

As Introduced

125th General Assembly
Regular Session
2003-2004

H. B. No. 100

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

A BILL

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

(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. 20
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(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: 24
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(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. 27
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(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 34
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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

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

The commission shall determine which state institutional 114
facility or facilities under the control of the target state 115
agency for which the commission was created should be closed. In 116

making this determination, the commission shall, at a minimum, 117
consider the following factors: 118

(1) Whether there is a need to reduce the number of 119
facilities; 120

(2) The availability of alternate facilities; 121

(3) The cost effectiveness of the facilities; 122

(4) The geographic factors associated with each facility and 123
its proximity to other similar facilities; 124

(5) The impact of collective bargaining on facility 125
operations; 126

(6) The utilization and maximization of resources; 127

(7) Continuity of the staff and ability to serve the facility 128
population; 129

(8) Continuing costs following closure of a facility; 130

(9) The impact of the closure on the local economy; 131

(10) Alternatives and opportunities for consolidation with 132
other facilities. 133

The commission shall meet as often as necessary to make its 134
determination, may take testimony and consider all relevant 135
information, and shall prepare and provide in accordance with 136
division (C)(2) of this section a report containing its 137
recommendations. Upon providing the report regarding the target 138
state agency, the commission shall cease to exist, provided that 139
another commission shall be created for the same state agency if 140
the agency is made a target state agency in another report 141
provided under division (C)(1) of this section and provided that 142
another commission shall be created for a different state agency 143
if that other agency is made a target state agency in a report 144
provided under that division. 145

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

Section 2. 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