



Ohio Legislative Service Commission

Bill Analysis

Sam Benham

H.B. 273

129th General Assembly
(As Introduced)

Reps. Henne and C. Hagan, Grossman, Carey, Huffman, Gonzales, J. Adams, Combs, Slaby, Stebelton

BILL SUMMARY

- Requires the Director of Development to report compliance information, including performance metrics, regarding state economic development assistance on the Department's web site and in the Department's annual report.
- Requires the Director of Development to post on the Department's web site any report submitted by a recipient of development incentives or any agreement between the Department and the recipient, while omitting confidential information.
- Removes the existing duty of the Attorney General to monitor and enforce the compliance of such award recipients with the terms and conditions of each award.

CONTENT AND OPERATION

State economic development award information

The bill requires the Director of Development to report compliance information, including performance metrics, regarding state awards for economic development on the Department's web site and in the Department's annual report.¹ Additionally, the Director is required to make available for public download reports submitted by recipients of such awards and any award agreements between the Department and award recipients.

A "state award for economic development" is defined to be financial assistance from the state to a recipient in any of the following forms: grants, subgrants, loans,

¹ R.C. 122.013 and 122.94.

awards, cooperative agreements, or other similar and related forms of financial assistance and contracts, subcontracts, purchase orders, task orders, delivery orders, or other similar and related transactions. It does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the General Assembly or any legislative agency, any court or judicial agency, or the offices of the Secretary of State, Auditor of State, Treasurer of State, or Attorney General.²

The Director is required to omit or redact information that is confidential under state law, including trade secrets.³

Annual report

Under current law, the Director is required to prepare an annual report of the Department's activities for the Governor and General Assembly. The bill requires the Director to include in this report information related to state awards for economic development, including the level of compliance of award recipients with award terms and conditions and any relevant performance metrics.⁴

Attorney General report

Current law requires the Attorney General to monitor the compliance of award recipients with the terms and conditions of state awards for economic development, including any performance metrics.⁵ It also requires each agency making an award to assist the Attorney General as necessary with monitoring compliance. The Attorney General is required to submit an annual report to the General Assembly regarding the level of each recipient's compliance with the terms and conditions of the recipient's award.⁶ The Attorney General is authorized, when appropriate and when a recipient does not comply with a performance metric, to pursue remedies and recovery authorized under the law.

The bill removes the duty and authority of the Attorney General to perform any of the functions described above.

² R.C. 122.013(E).

³ R.C. 122.013.

⁴ R.C. 122.94. The 2010 annual report is available online at <http://development.ohio.gov/departmentreports>.

⁵ R.C. 125.112(G).

⁶ The 2010 report is available online at www.ohioattorneygeneral.gov/2010EDAPReport.

HISTORY

ACTION

DATE

Introduced

06-21-11

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