

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 47

Senator Kearney

—

A BILL

To amend sections 5126.028 and 5126.029 of the
Revised Code to increase the membership of county
boards of mental retardation and developmental
disabilities.

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

Section 1. That sections 5126.028 and 5126.029 of the Revised
Code be amended to read as follows:

Sec. 5126.028. Each single county board of mental retardation
and developmental disabilities shall consist of nine members. Each
multicounty county board of mental retardation and developmental
disabilities shall consist of seven members. ~~In~~

In the case of a single county board, the board of county
commissioners of the county shall appoint ~~five~~ six members and the
senior probate judge of the county shall appoint ~~two~~ three
members. In the case of a multicounty board, the membership shall
be appointed as follows:

(A) If there are five member counties, the board of county
commissioners of each of the member counties shall each appoint
one member, and the senior probate judges of the member counties
with the largest and second largest population shall each appoint
one member.

(B) If there are four member counties, the board of county commissioners of the member county with the largest population shall appoint two members, the other three boards of county commissioners shall each appoint one member, and the senior probate judges of the member counties with the largest and second largest population shall each appoint one member.

(C) If there are three member counties, the boards of county commissioners of the member counties with the largest and second largest populations shall each appoint two members, the other board of county commissioners shall appoint one member, and the senior probate judges of the member counties with the largest and second largest population shall each appoint one member.

(D) If there are two member counties, the board of county commissioners of the member county with the largest population shall appoint three members, the board of county commissioners of the other county shall appoint two members, and the senior probate judge of each county shall each appoint one member.

Sec. 5126.029. (A) When making appointments to a county board of mental retardation and developmental disabilities, an appointing authority shall do all of the following:

(1) Appoint only individuals who are residents of the county the appointing authority serves, citizens of the United States, and interested and knowledgeable in the field of mental retardation and other allied fields;

(2) If the appointing authority is a board of county commissioners, appoint, subject to division (B) of this section, at:

(a) One individual eligible to receive services provided by the county board;

(b) At least two individuals who are immediate family members

of individuals eligible for services provided by the county board 51
and, whenever possible, ensure that one of those two members is an 52
immediate family member of an individual eligible for adult 53
services and the other is an immediate family member of an 54
individual eligible for early intervention services or services 55
for preschool or school-age children; 56

(3) If the appointing authority is a senior probate judge, 57
appoint, subject to division (B) of this section, ~~at:~~ 58

(a) One individual eligible to receive services provided by 59
the county board; 60

(b) At least one individual who is an immediate family member 61
of an individual eligible for residential services or supported 62
living; 63

(4) Appoint, to the maximum extent possible, individuals who 64
have professional training and experience in business management, 65
finance, law, health care practice, personnel administration, or 66
government service; 67

(5) Provide for the county board's membership to reflect, as 68
nearly as possible, the composition of the county or counties that 69
the county board serves. 70

(B) The appointing authorities of a multicounty board shall 71
coordinate their appointments to the extent necessary to satisfy 72
the requirements of this section. The coordination may provide for 73
one of the boards of county commissioners making one of the two 74
appointments required by division (A)(2)(b) of this section and 75
another board of county commissioners making the other appointment 76
required by that division. The coordination shall ensure that at 77
least one of the senior probate judges satisfies the requirement 78
of division (A)(3)(b) of this section. 79

Section 2. That existing sections 5126.028 and 5126.029 of 80

the Revised Code are hereby repealed. 81

Section 3. The initial additional board members required by 82
this act shall be appointed not later than ninety days after the 83
effective date of this section. 84