

## **As Introduced**

**125th General Assembly**

**Regular Session  
2003-2004**

**H. B. No. 100**

**Representatives Faber, Willamowski, Kearns, Core, Carmichael, Schneider,  
Taylor**

---

## **A B I L L**

To enact sections 107.31 and 107.32 of the Revised 1  
Code to establish provisions regarding the 2  
possible closing of state institutional facilities 3  
for the purpose of expenditure reductions or 4  
budget cuts. 5

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

**Section 1.** That sections 107.31 and 107.32 of the Revised 6  
Code be enacted to read as follows: 7

**Sec. 107.31. (A) As used in this section and section 107.32** 8  
**of the Revised Code:** 9

**(1) "State institutional facility" means any institution or** 10  
**other facility for the housing of any person that is under the** 11  
**control of the department of rehabilitation and correction, the** 12  
**department of youth services, the department of mental retardation** 13  
**and developmental disabilities, the department of mental health,** 14  
**or any other agency or department of state government.** 15

**(2) "Target state agency" means the agency of state** 16  
**government that the governor identifies in a notice provided under** 17  
**division (C)(1) of this section and that operates an institutional** 18  
**facility or facilities the governor believes should be closed.** 19

<u>(B) Notwithstanding any other provision of law, the governor shall not order the closure of any state institutional facility, for the purpose of expenditure reductions or budget cuts, other than in accordance with this section.</u>	20 21 22 23
<u>(C) If the governor determines that necessary expenditure reductions and budget cuts cannot be made without closing one or more state institutional facilities, all of the following apply:</u>	24 25 26
<u>(1) The governor shall determine which state agency's institutional facility or facilities the governor believes should be closed, shall notify the general assembly and that agency of that determination, and shall specify in the notice the number of facilities of that agency that the governor believes should be closed and the anticipated savings to be obtained through that closure or those closures.</u>	27 28 29 30 31 32 33
<u>(2) Upon the governor's provision of the notice described in division (C)(1) of this section, a state facilities closure commission shall be created as described in division (D) of this section regarding the target state agency. Not later than seven days after the governor provides that notice, the officials with the duties to appoint members of the commission for the target state agency, as described in division (D) of this section, shall appoint the specified members of the commission, and, as soon as possible after the appointments, the commission shall meet for the purposes described in that division. Not later than thirty days after the governor provides the notice described in division (C)(1) of this section, the state facilities closure commission shall provide to the general assembly, the governor, and the target state agency a report that contains the commission's recommendation as to the state institutional facility or facilities of the target state agency that the governor may close. The anticipated savings to be obtained by the commission's recommendation shall be approximately the same as the anticipated</u>	34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51

savings the governor specified in the governor's notice provided 52  
under division (C)(1) of this section, and, if the recommendation 53  
identifies more than one facility, it shall list them in order of 54  
the commission's preference for closure. A state facilities 55  
closure commission created for a particular target state agency 56  
shall make a report only regarding that target state agency and 57  
shall include no recommendations regarding any other state agency 58  
or department in its report. 59

(3) Upon receipt of the report of the state facilities 60  
closure commission under division (C)(2) of this section for a 61  
target state agency, if the governor still believes that necessary 62  
expenditure reductions and budget cuts cannot be made without 63  
closing one or more state institutional facilities, the governor 64  
may close state institutional facilities of the target state 65  
agency that are identified in the commission's recommendation 66  
contained in the report. Except as otherwise provided in this 67  
division, the governor shall not close any state institutional 68  
facility of the target state agency that is not listed in the 69  
commission's recommendation, and shall not close multiple 70  
institutions in any order other than the order of the commission's 71  
preference as specified in the recommendation. The governor is not 72  
required to follow the recommendation of the commission in closing 73  
an institutional facility if the governor determines that a 74  
significant change in circumstances make the recommendation 75  
unworkable. 76

(D) A state facilities closure commission shall be created at 77  
the time and in the manner specified in division (C)(2) of this 78  
section. If more than one state agency or department is a target 79  
state agency, a separate state facilities closure commission shall 80  
be created for each such target state agency. Each commission 81  
consists of eleven members. Three members shall be members of the 82  
house of representatives appointed by the speaker of the house of 83

<u>representatives, none of the members so appointed may have a state institutional facility of the target state agency in the member's district, two of the members so appointed shall be members of the majority political party in the house of representatives, and one of the members so appointed shall not be a member of the majority political party in the house of representatives. Three members shall be members of the senate appointed by the president of the senate, none of the members so appointed may have a state institutional facility of the target state agency in the member's district, two of the members so appointed shall be members of the majority political party in the senate, and one of the members so appointed shall not be a member of the majority political party in the senate. One member shall be the director of budget and management. One member shall be the director, or other agency head, of the target state agency. Two members shall be private executives with expertise in facility utilization, with one of these members appointed by the speaker of the house of representatives and the other appointed by the president of the senate, and neither of the members so appointed may have a state institutional facility of the target state agency in the county in which the member resides. One member shall be a representative of the Ohio civil service employees' association or other representative association of the employees of the target state agency, appointed by the speaker of the house of representatives.</u>	84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113
<u>The officials with the duties to appoint members of the commission shall make the appointments, and the commission shall meet, within the time periods specified in division (C)(2) of this section. The members of the commission shall serve without compensation. At the commission's first meeting, the members shall organize, and appoint a chairperson and vice-chairperson.</u>	114 115 116
<u>The commission shall determine which state institutional facility or facilities under the control of the target state agency for which the commission was created should be closed. In</u>	

<u>making this determination, the commission shall, at a minimum,</u>	117
<u>consider the following factors:</u>	118
(1) <u>Whether there is a need to reduce the number of</u>	119
<u>facilities;</u>	120
(2) <u>The availability of alternate facilities;</u>	121
(3) <u>The cost effectiveness of the facilities;</u>	122
(4) <u>The geographic factors associated with each facility and</u>	123
<u>its proximity to other similar facilities;</u>	124
(5) <u>The impact of collective bargaining on facility</u>	125
<u>operations;</u>	126
(6) <u>The utilization and maximization of resources;</u>	127
(7) <u>Continuity of the staff and ability to serve the facility</u>	128
<u>population;</u>	129
(8) <u>Continuing costs following closure of a facility;</u>	130
(9) <u>The impact of the closure on the local economy;</u>	131
(10) <u>Alternatives and opportunities for consolidation with</u>	132
<u>other facilities.</u>	133
<u>The commission shall meet as often as necessary to make its</u>	134
<u>determination, may take testimony and consider all relevant</u>	135
<u>information, and shall prepare and provide in accordance with</u>	136
<u>division (C)(2) of this section a report containing its</u>	137
<u>recommendations. Upon providing the report regarding the target</u>	138
<u>state agency, the commission shall cease to exist, provided that</u>	139
<u>another commission shall be created for the same state agency if</u>	140
<u>the agency is made a target state agency in another report</u>	141
<u>provided under division (C)(1) of this section and provided that</u>	142
<u>another commission shall be created for a different state agency</u>	143
<u>if that other agency is made a target state agency in a report</u>	144
<u>provided under that division.</u>	145

<u><b>Sec. 107.32. Notwithstanding any other provision of law, if</b></u>	146
<u>the closure of the particular facility is authorized under section</u>	147
<u>107.31 of the Revised Code, the governor may terminate any</u>	148
<u>contract entered into under section 9.06 of the Revised Code for</u>	149
<u>the private operation and management of any correctional facility</u>	150
<u>under the control of the department of rehabilitation and</u>	151
<u>correction, including, but not limited to the initial intensive</u>	152
<u>program prison established pursuant to section 5120.033 of the</u>	153
<u>Revised Code as it existed prior to the effective date of this</u>	154
<u>section, and terminate the operation of, and close that facility.</u>	155
<u>If the governor terminates a contract for the private operation</u>	156
<u>and management of a facility, and terminates the operation of, and</u>	157
<u>closes, the facility as described in this section, inmates in the</u>	158
<u>facility shall be transferred to another correctional facility</u>	159
<u>under the control of the department. If the initial intensive</u>	160
<u>program prison is closed, divisions (G)(2)(a) and (b) of section</u>	161
<u>2929.13 of the Revised Code have no effect while the facility is</u>	162
<u>closed.</u>	163
 <b>Section 2.</b> Sections 107.31 and 107.32 of the Revised Code	164
shall apply to all state institutional facilities, as defined in	165
section 107.31 of the Revised Code, that were in operation on or	166
after January 1, 2003.	167