this 1491
division if such expenditures are made on behalf of the person 1492
in connection with the governor's performance of official duties 1493
related to JobsOhio. A public official or employee so designated 1494
by the governor shall comply with all applicable requirements of 1495
section 102.02 of the Revised Code. 1496

At the times and frequency agreed to under division (B) (2) 1497
(b) of section 187.04 of the Revised Code, beginning in 2012, 1498
the corporation shall file with the development services agency 1499
a written report of all such expenditures paid or incurred 1500
during the preceding calendar year. The report shall state the 1501
dollar value and purpose of each expenditure, the date of each 1502
expenditure, the name of the person that paid or incurred each 1503
expenditure, and the location, if any, where services or 1504
benefits of an expenditure were received, provided that any such 1505
information that may disclose proprietary information as defined 1506
in division (C) of this section shall not be included in the 1507
report. 1508

(4) The prohibition applicable to former public officials 1509
or employees in division (A) (1) of section 102.03 of the Revised 1510
Code does not apply to any person appointed to be a director or 1511
hired as an employee of JobsOhio. 1512

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

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

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

(1) To consider business strategy of the corporation;

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

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

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

(D) The board of directors shall establish a reasonable 1542
method whereby any person may obtain the time and place of all 1543
public meetings described in division (C) of this section. The 1544
method shall provide that any person, upon request and payment 1545
of a reasonable fee, may obtain reasonable advance notification 1546
of all such meetings. 1547

(E) The board of directors shall promptly prepare, file, 1548
and maintain minutes of all public meetings described in 1549
division (C) of this section. 1550

(F) Not later than March 1, 2012, and the first day of 1551
March of each year thereafter, the chief investment officer of 1552
JobsOhio shall prepare and submit a report of the corporation's 1553
activities for the preceding year to the governor, the speaker 1554
and minority leader of the house of representatives, and the 1555
president and minority leader of the senate. The annual report 1556
shall include the following: 1557

(1) An analysis of the state's economy; 1558

(2) A description of the structure, operation, and 1559
financial status of the corporation; 1560

(3) A description of the corporation's strategy to improve 1561
the state economy and the standards of measure used to evaluate 1562
its progress; 1563

(4) An evaluation of the performance of current strategies 1564
and major initiatives; 1565

(5) An analysis of any statutory or administrative 1566
barriers to successful economic development, business 1567
recruitment, and job growth in the state identified by JobsOhio 1568
during the preceding year. 1569

Sec. 187.04. (A) The director of development services, as 1570
soon as practical after February 18, 2011, shall execute a 1571
contract with JobsOhio for the corporation to assist the 1572
director and the development services agency with providing 1573
services or otherwise carrying out the functions or duties of 1574
the agency, including the operation and management of programs, 1575
offices, divisions, or boards, as may be determined by the 1576
director in consultation with the governor. The approval or 1577
disapproval of awards involving public money shall remain 1578
functions of the agency. All contracts for grants, loans, and 1579
tax incentives involving public money shall be between the 1580
agency and the recipient and shall be enforced by the agency. 1581
JobsOhio may not execute contracts obligating the agency for 1582
loans, grants, tax credits, or incentive awards recommended by 1583
JobsOhio to the agency. Prior to execution, all contracts 1584
between the director and JobsOhio entered into under this 1585
section that obligate the agency to pay JobsOhio for services 1586
rendered are subject to controlling board approval. 1587

The term of an initial contract entered into under this 1588
section shall not extend beyond June 30, 2013. Thereafter, the 1589
director and JobsOhio may renew the contract for subsequent 1590
fiscal biennia, but at no time shall a particular contract be 1591
effective for longer than a fiscal biennium of the general 1592
assembly. 1593

JobsOhio's provision of services to the agency as 1594
described in this section shall be pursuant to a contract 1595
entered into under this section. If at any time the director 1596
determines that the contract with JobsOhio may not be renewed 1597
for the subsequent fiscal biennium, the director shall notify 1598
JobsOhio of the director's decision not later than one hundred 1599
twenty days prior to the end of the current fiscal biennium. If 1600

the director does not provide such written notice to JobsOhio 1601
prior to one hundred days before the end of the current fiscal 1602
biennium, the contract shall be renewed upon such terms as the 1603
parties may agree, subject to the requirements of this section. 1604

(B) A contract entered into under this section shall 1605
include all of the following: 1606

(1) Terms assigning to the corporation the duties of 1607
advising and assisting the director in the director's evaluation 1608
of the agency and the formulation of recommendations under 1609
section 187.05 of the Revised Code; 1610

(2) Terms designating that records created or received by 1611
JobsOhio ~~that are public records, as defined in section 149.43~~ 1612
of the Revised Code, and shall be made available to the public 1613
under the same conditions as are public records under section 1614
149.43 of the Revised Code. ~~Documents~~ Additionally, the 1615
following documents shall be designated to be made available to 1616
the public pursuant to the contract, and shall be kept on file 1617
with the agency. 1618

~~Among records to be designated under this division shall~~ 1619
~~be the following:~~ 1620

(a) The corporation's federal income tax returns; 1621

(b) The report of expenditures described in division (B) 1622
(3) of section 187.03 of the Revised Code. The records shall be 1623
filed with the agency at such times and frequency as agreed to 1624
by the corporation and the agency, which shall not be less 1625
frequently than quarterly. 1626

(c) The annual total compensation paid to each officer and 1627
employee of the corporation; 1628

(d) A copy of the report for each financial audit of the 1629
corporation and of each supplemental compliance and control 1630
review of the corporation performed by a firm of independent 1631
certified public accountants pursuant to division (J) of section 1632
187.01 of the Revised Code. 1633

(e) Records of any fully executed incentive proposals, to 1634
be filed annually; 1635

(f) Records pertaining to the monitoring of commitments 1636
made by incentive recipients, to be filed annually; 1637

(g) A copy of the minutes of all public meetings described 1638
in division (C) of section 187.03 of the Revised Code not 1639
otherwise closed to the public. 1640

(3) The following statement acknowledging that JobsOhio is 1641
not acting as an agent of the state: 1642

"JobsOhio shall have no power or authority to bind the 1643
state or to assume or create an obligation or responsibility, 1644
expressed or implied, on behalf of the state or in its name, nor 1645
shall JobsOhio represent to any person that it has any such 1646
power or authority, except as expressly provided in this 1647
contract." 1648

~~(C) (1) Records created kept by JobsOhio are not public 1649
records for the purposes of Chapter 149. of the Revised Code, 1650
~~regardless of who may have custody of the records, unless the~~ 1651
~~record is designated to be available to the public by the~~ 1652
~~contract under division (B) (2) of this section.~~ 1653~~

~~(2) Records received by JobsOhio from any person or entity 1654
that is not subject to section 149.43 of the Revised Code are 1655
not public records for purposes of Chapter 149. of the Revised 1656
Code, regardless of who may have custody of the records, unless 1657~~

~~the record is designated to be available to the public by the
contract under division (B) (2) of this section.~~ 1658
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~~(3) Records received by JobsOhio from a public office as
defined in section 149.011 of the Revised Code that are not
public records under section 149.43 of the Revised Code when in
the custody of the public office are not public records for the
purposes of section 149.43 of the Revised Code regardless of who
has custody of the records.~~ 1660
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~~(4) Division (B) of section 4701.19 of the Revised Code
applies to any work papers of the firm of independent certified
public accountants engaged to perform the annual financial audit
and the supplemental compliance and control review described in
division (J) of section 187.01 of the Revised Code, and to the
financial audit report and any report of the supplemental
compliance and control review, unless the record is designated
to be available to the public by the contract under division (B)
(2) of this section.~~ 1666
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(D) Any contract executed under authority of this section 1675
shall not negate, impair, or otherwise adversely affect the 1676
obligation of this state to pay debt charges on securities 1677
executed by the director or issued by the treasurer of state, 1678
Ohio public facilities commission, or any other issuing 1679
authority under Chapter 122., 151., 165., or 166. of the Revised 1680
Code to fund economic development programs of the state, or to 1681
abide by any pledge or covenant relating to the payment of those 1682
debt charges made in any related proceedings. As used in this 1683
division, "debt charges," "proceedings," and "securities" have 1684
the same meanings as in section 133.01 of the Revised Code. 1685

(E) Nothing in this section, other than the requirement of 1686
controlling board approval, shall prohibit the agency from 1687

contracting with JobsOhio to perform any of the following 1688
functions: 1689

- (1) Promoting and advocating for the state; 1690
- (2) Making recommendations to the agency; 1691
- (3) Performing research for the agency; 1692
- (4) Establishing and managing programs or offices on 1693
behalf of the agency, by contract; 1694
- (5) Negotiating on behalf of the state. 1695

(F) Nothing in this section, other than the requirement of 1696
controlling board approval, shall prohibit the agency from 1697
compensating JobsOhio from funds currently appropriated to the 1698
agency to perform the functions described in division (E) of 1699
this section. 1700

Section 2. That existing sections 9.28, 121.22, 149.011, 1701
149.43, 149.436, 187.01, 187.03, and 187.04 of the Revised Code 1702
are hereby repealed. 1703

Section 3. Section 149.43 of the Revised Code is presented 1704
in this act as a composite of the section as amended by Am. Sub. 1705
H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B. 1706
341, Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub. 1707
S.B. 229, all of the 132nd General Assembly. The General 1708
Assembly, applying the principle stated in division (B) of 1709
section 1.52 of the Revised Code that amendments are to be 1710
harmonized if reasonably capable of simultaneous operation, 1711
finds that the composite is the resulting version of the section 1712
in effect prior to the effective date of the section as 1713
presented in this act. 1714